

## RESOLUTION NO. 08 03 03

### RESOLUTION AUTHORIZING THE MAYOR AND THE CITY ATTORNEY TO EXECUTE THE SETTLEMENT AGREEMENT REGARDING DAIRY FARMERS OF AMERICA

**Whereas**, Section 13-24 of the *Fort Morgan Municipal Code* (1994) authorizes the City of Fort Morgan to issue and regulate wastewater discharge/sanitary sewer permits; and,

**Whereas**, Section 13-39 of the *Fort Morgan Municipal Code* (1994) sets forth the General and Specific Discharge Prohibitions; and,

**Whereas**, Section 13-54 of the *Fort Morgan Municipal Code* (1994) authorizes the City to take certain action, including suspending the wastewater treatment service when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the City to violate any condition of its NPDES permit; and,

**Whereas**, on February 8, 2008, the City issued a **Notice of Violation** ("Notice") to Dairy Farmers of America for their most recent violations which occurred on December 10, 2007 on their Wastewater Discharge Permit for Major Contributors, Permit No. 061506; and,

**Whereas**, in an effort to resolve this matter without the need for a Show Cause Hearing, and to obtain further compliance legal counsel for DFA and the City Attorney have worked together to settle all matters through the attached Settlement Agreement.

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

1. The City of Fort Morgan, Colorado hereby authorizes Mayor Darnell and City Attorney Jeffrey A. Wells to sign the Settlement Agreement attached hereto and incorporated herein by this reference.
2. That the Show Cause Hearing be permanently vacated in this matter upon the execution of the Settlement Agreement.

PASSED, APPROVED AND ADOPTED this 18<sup>TH</sup> day of March 2008, the vote upon roll call being as follows:

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

Nays: None.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

BY: Jack Darnell  
Mayor

ATTEST:

Andrea Strand  
City Clerk

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

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 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 19<sup>th</sup> day of March 2008.



Andrea Strand  
Andrea Strand, City Clerk