

**MINUTES OF ACTION  
OF THE  
BOARD OF DIRECTORS  
GRANBY SANITATION DISTRICT  
Acting by and through its Wastewater Activity Enterprise  
February 10, 2021**

Due to the COVID-19 virus the regular board meeting was held using zoom.us (ID 989 9020 5935). The regular meeting of the Board of Directors of the Granby Sanitation District was duly called to order via zoom.us on Wednesday, February 10, 2021, at 7:00 p.m. by President, Wayne Kerber. Present were Board members Wayne Kerber, Debra Brynoff, Casey Farrell, Nancy Stuart and Kelly Griesch. Also, in attendance were District Administrator, Tammy Granger; Operations Superintendent, Andrew “Hopper” Becker; the District’s attorney Rod McGowan and the District’s engineer, John Enochs. Representing Sun Communities were Sean Stewart and Cameron Grant, both from Lyons Gaddis.

The first item on the agenda was discussion and consideration of a Structure Agreement for Gravel Mining Operation, Permit M2021-001. Sean Stewart explained that Sun Communities is in the process of transferring a gravel permit currently held by the Town of Granby. This permit encompasses the Sun Communities development as well as additional lands that remain in Town of Granby ownership. Sun has applied for a permit that encompass the lands owned by Sun. As part of the approval process the Colorado Division of Reclamation, Mining and Safety (Division) requires that owners of structures within 200 feet be given notice and an opportunity to enter into a Structure Agreement. Sun does not anticipate the mining of construction materials to occur within 200 feet of the District’s wastewater lift station, however, transport of materials may occur within 200 feet of the District’s structure. Sun also expects that once their development is completed no further mining will occur and off-site transport of materials is not anticipated. In response to questions from the Board Mr. Stewart answered that there is no term on the permit and reclamation requirements have to be met before the Division will close the permit. Once the permit is issued to Sun it is transferrable but any new operator would most likely need to obtain a new structure agreement; however, permits have been issued by the Division without structure agreements. Hopper Becker stated that he does not anticipate any negative impacts to the District’s lift station due to the mining operations. Nancy Stuart moved to approve the execution of the Structure Agreement for Gravel Mining Operation, Permit M2021-001 by an appropriate District official conditioned upon the District’s receipt of a Structure Agreement signed by Sun Communities. Upon receipt the District will execute and return the Agreement. The motion was seconded by Casey Farrell and the motion was approved by unanimously roll call vote (**summary:** yes – 5). Yes: Debra Brynoff, Nancy Stuart, Casey Farrell, Kelly Griesch and Wayne Kerber. Mr. Stewart left the meeting at this time.

Rod McGowan asked if the remaining matters concerning Sun Communities could be addressed since Cameron Grant was in attendance. The Board approved. The following items regarding final

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acceptance of Sun River Run Ranch Project – Phase I Sanitary Sewer Improvements were discussed:

1. Provide proof that all material vendors and contractors have been duly paid, including lien waivers: Rod stated that some lien waivers were conditional. Cameron responded that Sun will provide unconditional lien waivers.
2. Provide proof of adequate public rights of way and/or easements for the infrastructure and easements to abutting properties: It was agreed that necessary easements have been conveyed.
3. Provide as-built drawings and GPS mapping for the infrastructure: Hopper stated that he is in receipt of acceptable as-built drawings. John Enochs is in discussion with Andrew Dixon of Wright Water Engineers to obtain gps coordinates for wastewater infrastructure (manholes, valve vaults, etc....). Mr. Dixon has indicated that the data is available and just needs to be compiled to supply to the District. Cameron indicated that he will also follow-up on this matter.
4. Delivery of a bill of sale or other acceptable conveyance of the Phase 1 Sanitary Sewer Improvements to the District: In addition to Exhibit A-Certificate of Substantial Completion and Exhibit B-Certificate of Final Completion, it was requested that a map identifying the subject infrastructure be added as Exhibit C. The District asked if the \$7,435,642.86 capital cost figure provided by Atwell is the cost of the corresponding Phase I infrastructure. Mr. Grant stated that he would pursue Exhibit C and confirmation of the capital cost amount.
5. Publish notice of final settlement pursuant to C.R.S. §38-26-107 and resolve any claims for unpaid labor or materials: Publication of the notice occurred on January 28 and February 4, 2021 and the final settlement date is February 16, 2021.

Rod informed the Board that the Letter of Credit expires on March 1, 2021. After considerable discussion Nancy Stuart moved to authorize District staff to draw on the Letter of Credit if the above-referenced items are not completed by February 22, 2021 or the Letter of Credit is not extended. The motion was seconded by Kelly Griesch and approved by unanimous roll call vote (**summary:** yes – 5) Yes: Debra Brynoff, Nancy Stuart, Casey Farrell, Kelly Griesch and Wayne Kerber.

Discussion was then held regarding enforcement of the two-year warranty period of the Phase I infrastructure. Cameron Grant suggested that the District use the same non-payment remedy used for District customers. Rod suggested that if warranty items are identified and Sun doesn't correct them, the District proceed with the corrective action and bill Sun Communities for the expense. Hopper Becker voiced his concern of dispute between the parties of what constitutes a "warranty issue." Cameron Grant left the meeting at this time.

