RESOLUTION NO. 2915

RESOLUTION OF CONCURRENCE WITH RESPECT TO DAWSON COUNTY RESOLUTION OF INTENTION TO CREATE METROPOLITAN SANITARY SEWER DISTRICT NO. ONE

CITY OF GLENDIVE, MONTANA

RECITALS:

WHEREAS the City of Glendive (the "City") entered into a memorandum of understanding on March 6, 2012 with the Dawson County, Montana, for properties commonly known as West Glendive to connect to the proposed City of Glendive Wastewater Treatment Plant in order to accept, treat and dispose of wastewater from West Glendive; and

WHEREAS, in order to facilitate the acceptance, treatment and disposal of the West Glendive wastewater, the Board of County Commissioners of Dawson County on March 25, 2014, passed a Resolution of Intention to Create Metropolitan Sanitary Sewer District No. One, as modified by Amendment to Resolution #2014-7 adopted April 1, 2014 (collectively, the "County Resolution"), the boundaries of which would include the tracts of land in West Glendive, some of which tracts are located within the boundaries of the City; and

WHEREAS, the purpose of Metropolitan Sanitary Sewer District No. Forty-Seven (the "District") would be, among other things, to (a) acquire, operate and maintain the present existing sewer system improvements (the "Existing Sewer System") within Rural Special Improvement Districts No. 10M, 31M, and 10SLM, (b) replace or reconstruct mains and laterals as needed within the Existing Sewer System, (c) build, construct, operate and maintain a sewer pipeline connection from the boundaries of the Existing Sewer System to the connection point to the City of Glendive Wastewater Treatment Plant, together with all lift stations, appurtenances and accessories for the sewer pipeline connection, (d) assess the cost and expense of repairing, preserving, operating and maintaining all acquired, constructed and installed improvements, and (e) establish and pay fees, rates and charges to the City for the services and benefits directly or indirectly afforded by sewer system and the receipt, treatment and disposal of the wastewater from the District in the City of Glendive Wastewater Treatment Plant; and

WHEREAS, after passage of the County Resolution, a copy was transmitted to Mayor of the City of Glendive, for consideration by the City Council; and WHEREAS, if the City of Glendive agrees with the formation of the District, then under Section 7-13-106, Montana Code Annotated, the City Council must pass a resolution concurring in the County Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLENDIVE, AS FOLLOWS:

- Section 1. <u>Authorization and Findings</u>. Under the provisions of Montana law, the City is authorized to review and concur in the formation of any metropolitan sanitary sewer district that includes tracts within the boundaries of the City. After review of the County Resolution and the purpose of the District, it is hereby found, determined and declared that the City should and does hereby concur in the County Resolution.
- Section 2. <u>Transmittal of Resolution</u>. The Mayor or Director of Operations of the City are hereby authorized and directed to transmit a copy of this Resolution to the Board of County Commissioners.
- Section 3. <u>Repeal</u>. All provisions of ordinances, resolutions and other actions and proceedings of the City relating to the concurrence in the County Resolution which are in any way inconsistent with the terms and provisions of this Resolution are hereby repealed, amended and rescinded to the full extent necessary to give full force and effect to the provisions of this Resolution.

PASSED, ADOPTED AND APPROVED this 1st day of April, 2014.

JERRY JIM Mayor

Attest:

KEVIN DORWART Director of Operations