

RESOLUTION NO. R14-84

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS OR AGREEMENTS NECESSARY TO IMMEDIATELY RESOLVE THE CITY'S PLUGGED WATER INTAKE TO PROVIDE AN IMMEDIATE REMEDY TO THE CITY'S INABILITY TO PROVIDE WATER FOR THE CITIZENS AND BUSINESSES WHO RELY UPON THE CITY'S PROVISION OF WATER.

WHEREAS, the City's ability to take water from the Yellowstone River continues to be threatened by weather events all resulting from the scour in the river during the 2011 flooding event; and

WHEREAS, during the early morning of November 18, 2014, the City became unable to draw water through its water intake due to slush ice that had collected on the intake screens; and

WHEREAS, the plugged water intake was caused by a combination of the recent cold weather and low river elevation and flows allowing slush to enter the intake structure; and

WHEREAS, as a result of the plugging, the City was forced to stop pumping water for over four hours while it attempted to clear the intake screens with air scour for the purpose of clearing the screens of ice to allow water to be taken from the river; and

WHEREAS, the City was able to successfully clear the intake screens however it was necessary to transfer the CHS Refinery to the City's reservoirs water supply during the interruption in service; and

WHEREAS, the City currently does not have sufficient capacity to allow the CHS Refinery to use the City's reservoir water for its operations for an extended time period while providing water for its citizens and businesses; and

WHEREAS, a function water intake is absolutely vital for all citizens and businesses within the City of Laurel as well as the operation of the CHS Refinery.

WHEREAS, City Staff has requested the City Council declare the situation an emergency by resolution of the City Council and pursuant to MCA § 7-5-4303 and the City's current Procurement Policy, create an exemption from the competitive bidding requirements of MCA §7-5-4302 to enable the City to immediately repair and take the remedial measures necessary to ensure the City's ability to draw water from the Yellowstone River through its water intake; and

WHEREAS, City Staff and the City's Engineers shall recommend immediate repairs and remedial measures to be taken to ensure the City's ability to provide water to all users of the system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, the City Council hereby finds and approves the following:

1. That an emergency is declared effective immediately and such emergency constitutes a threat to the health, safety and welfare of citizens, businesses and all users of the City's water system for the provision of fresh water;

2. That the Mayor is authorized to enter into any contracts or agreements necessary to resolve the current problem with the water intake, in addition to any remedial measures recommended by City Staff and the City's engineers so long as the City has resources available to pay for such measures; and

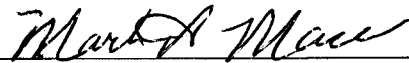
3. That this Resolution must pass with an affirmative vote of three fourths of the Council Members present at the meeting otherwise it shall fail.

Introduced at a regular meeting of the City Council on November 18, 2014, by Council Member Dickerson.

PASSED and APPROVED by the City Council of the City of Laurel this 18th day of November, 2014.

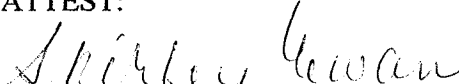
APPROVED by the Mayor this 18th day of November, 2014.

CITY OF LAUREL



Mark A. Mace, Mayor

ATTEST:



Shirley Ewan, Clerk/Treasurer

Approved as to form:



Sam S. Painter, Civil City Attorney