

## RESOLUTION No. 09 08 02

**AUTHORIZING THE MAYOR TO EXECUTE THE  
INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE CITIES OF FORT MORGAN AND BRUSH, COLORADO  
FOR A COMBINED MIXING ZONE STUDY CONTRACT  
TO BE COMPLETED BY REGULATORY MANAGEMENT INC. (RMI)  
OF THE RESPECTIVE WASTEWATER TREATMENT FACILITIES**

**WHEREAS**, intergovernmental agreements to provide functions or services including the sharing of costs of such services or functions, by political subdivisions of the State of Colorado are specifically authorized by C.R.S. §29-1-203; and,

**WHEREAS**, the Parties hereto are each authorized to lawfully provide, establish, maintain and operate wastewater treatment facilities; and,

**WHEREAS**, the respective CDPS Permits of the cities require the completion of a mixing zone study in conformance with the *Water Quality Control Division Colorado Mixing Zone Implementation Guidance*; and,

**WHEREAS**, RMI has agreed to complete two separate and distinct mixing zone studies for both Fort Morgan and Brush by combining the two into a single contract in an effort to minimize the cost to both cities; and,

**WHEREAS**, the Parties agree to share the cost of the mixing zone study as referenced in the Intergovernmental Agreement. Further, both municipalities agree to the terms and conditions as set forth in the proposal submitted by RMI (copies of both documents are attached hereto and incorporated herein by this reference) and that the execution of both documents are in the best interest of the municipality and will promote economic savings for both communities.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:**

**SECTION 1:** The Mayor is hereby authorized to execute the **Proposal to Provide Professional Services-Combined Mixing Study** as provided by James T. Egan, of RMI.

**SECTION 2:** The Mayor is hereby authorized to execute the **intergovernmental Agreement between the Cities of Fort Morgan and Brush, Colorado for a Combined Mixing Zone Study Contract to be Completed by Regulatory Management Inc. (RMI) of the Respective Wastewater Treatment Facilities.**

INTRODUCED, PASSED, APPROVED AND ADOPTED this 4<sup>th</sup> day of August, 2009, the vote upon roll call being as follows:

Ayes: Mayor Darnell; Councilmembers Deal, Forstedt, Powers, Shaver and Simmons

Nays: None.

Absent /Abstain: Councilmember McAlister

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[ SEAL ]

BY: Jack Darnell  
Mayor Jack Darnell

ATTEST:

Andrea Strand  
Andrea Strand, City Clerk

STATE OF COLORADO )  
COUNTY OF MORGAN ) ss.  
CITY OF FORT MORGAN )

**CERTIFICATE**

I, Andrea Strand, City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the City Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 4<sup>th</sup> day of August, 2009.

Andrea Strand  
Andrea Strand, City Clerk