Next, John Enochs provided an update on the Solids Handling Project. The Process Design Report and

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Site Application have been submitted to CDPHE for review and approval. It has been discovered that as part of the approval process a flood plain delineation is required. Efforts are being made by the CDPHE review and engineering teams to pursue flood plain delineation data as it is believed that studies have been conducted both upstream and downstream of the District's facilities. A determination of the elevation of the District's plant site within a flood plain will influence whether flood risks will require mitigation. While CDPHE review can proceed prior to the submittal of the flood plain delineation, approval cannot be issued without it. Diamondback Engineering will submit an amendment to the Solids Handling Scope of Services for this work.

Next, was consideration of FKC Co., Ltd. invoice 13130 in the amount of \$96,153.00. Diamondback Engineering issued recommendation to pay in their February 4, 2021 letter. John Enochs advised that project equipment delivery is expected in mid-March. Kelly Griesch moved to approve payment of FKC Co., Ltd. invoice 13130 in the amount of \$96,153.00. The motion was seconded by Casey Farrell and the motion was unanimously approved by roll call vote (**summary:** yes – 5). Yes: Debra Brynoff, Nancy Stuart, Casey Farrell, Kelly Griesch and Wayne Kerber.

Diamondback Engineering's February 4, 2021 Solids Handling – Amendment No. 2 to Scope of Services adding Task 9 – Design of the Non-Potable Water System; Task 10 – Pre-Bidding Services and Task 11 – Bidding Phase Services was discussed. The District's aging non-potable water pumps and delivery system is insufficient to provide wash-down water for both the headworks and solids handling facilities. The existing non-potable water pumps will soon need to be either rebuilt or replaced and Hopper and John believe it would be prudent to upsize and upgrade the non-potable water system. Nancy Stuart moved to approve Diamondback Engineering's Solids Handling – Amendment No. 2 to Scope of Services for Tasks 9 through 11. Casey Farrell seconded and the motion was unanimously approved by roll call vote (**summary:** yes – 5). Yes: Debra Brynoff, Kelly Griesch, Casey Farrell and Wayne Kerber.

The minutes from the regular meeting held on January 13, 2021 were considered. Kelly Griesch moved to approve the minutes as amended. The motion was seconded by Casey Farrell and approved by a unanimous roll call vote (**summary:** yes – 4; abstain – 1) Yes: Debra Brynoff, Casey Farrell, Kelly Griesch and Wayne Kerber. Abstain: Nancy Stuart.

Next, the bills listing and financial reports were reviewed and discussed. Tammy Granger advised that the Independent Bank CD was renewed at .30 apy. Debra Brynoff moved to pay the bills and approve the financial reports. Nancy Stuart seconded and the motion was unanimously approved by roll call vote (**summary:** yes – 5). Yes: Debra Brynoff, Nancy Stuart, Casey Farrell, Kelly Griesch and Wayne Kerber.

The delinquency report was reviewed. Kelly Griesch moved to authorize staff to proceed with disconnection and collection proceedings on accounts 32000.2, 15232.2, 3710.2, 34300.1 and 43800.1. The motion was seconded by Casey Farrell and approved by unanimously roll call vote (**summary:**

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yes – 5). Yes: Debra Brynoff, Nancy Stuart, Casey Farrell, Kelly Griesch and Wayne Kerber.

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

-Fourth quarter metals tests were overlooked resulting in a violation. Hopper explained that these specific tests are reporting items only and not a monitored discharge parameter. CDPHE was very forgiving and requested a letter outlining a plan to assure future compliance. Hopper added that the District's new permit is more demanding and staff is working to make sure all requirements are met.

-Influent flows continue to be steady and the treatment plant is meeting treatment standards. Due to holiday and continued higher flows hauling by McDonald Farms continues to be utilized for solids disposal. Hopper hopes that a return to composting can be accomplished soon.

-Anue advised Hopper of an alarm received from the Sun system. The system had shut down due to low ambient temperature. It was determined that due to the natural gas line containing debris and ice, the heater in the container was inoperable. This malfunction led to discussion and some disagreement between Hopper and Sun representatives about warranty issues. The developer is repairing the gas line which supplies fuel to the Anue system heater and lift station generator. Further discussion was held regarding warranty issues. Hopper stated that Andrew Dixon from Wright Water Engineers has provided him with an e-mail chain to use for notification purposes.

-Electrical issues continue to be dealt with and Hopper is working on a plan to address weak areas.

Tammy Granger gave the Administrative Report as written. Fiscal Focus Partners will be on-site on February 23, 2021 to conduct the District's audit. Smith Creek Crossing has been advised that once a plant investment fee is purchased it is tied to the specific property listed on the Plant Investment Fee Agreement and shall not be transferred to a different lot/address.

In the attorney's report Rod McGowan advised that Grand County has not yet returned an executed Animal Shelter lease.

There being no further business to come before the Board it was duly moved by Nancy Stuart, seconded by Kelly Griesch and unanimously carried by roll call vote (**summary:** yes – 5) that the meeting stand adjourned at 8:15 p.m. Vote: Yes: Debra Brynoff, Nancy Stuart, Casey Farrell, Kelly Griesch and Wayne Kerber.

  
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Casey Farrell, Secretary