

RESOLUTION NO. 2022-7

**AN EMERGENCY RESOLUTION REGARDING CONTRACTING FOR
WATER WELL SERVICES**

WHEREAS, The City of Mills Governing Body has been informed that the water wells for the Municipality are at producing at a reduced rate due to siltation. The City engineers have been working on this situation and are of the opinion that the solution to the situation is to drill two new water wells.

WHEREAS, In keeping with their view, diligent efforts have been undertaken to find a contractor to drill water wells as noted above. Numerous water well drilling contractors have been contacted but, due to ongoing existing contracts and work, none have expressed an interest to bid on the contract to drill wells for the City of Mills with in the needed time frame.

WHEREAS, The production of water from the existing wells may prove to be in adequate during the month of March, 2022, assuming that current meteorological conditions persist. This may result in water restrictions being imposed upon the water users for the City of Mills during March, 2022.

WHEREAS, The City Engineers have hired a consulting geologist for the project who has indicated that he may be able to have a water well contractor submit a proposal for the drilling of the wells.

WHEREAS, Wyo. Stat. Sec. 15-1-113. Contracts for public improvements, provides:

(a) All contracts for any type of public improvement, excluding contracts for professional services or where the primary purpose is emergency work or maintenance, for any city or town or joint powers board wherein at least one (1) member is a municipality shall be advertised for bid or for response if a request for proposal or qualification for construction manager agent, construction manager at risk or design-builder is used, if the estimated cost, including all related costs, exceeds a bid threshold of thirty-five thousand dollars (\$35,000.00), except that a contract for the purchase or lease of a new automobile or truck shall be advertised regardless of cost and if there is an automobile or truck for trade-in, it shall be included as a part of the advertisement and bid. The requirements of W.S. 15-1-112(a) do not apply to any city or town trading in an automobile or truck on the purchase of a new automobile or truck.

WHEREAS, The City of Mills Governing Body has the power granted to it by Wyo. Stat. Sec. 15-1-103 (a) (v) "Perform all acts in relation to the property and concerns of the city or town necessary to the exercise of its corporate powers"; and

WHEREAS, Art 13, Sect 5 of the Wyoming Constitution further provides:

Article 13, Section 5 Acquisition of water rights.

Municipal corporations shall have the same right as individuals to acquire rights by prior appropriation and otherwise to the use of water for domestic and municipal purposes, and the legislature shall provide by law for the exercise upon the part of incorporated cities, towns and villages of the right of eminent domain for the purpose of acquiring from prior appropriators upon the payment of just compensation, such water as may be necessary for the well-being thereof and for domestic uses.

WHEREAS, The provision of adequate water supplies to the residents and customers of the City of Mills is a matter of vital public importance which stands to be threatened due to the

inability to find water well contractors to bid on the project and accordingly constitutes an Emergency.

WHEREAS, The City Council for the City of Mills, Wyoming considered the same during a Special Session of City Council that took place on January 17, 2022, during which the matter was discussed and a report from the City Engineers was presented.

NOW, THEREFORE, The City Council of the City Of Mills hereby Declares the decreased production of the existing water well to be a present emergency and hereby authorizes the City to hire such water well contractor or contractors who can be immediately located and hired to accomplish the same, subject to consultation and review of the Mayor prior to entering into the Contract for the same.

PASSED, APPROVED AND ADOPTED THIS DAY OF ,2022.

Seth Coleman, Mayor

Sara McCarthy, Council

Darla R. Ives, Council

James Hollander, Council

Councilman, Brad Neumiller

ATTESTED:

Christine Trumbull, Town Clerk