

**RESOLUTION NO. 4156**

**A RESOLUTION APPROVING AN EXTENSION AGREEMENT BETWEEN THE CITY OF MILES CITY AND THE CUSTER COUNTY WATER AND SEWER DISTRICT NO. 2.**

WHEREAS, the parties previously entered into an Interlocal Agreement for water and sewer services dated the 18<sup>th</sup> day of April, 2006, with a term running through June 30, 2011;

AND WHEREAS, the parties extended said Agreement for an additional five year period, with a term running through June 30, 2016;

AND WHEREAS, said agreement and extension call for a negotiations period to be complete by June 30, 2017, during which time said Agreement shall remain in full force and effect;

AND WHEREAS, said Agreement was extended by mutual agreement as approved by Resolution 4040 on March 14, 2017, with a new expiration date of June 30, 2018;


AND WHEREAS, the parties have subsequently entered into litigation, and do not anticipate that litigation will be complete by June 30, 2018, and wish to extend the underlying contract and negotiation period for an additional one-year period, to expire on June 30, 2019;

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:**

1. The "Extension Agreement" between the City of Miles City and the Custer County Water and Sewer District No. 2, attached hereto as Exhibit "A", and made a part hereof, is hereby approved and adopted by this Council.

2. The Mayor is hereby empowered and authorized to execute said Agreement on behalf of the City of Miles City, and bind the City of Miles City thereto.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A REGULAR MEETING THIS 8<sup>th</sup> DAY OF MAY, 2018.**

  
John Hollowell, Mayor

ATTEST:

  
Lorrie Pearce, City Clerk

EXHIBIT A

EXTENSION AGREEMENT

THIS AGREEMENT is made and entered into this 8<sup>th</sup> day of May, 2018, between the CITY OF MILES CITY, MONTANA, hereinafter "City," and the CUSTER COUNTY WATER AND SEWER DISTRICT NO. 2, of Miles City, Montana, hereinafter "District."

WHEREAS, the parties previously entered into an Interlocal Agreement for water and sewer services dated the 18th day of April, 2006, with a term running through June 30, 2011;

AND WHEREAS, the parties extended said Agreement for an additional five year period, with a term running through June 30, 2016;

AND WHEREAS, said agreement and extension call for a negotiations period to be complete by June 30, 2017, during which time said Agreement shall remain in full force and effect;

AND WHEREAS, said Agreement was extended by mutual agreement as approved by Resolution 4040 on March 14, 2017, with a new expiration date of June 30, 2018;


AND WHEREAS, the parties have subsequently entered into litigation, and do not anticipate that litigation will be complete by June 30, 2018, and wish to extend the underlying contract and negotiation period for an additional one-year period, to expire on June 30, 2019;

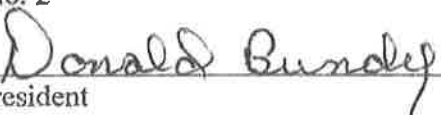
NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Term. The term of the "City of Miles City – Custer County Water and Sewer District – Interlocal Agreement" dated the 18<sup>th</sup> day of April, 2006, is hereby extended until June 30, 2019, to provide additional time for the parties to complete litigation, or otherwise reach resolution.


CITY OF MILES CITY, MONTANA

CUSTER COUNTY WATER AND SEWER  
DISTRICT No. 2

By:   
John Hollowell, Mayor

By:   
President

Attest:   
Clerk

Attest:   
Secretary