

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON**

RESOLUTION NO. 94-7

1. WHEREAS, the City of Lake Elmo operates a municipal water system which serves a portion of the City;
2. WHEREAS, on February 1, 1994, a plug in one of the water mains burst reducing water pressure and draining the City's water tower;
3. WHEREAS, the sudden drainage of the water tower caused a layer of ice within the water tower to drop thereby causing a vacuum in the central column of the water tower and damage to the central column of the water tower;
4. WHEREAS, until the water is repaired, there is no storage capacity in the City's municipal water system;
5. WHEREAS, the lack of storage capacity seriously affects the City's fire fighting capability and will require continuous use of the City's pumps which could result in future disruption of the City's municipal water service;
6. WHEREAS, the City's consulting engineer has advised the City:
 - A. That obtaining sealed bids will take approximately two weeks;
 - B. That the repair work will take approximately two weeks;
 - C. That a proposal has been solicited from Maguire Iron, Inc;
 - D. That, as far as can be determined, Maguire Iron, Inc. is capable of undertaking the repair work expeditiously and at a fair price; and
 - E. That current circumstances are an emergency which must be remedied as soon as is reasonably possible.
7. WHEREAS, the unforeseen combination of circumstances described herein call for immediate action to prevent a disaster from developing or occurring;
8. WHEREAS, due to the facts recited herein, Mayor Wyn John declared a state of emergency on February 1, 1994;
9. WHEREAS, it is anticipated that the state of emergency will continue for more than three days;

10. WHEREAS, the Lake Elmo City Council ratified Mayor Wyn John's Declaration of Emergency on February 1, 1994; and

11. WHEREAS, the City Attorney has advised that the City has the authority, pursuant to M.S. 12.37, to waive the sealed bidding requirements of the Uniform Contracting Law if there is a declared emergency.

12. NOW, THEREFORE, BE IT RESOLVED that the City hereby awards a contract to Maguire Iron, Inc. for the repair of the water tower as described on the proposal dated February 1, 1994, attached hereto, subject to the following conditions:

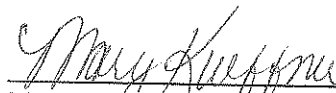
A. Submittal of an insurance certificate in a form acceptable to the City Attorney and in amounts acceptable to the City Engineer; and

B. Submittal of performance bond in compliance with the laws of the State of Minnesota.

Approved by the City Council
on the 1st day of
February, 1994.


MAYOR: Wyn John

ATTEST:


Mary Kueffner, City Administrator