

**MINUTES OF ACTION
OF THE
BOARD OF DIRECTORS
GRANBY SANITATION DISTRICT
Acting by and through its Wastewater Activity Enterprise
August 14, 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, August 14, 2019, at 7:00 p.m. by Vice-President, Debra Brynoff. Present were Board members Debra Brynoff, Casey Farrell and Nancy Stuart. Also in attendance were District Administrator, Tammy Granger; Operations Superintendent, Andrew “Hopper” Becker; the District’s attorney Rod McGowan; John Enochs of Diamondback Engineering and Surveying, Inc.; Jonas Pearson of Railyard/400 CR 60; Nick Westfall of Atwell Group and Tom O’Branovic of Sun Communities.

Jonas Pearson informed the Board that he had been working the Town of Granby Water Department and is considering a bore under the railroad tracks to access the sewer infrastructure in the Edgewater development. Mr. Pearson was advised by staff that due to their proposed connection to Town of Granby sewer infrastructure that an inclusion into Granby Sanitation District is unnecessary; however, an Addendum to the 2006 Expansion Land Agreement between the Town of Granby and Granby Sanitation District will need to be approved and appropriate facility fees paid to the District before they can obtain sewer service from the Town of Granby. Jonas left the meeting at this time.

Tom O’Branovic from Sun Communities then spoke to the Board explaining that they are working hard to get the River Run Ranch RV and Smith Creek Crossing projects done. He stated that due to adverse weather conditions and high water levels, they will not be able to meet the September 1, 2019 deadline for completion of the permanent connection. Accordingly, he is asking for an extension of time for completion of the permanent connection until October 31, 2019. In addition, Sun would like to set homes at Smith Creek Crossing, understanding that the structures cannot be connected and/or occupied. He also requested a waiver of the \$1,000/day liquidated damages for non-completion of the permanent connection by September 1, 2019.

Sun is hoping to begin setting homes in mid-September, 2019. Nick Westfall advised that underground infrastructure needs to be completed, road base needs to be applied to roads and pads for the houses installed but their efforts have been hampered by the presence of ground water. In regards to the railroad and US 40 bore, Sun is hoping that the railroad will allow them to work two twelve-hour shifts. He expects that the bore will take approximately 45 days to complete. Once the bore is completed, Nick estimates that it will take approximately seven days to complete the remaining 800 feet of sewer main from the bore to the connecting manhole located in the Borda easement.

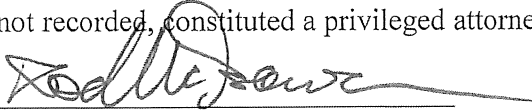
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The Board voiced concern that completion of the sewer infrastructure has lost priority with Sun. Tom O'Branovic responded that Sun is working with numerous companies and their crews to try to get the construction completed and they worked hard throughout the winter to try to get the construction done.

Nancy Stuart moved to enter into Executive Session for a conference with the District's Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding Sun Communities' projects with Rod, McGowan, John Enochs, Hopper Becker and Tammy Granger in attendance. The motion was seconded by Casey Farrell and unanimously approved. The Sun Communities representatives left the meeting at this time.

Nancy Stuart moved to exit Executive Session, Casey Farrell seconded and the motion was unanimously approved.

Attorney's Opinion Required by Colorado Revised Statute, Section 24-6-402(2)(d.5)(II)(B).
As the attorney representing the Granby Sanitation District, and who was in attendance at the above-referenced Executive Session, I am of the opinion that the entire Executive Session, which was not recorded, constituted a privileged attorney-client communication.



Rod McGowan, Legal Counsel

Sun and Atwell representatives returned to the meeting. Rod McGowan informed them that the Board is skeptical that Sun was unable to complete the permanent connection due to factors out of their control. On May 8, 2019 the completion date for completion of the permanent connection was set for September 1, 2019; from May until September 1, 2019 typical weather conditions for the area have been experienced. Rod also stated that the \$1,000.00/day liquidated damages applies regardless of whether an extension is granted or not. Staff time and District resources have been diverted from regular duties to supporting and monitoring Sun's efforts to complete the project. Further extensions to the permanent completion date prolongs that demand.

Sun replied that the area has experienced 50% more precipitation than normal and obtaining the railroad flaggers was time consuming. Tom stated that Sun is reimbursing the District for staff overtime incurred due to the permanent connection not being completed. Rod agreed that Sun is being billed for staff overtime but explained that Sun's project continues to divert the staff and District resources throughout the work day.

Casey Farrell moved to deny approval or adoption of the Second Amendment to Assumption

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Agreement Between Granby Sanitation District and Sun River Run Ranch RV LLC (Temporary Sewer Connection). The motion was seconded by Nancy Stuart and the motion was unanimously approved.

Next, discussion was held regarding Resolution No. 2019-08-01 A Resolution Approving a Waiver and Deferral of Tap Fee Payments for 136 Homes at the Smith Creek Crossing Project, Subject to Certain Conditions. The first sentence of paragraph 1. a. was amended to read “The waiver only allows for placement of the 136 Homes on site.” The remainder of that sentence was deleted. Paragraph 1. b. was amended by removing reference to the Second Amendment from the Resolution. Casey Farrell moved to adopt Resolution 2019-0801 as amended. Nancy Stuart seconded and the motion was passed with 2 ayes and 1 nay.

Next, Rod advised that John Enochs and the District are awaiting a decision from Grand County as to whether upgrading the District’s solids handling facilities will require 1041 permitting. Therefore, consideration of the Public Contract for Service and Diamondback Engineering’s Proposal for Engineering Services – Solids Handling Facilities is tabled until the September 11, 2019 meeting.

The minutes from the regular meeting held on July 10, 2019 were considered. Casey Farrell moved to approve the minutes as presented. The motion was seconded by Nancy Stuart 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.

The delinquent account list was reviewed. Casey Farrell moved to authorize staff to proceed with disconnect and collection proceedings on accounts 20000.3, 40100.2, 40110.2 and 29362.3 and proceed with notification of certification of delinquent amounts to the Grand County Treasurer for accounts 40100.2 and 40110.2. Nancy Stuart seconded and the motion was unanimously approved.

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

- Plant is operating well and within discharge limits. Effluent temperatures are lower this year due to increased flows and lower ambient temperatures.
- Increased flows have resulted in increased solids production. Roll-offs and hauling have been utilized to catch up on the overloaded waste cycle.
- Staff continues to work on collection system maintenance and inspection as time allows. The jet rodder needed some minor repairs.
- The belt press has also been in need of repairs and parts replacement.

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- Hopper is still working on hiring a laborer.
- Hopper is shopping for a new pickup. Once a truck is purchased it will be fit with a utility bed and crane to assist with lift station pumps.
- Staff is awaiting the DMR QA results.
- The 1977 Ford dump truck was sold for \$750.00. The new dump truck is performing very well.

Tammy Granger gave the Administrative Report as written.

In the Attorney's report Rod McGowan noted that the public records retrieval fee was increased from \$30.00/hour to \$33.58/hour. At this time the District will not change their retrieval fee.

In other business, Casey Farrell moved to ratify the RailPros Field Services, Inc. Professional Services Agreement. The motion was seconded by Nancy Stuart and unanimously approved.

There being no further business to come before the Board it was duly moved by Casey Farrell, seconded by Nancy Stuart and unanimously adopted that the meeting stand adjourned at 9:55 p.m.



Casey Farrell, Secretary