

RESOLUTION NO. 08 06 02

AUTHORIZING THE MAYOR TO EXECUTE THE 2008 AMENDED AGREEMENT WATER RATES AND CHARGES CONTRACT BETWEEN CARGILL MEAT SOLUTIONS F/K/A THE EXCEL CORPORATION AND THE CITY OF FORT MORGAN

WHEREAS, the parties originally entered into the **Agreement, Water Rates and Charges**, dated July 6, 1999, to fix a portion of the rates and charges for C-BT water supplied to Cargill Meat Solutions f/k/a Excel; and,

WHEREAS, on November 1, 2002, the parties amended and restated the 1999 agreement under the **Amended Agreement Water Rates and Charges** to address the then existing drought conditions; and,

WHEREAS, since the City no longer suffers from drought conditions, City Staff has recommended that the 2002 Amended Agreement be amended to include water usage caps and other conditions in the 1999 Agreement as set forth in the **2008 Amended Agreement Water Rates and Charges** (attached hereto and incorporated herein by this reference); and,

WHEREAS, after meeting with City Staff, the General Manager of Cargill Meat Solutions, Mike Chabot has reviewed and agreed to the terms of this agreement.

WHEREAS, Staff has recommended the approval of the **2008 Amended Agreement Water Rates and Charges** between the City of Fort Morgan and Cargill Meat Solutions.

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

SEC. 1: The Mayor is hereby authorized to execute the contract for the **2008 Amended Agreement Water Rates and Charges**.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 3rd day of June 2008, the vote upon roll call being as follows:

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

Nays:

Absent /Abstain: Councilmember Shaver

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records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.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 3rd day of June, 2008.

Andrea Strand
Andrea Strand, City Clerk