

September 23, 2008

The City Council of the City of Fort Morgan, Colorado, met this day in the Council Chambers of City Hall. The Honorable Mayor Jack L. Darnell called the special meeting to order at 7:00 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Jack L. Darnell
Councilmember Sharol Lyn Deal
Councilmember Terry McAlister
Councilmember James A. Powers
Councilmember Terri P. Schafer
Councilmember Ron Shaver

Excused Absence: Councilmember Alberta M. Simmons

The meeting was also attended by City Manager Patrick Merrill, City Attorney Jeffrey Wells, City Police Chief Keith Kuretich, Treasurer Pixie Jones, Utility Directors Gary Dreessen and Bob Weimer, Director of Human Resources & Risk Management Jody Prentice and City Clerk Andrea Strand.

PUBLIC HEARING ON GAS AND ELECTRIC TARIFF RATES

Opening Comments

Mayor Darnell stated, "I would request that any person making a statement or asking any questions during the course of this Public Hearing identify yourself by stating your name and address.

"Let the record show that the Public Hearing before the City Council for the purpose of hearing written and oral comments concerning making certain changes to the Schedule of Rates for Gas Service and Electric Service from the City is convened this 23rd day of September, 2008, at the hour of 7:03 p.m."

Notice of the Hearing

Clerk Strand reported that the legal requirement for the Public Hearing for proposed rates affecting customers receiving Gas and/or Electric Service from the City of Fort Morgan by adopting revisions to the Schedule of Rates and Regulation to become effective with the first billing on or after October 1, 2008, were met by publication of the Notice of the Public Hearing in *The Fort Morgan Times* on August 22, 2008.

Utility Director Bob Weimer provided an overview of changes in the gas supply charge as previously presented to City Council. These are reflected in the Resolution and the proposed Gas Rate Sheet and Tariff Sheets presented. Attorney Wells presented an amended Resolution for consideration. Director Weimer presented the minor change to the Electric Supply charge, in the power lose, that reduced the rate, this is reflected in the Resolution and the proposed Electric Rate Sheet and attached Tariff Sheets presented.

Public Comments

Clerk Strand reported that there were no written comments received in the City Clerks Office and the Mayor noted that no members from the public were present.

Comments by the Council

None.

Closing of the Public Hearing

Councilmember Powers offered a motion to close the Public Hearing. His motion was seconded by Councilmember Schafer and duly carried.

ADOPTION OF GAS RATES

Councilmember Powers offered the following Resolution and moved for its adoption. His motion was seconded by Councilmember Schafer; said Resolution being in words, letters and figures as follows, to-wit:

RESOLUTION NO. 08 09 01

A RESOLUTION APPROVING THE TOTAL RATE INCREASE OF 9.88% AS OUTLINED IN THE RATE SCHEDULE FOR THE GAS SUPPLY CHARGE, AND ADOPTING THE “FOURTH REVISED” SHEET NO. 10.

WHEREAS, the Board of Directors of the Natural Gas Department and System Enterprise of the City of Fort Morgan hereby finds and declares it to be in the public interest and in the interest of the customers of the City’s natural gas utility that the Enterprise adopt the rate increase proposed in the Rate Schedule for the Gas Supply Charge by the City of Fort Morgan to Residential, Commercial, and Municipal Customers, effective October 1, 2008; and,

WHEREAS, Article VII, Sec. 3 of the *Charter of the City of Fort Morgan* gives the council “power by ordinance to fix and regulate rates, fares and charges for service by public utility corporations and to change the same every five years; provided, that rates, fares or charges shall not be changed without examination by competent inspectors . . .”; and,

WHEREAS, the rate increase and revisions have been recommended by competent inspectors, McFadden Consulting Group, Inc.; and,

WHEREAS, pursuant to C.R.S. §40-3.5-104 and the City’s adopted tariff sheets notice of this increase was given by the municipality on August 22, 2008 of the Public Hearing on September 23, 2008, at 7:00 p.m. at Historic City Hall located at 110 Main Street, Fort Morgan, CO 80701; and,

WHEREAS, the “Fourth Revised” Sheet No. 10 shall be incorporated into the published tariff of gas rates of the City of Fort Morgan, Colorado.

