

RESOLUTION NO. 08 07 03

RESOLUTION AUTHORIZING THE MAYOR 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;

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

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.

Whereas, previously on March 21, 2008, the City issued a **Notice of Violation and Show Cause Order** ("Notice") to Dairy Farmers of America for violations which occurred on February 20, 2008 and March 3, 2008 on their Wastewater Discharge Permit for Major Contributors, Permit No. 061506; and,

Whereas, in an effort to resolve this matter without further civil, administrative or judicial proceedings except as provided by the Agreement, 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 to sign the Settlement Agreement attached hereto and incorporated herein by this reference.
2. That the Settlement Agreement shall be the full and complete settlement of all outstanding matters regarding DFA and the violations that occurred on February 20, 2008 and March 3, 2008.

PASSED, APPROVED AND ADOPTED this 15th day of July, 2008, the vote upon roll call being as follows:

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

Nays: None

Absent/Abstain: Councilmember Schafer

[SEAL]

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

By: Jack Darnell
Mayor Jack Darnell

ATTEST:

Cheryl Winberg
Cheryl Winberg, Deputy City Clerk

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

CERTIFICATE

I, Cheryl Winberg, Deputy 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 of Fort Morgan, Colorado, 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, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 15th day of July, 2008.

[SEAL]

Cheryl Winberg
Cheryl Winberg, Deputy City Clerk