

## **RESOLUTION NO. R15-111**

### **RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS OR AGREEMENTS NECESSARY TO INSTALL A WEIR IN THE YELLOWSTONE RIVER TO TEMPORARILY DIVERT WATER TO THE CITY'S EXISTING WATER INTAKE THROUGH THE WINTER TO ENABLE THE CITY TO CONTINUOUSLY PROVIDE WATER FOR THE CITIZENS AND BUSINESSES OF THE CITY OF LAUREL.**

WHEREAS, the City's ability to take and provide water to citizens and businesses from the Yellowstone River continues to be threatened by damages to the Yellowstone River that were caused during the 2011 flooding event; and

WHEREAS, the 2011 flood altered the flow of the Yellowstone River jeopardizing the City of Laurel's ability to obtain water through its existing water intake since there is not sufficient water flow due to the movement of the river and more problematic is the fact the City will soon be unable to draw water from the river when the inevitable freezing results the winter months which may stop the river water from flowing into the water intake; and

WHEREAS, if the City is unable to draw water from the river, there is not enough reserves or storage to provide continuous water to citizens and businesses who depend upon the City's water, in addition to providing water necessary to address emergencies such as fires; and

WHEREAS, the threat to the City's ability to provide water to all users constitutes a direct threat to the health, safety and welfare of the City;

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, to create an exemption from the competitive bidding requirements of MCA §7-5-4302 to enable the City to immediately install a temporary weir in the Yellowstone River as designed and recommended by the City Engineers; and

WHEREAS, City Staff and the City's Engineers recommends accepting the bid submitted by Wilson Brothers Construction in the amount of \$150,000 for the installation of the temporary weir to ensure the City's ability to continuously 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 a contract with Wilson Brothers Construction in the amount of \$150,000 to provide a temporary remedy until the City constructs the new water intake which will permanently resolve the water flow problems caused by the 2011 flooding; and
3. The Council hereby finds the installation of the temporary weir through the approval of this Resolution is the best alternative to address the emergency situation and serve the public; and

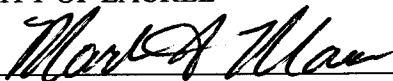
4. That this Resolution must pass with an affirmative vote of three fourths of the Council Members present at the meeting otherwise it shall fail.

Introduced at a special meeting of the City Council on November 24, 2015 by Council Member McGee.

PASSED and APPROVED by the City Council of the City of Laurel this 24<sup>th</sup> day of November, 2015.

APPROVED by the Mayor this 24<sup>th</sup> day of November, 2015.

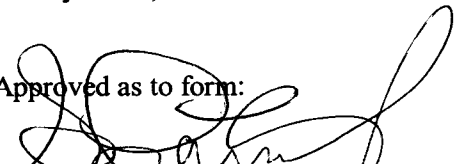
CITY OF LAUREL

  
\_\_\_\_\_  
Mark A. Mace, Mayor

ATTEST:

  
\_\_\_\_\_  
Shirley Ewan, Clerk/Treasurer

Approved as to form:

  
\_\_\_\_\_  
Sam S. Painter, Civil City Attorney

**BILLINGS**

115 N. Broadway ▪ Suite 500  
Billings, MT 59101  
406.652.5000 ▪ Fax 406.248.1363



November 24, 2015

Kurt Markegard, Public Works Director  
City of Laurel  
P.O. Box 10  
Laurel, MT 59044

Re: Task Order 25 – Intake Temporary Rock Weir  
Great West Engineering, Inc. Project No. 2-07128

Dear Kurt:

As you are aware, we have been working with the City to obtain quotes to install a temporary rock weir to maintain service at the 2003 intake through the winter. Bid packages were sent to Castelrock Excavation, COP Construction, Dick Anderson Construction, and Wilson Brothers Construction.

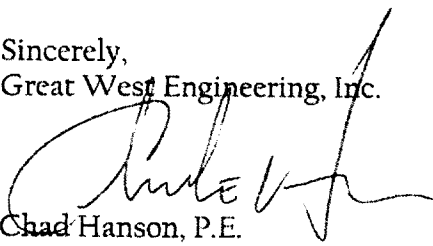
The City lost service to the intake last Friday, which is earlier in the winter season than the last few years. After meeting with you, Tim Reiter, and Heidi Jensen on site yesterday, we issued an addendum to the bid package requiring an expedited schedule to install the rock weir as quickly as possible.

Dick Anderson Construction and Wilson Brothers Construction submitted quotes for the week this morning. Wilson Brother's quote for \$150,000 was the lower of the two quotes, and they can begin work next week as soon as the Army Corps of Engineers gives us the approval to start the construction.

The expedited schedule did increase the quotes beyond the \$80,000 threshold for direct negotiation, but we still recommend the City award the project to Wilson Brothers versus going to competitive bid on the project due to the urgency and importance of the project to maintain the City's water supply.

As always, feel free to contact us with any questions.

Sincerely,  
Great West Engineering, Inc.



Chad Hanson, P.E.  
Principal | Project Manager

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