

**MINUTES OF ACTION  
OF THE  
BOARD OF DIRECTORS  
GRANBY SANITATION DISTRICT  
Acting by and through its Wastewater Activity Enterprise  
March 13, 2019**

The regular meeting of the Board of Directors of the Granby Sanitation District was duly called to order at the Granby Sanitation District Treatment Plant on Wednesday, March 13, 2019, at 7:07 p.m. by Vice-President, Debra Brynoff. Present were Board members Debra Brynoff, Kelly Griesch, Casey Farrell and Nancy Stuart. The Board excused the absence of Wayne Kerber. Also in attendance were District Administrator, Tammy Granger; Operations Superintendent, Andrew “Hopper” Becker; the District’s attorney Rod McGowan and Jonathan Beach.

Hopper Becker introduced the District’s new employee, Jonathan Beach, to the Board. Jonathan left the meeting after introductions and welcoming comments.

The first item for discussion was consideration of the Amended and Restated Agreement for Railroad and CDOT projects and the Union Pacific Railroad (UPRR) Pipeline Crossing Agreement. Rod McGowan stated that he had just received construction cost estimates from Sun Communities for the CDOT and UPRR bore projects. Therefore, the amount of the performance/payment bonds cannot be established until Diamondback Engineering has had the opportunity to review the cost estimates. Rod also advised the Board that he had concerns with the indemnity language in Section 10 of Exhibit B to the Pipeline Crossing Agreement which defines the Licensee to include its employees, officers and directors. Union Pacific’s Senior Manager of Real Estate Contracts informed Rod that amending that definition would require approval of their legal department which could result in a 3-4 month review period. Ultimately, the goal is to have Sun Communities indemnify Granby Sanitation District in regards to these projects and the Amended and Restated Agreement includes such language. Nancy Stuart moved to authorize execution of the Amended and Restated Agreement for Railroad and CDOT Projects and the Pipeline Crossing Agreement subject to the satisfaction of the following conditions:

1. Approval of the cost estimates and bond amounts for the Union Pacific Railroad and CDOT crossings by the District’s engineer.
2. The District’s receipt of signed originals of the Amended and Restated Agreement from Sun Communities.
3. District receipt of the license fee and insurance documentation required by the Pipeline Crossing Agreement, (\$9,800.00 payment to Union Pacific Railroad and Certificates of Insurance).

The motion was seconded by Casey Farrell and unanimously approved.

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Next, discussion was held regarding Sun Communities' wastewater infrastructure completion schedule. At last month's meeting the Board proposed a completion date of July 1, 2019. Sun representatives have expressed concern that they could not meet a July 1 completion date. Sun's attorney, Cameron Grant, advised Rod that he understood a new agreement regarding the completion date and use of temporary infrastructure would need to be executed but at this time the Pipeline Crossing Agreement was priority. The Board confirmed that the District will continue to operate under the terms set forth in Resolution 2018-09-01 (attached for reference).

New or expanded easements will be needed for the infrastructure to serve the Sun Communities' development. Easement forms and legal descriptions have been reviewed by Rod, John Enochs and staff and appear to be adequate. The District needs signed easements and necessary title work before they can be considered for approval.

The minutes from the regular meeting held on February 13, 2019 were considered. Nancy Stuart moved to approve the minutes as presented. The motion was seconded by Kelly Griesch and unanimously approved.

Next, the bills listing and financial reports were reviewed and discussed. Nancy Stuart moved to pay the bills and approve the financial reports. Casey Farrell seconded and the motion was unanimously approved.

Hopper Becker presented the Operations report and discussed the following matters:

- Plant is running well and effluent is well within discharge limits.
- In response to the power supply incident, Power to the People Electric installed a temporary manual switch so that power can be switched between utility and genset power as needed. The installation of the switch went well. The manufacturer will be sending service technicians in the next week or so to rebuild the failed switch. No cause has been detected for the switch failure. Once the new switch is rebuilt, the temporary manual switch will remain in the District's possession to be used as a backup. Hopper expressed appreciation to the Town of Granby for allowing the District to use their trailer generator.
- A quote of \$11,266.00 for installation of a dump box on the Ford F550 purchased last fall was received from Kois Equipment Co., Inc. The Board authorized the expenditure as it was included in the District's 2019 budget.
- The Biosolids Handling Evaluation prepared by Diamondback Engineering was presented to the Board. General discussion was held regarding the current process and the need for expanded capabilities and capacity. Further discussion will be held once Hopper has had an opportunity to fully review the report. The projected cost of the project, funding and project options were briefly discussed.

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Tammy Granger gave the Administrative Report as written. She advised the Board of the status of the Sun Communities' deposit. The draft audit has been received and will be reviewed in the next week or so.