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

1. Effective October 1, 2008, for all utility bills generated on or after such date, the City hereby adopts the rate increase proposed in the Rate Schedule for the Gas Supply Charge by the City of Fort Morgan to Residential, Commercial, and Municipal Customers, hereby adopts the “Fourth Revised” Sheet No. 10.
2. The new rates shall be effective beginning October 1, 2008.

PASSED, APPROVED AND ADOPTED this 23rd day of September 2008, upon a roll call vote by the Council of the City of Fort Morgan, Colorado.

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

Nays: None.

Absent: Councilmember Simmons.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

By: /s/ Jack L. Darnell
Mayor

ATTEST:

/s/ Andrea J. 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 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 24th day of September, 2008.

[SEAL]

/s/ Andrea Strand
City Clerk

ADOPTION OF ELECTRIC RATES

Councilmember Schafer offered the following Resolution and moved for its adoption. Her motion was seconded by Councilmember Shaver; said Resolution being in words, letters and figures as follows, to-wit:

RESOLUTION NO. 08 09 02

A RESOLUTION APPROVING THE TOTAL RATE INCREASE OF 18.45% AS OUTLINED IN THE RATE SCHEDULE FOR THE POWER SUPPLY CHARGE, AND ADOPTING THE "THIRD REVISED" SHEET NOS. 15 AND 16.

WHEREAS, the Board of Directors of the Electric Department and System Enterprise of the City of Fort Morgan hereby finds and declares it to be in the public interest and in the interest of the customers of the City's electric utility that the Enterprise adopt the rate increase proposed in the Rate Schedule for the Power Supply Charge by the City of Fort Morgan to Residential, Commercial Demand Metered, Municipal, Large Commercial, Transmission, and Irrigation Customers, effective October 1, 2008; and

WHEREAS, Article VII, Sec. 3 of the *Charter of the City of Fort Morgan* gives the council "power by ordinance to fix and regulate rates, fares and charges for service by public utility corporations and to change the same every five years; provided, that rates, fares or charges shall not be changed without examination by competent inspectors . . ."; and

WHEREAS, the rate increase and revisions have been recommended by competent inspectors, McFadden Consulting Group, Inc.; and

WHEREAS, pursuant to C.R.S. §40-3.5-104 and the City's adopted tariff sheets notice of this increase was given by the municipality on August 22, 2008 of the Public Hearing on September 23, 2008, at 7:00 p.m. at Historic City Hall located at 110 Main Street, Fort Morgan, CO 80701; and,

WHEREAS, the "Third Revised" Sheet Nos. 15 and 16 shall be incorporated into the published tariff of electric rates of the City of Fort Morgan, Colorado.

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

1. Effective October 1, 2008, for all utility bills generated on or after such date, the City hereby adopts the rate increase proposed in the Rate Schedule for the Electric Supply Charge by the City of Fort Morgan to Residential, Commercial, and Municipal Customers, hereby adopts the "Third Revised" Sheet Nos. 15 and 16.

2. The new rates shall be effective beginning October 1, 2008.

PASSED, APPROVED AND ADOPTED this 23rd day of September 2008, upon a roll call vote by the Council of the City of Fort Morgan, Colorado.

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

Nays: None.

Absent: Councilmember Simmons.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

By: /s/ Jack L. Darnell
Mayor

/s/ Andrea J. 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 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 24th day of September, 2008.

[SEAL]

/s/ Andrea Strand
City Clerk

Councilmember McAlister offered a motion to close the Public Hearing. His motion was seconded by Councilmember Shaver and duly carried.

Mayor Darnell adjourned the September 23, 2008, special meeting at 7:12 p.m.

Mayor

City Clerk