Rod stated that everything in his report had already been discussed.

The delinquent account list was reviewed. Casey Farrell moved to authorize staff to proceed with collection and disconnection proceedings on accounts 30850.2, 40100.2, 40110.2 and 800.3. The motion was seconded by Kelly Griesch and unanimously approved.

In other business Debra Brynoff advised the Board that she and Nancy Stuart had conducted performance evaluations for Hopper and Tammy. She suggested that in the future they be conducted prior to annual budget preparation. Discussion of salary adjustment was tabled until the April meeting.

There being no further business to come before the Board it was duly moved by Casey Farrell, seconded by Kelly Griesch and unanimously adopted that the meeting stand adjourned at 8:30 p.m.



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~~Casey Farrell, Secretary~~

Kelly Griesch, Acting Secretary

**GRANBY SANITATION DISTRICT**  
Resolution No. 2018-09-01

A RESOLUTION APPROVING A ONE-TIME WAIVER AND DEFERRAL OF TAP FEE PAYMENTS FOR CERTAIN IMPROVEMENTS AT THE SUN RIVER RUN RANCH PROJECT, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Board of Directors of Granby Sanitation District (the "District") previously entered into an Assumption Agreement with Sun River Run Ranch RV LLC ("Sun"), dated June 6, 2018 and recorded June 12, 2018 at Reception No. 2018004429 of the Grand County real estate records (the "Sun Assumption Agreement"), which provided for the assumption of certain rights and obligations under the Pre-Inclusion Agreement (Reception No. 2006002328) and related agreements pertaining to the Shorefox property as they relate to the proposed development to be known as River Run Ranch; and

WHEREAS, Subsection 2.3.5.4 of the Sun Assumption Agreement provides that District tap fees (a/k/a "plant investment fees") shall be payable at the time of application for a building permit for facilities at River Run Ranch that require such a permit; and

WHEREAS, Section 7 of the Pre-Inclusion Agreement further provides that no tap fees will be sold within the property until all infrastructure required for connection to the District's wastewater treatment plant has been constructed and accepted by the District; and

WHEREAS, Sun has requested a one-time waiver of these requirements in order to allow construction of the following facilities at River Run Ranch, prior to completion of the sewer infrastructure and payment of the applicable tap fees for such facilities:

- Welcome Center,
- Cart Barn/Maintenance Building,
- Water Treatment Equipment Outbuilding,
- Comfort Stations,
- Activity Center,
- General Store,
- Clubhouse and
- Fitness Center,

(the "Initial Facilities"), and

WHEREAS, the Board of Directors finds and determines that said request should be approved, subject to the conditions stated below.

NOW THEREFORE, be it resolved by the Board of Directors of the Granby Sanitation District, that:

1. The Board of Directors hereby approves a one-time waiver of the above requirements of the Sun Assumption Agreement and the Pre-Inclusion Agreement with respect to the Initial Facilities, so that building permits may be obtained for such Initial Facilities prior to completion of the required sewer infrastructure and prior to payment of tap fees, subject to the following conditions:
  - a. No certificates of occupancy shall be issued and said Initial Facilities or RV sites, glamping sites or park models shall not be occupied or used until all required sewer infrastructure is constructed and accepted by the District, all tap fees for the Initial Facilities and any additional facilities to be connected to the sewer system have been paid to the District, and the District has authorized connection of such facilities to the District's sewer system;
  - b. Sun shall proceed expeditiously to complete and obtain District approval of the plans for the required sewer infrastructure, including on-site sewer mains and the lift station and force main to connect to the District's wastewater treatment plant, obtain all necessary permits for the construction of such infrastructure, and complete construction of such infrastructure and comply with all other requirements of the Sun Assumption Agreement and the Pre-Inclusion Agreement for connecting to and obtaining service from the District's sewer system. Such requirements shall be completed or satisfied as soon as practicable and, in any event, not later than October 31, 2019. Failure to complete or satisfy such requirements within such time shall be deemed to be default under the terms of the Sun Assumption Agreement and the Pre-Inclusion Agreement, unless an extension is approved by the District.
2. By the signature of its authorized agent below, Sun consents to the above conditions and agrees to comply with terms of the waiver approved herein.

The foregoing Resolution was duly moved, seconded, and adopted at a meeting of the Board of Directors of Granby Sanitation District on September 12, 2018.

Granby Sanitation District

By: Wayne Kukul  
President

Attest: Cary M Farrell  
Secretary

APPROVED AND ACCEPTED:

Sun River Run Ranch RV LLC

BY: Jonathan Colman  
Jonathan Colman

TITLE: Executive Vice President