

**MINUTES OF ACTION
OF THE
BOARD OF DIRECTORS
GRANBY SANITATION DISTRICT
Acting by and through its Wastewater Activity Enterprise
July 8, 2020**

Due to the COVID-19 virus the regular board meeting was held using zoom.us (ID 916 1192 3339). The regular meeting of the Board of Directors of the Granby Sanitation District was duly called to order via zoom.us on Wednesday, July 8, 2020, at 7:00 p.m. by President, Wayne Kerber. Present were Board members Wayne Kerber, Debra Brynoff, Kelly Griesch and Casey Farrell. The absence of Nancy Stuart was excused by the Board. Also, in attendance were District Administrator, Tammy Granger; Operations Superintendent, Andrew “Hopper” Becker; the District’s attorney Rod McGowan Josh Hardy and Erik Mogensen.

The first item on the agenda was discussion regarding an employee request for interpretation and application of the District’s personnel rules. Rod McGowan advised that the employee has the right to request discussion in an open session but the employee had requested an executive session. This request was confirmed by the employee. Casey Farrell moved to enter executive session for the purpose of considering personnel matters pursuant to C.R.S. Section 24-6-402(4)(f) and to confer with the District’s attorney for the purpose of receiving legal advice on specific legal questions pursuant to C.R.S. Section 24-6-402(4)(b), concerning staff members of the Granby Sanitation District with Hopper Becker, Tammy Granger, Rod McGowan and Josh Hardy in attendance. The motion was seconded by Kelly Griesch and unanimously approved by roll call vote (**summary:** yes – 4). Yes: Debra Brynoff, Kelly Griesch, Casey Farrell and Wayne Kerber.

Casey Farrell moved to exit executive session, Kelly Griesch seconded and the motion was unanimously approved by roll call vote (**summary:** yes – 4). Yes: Debra Brynoff, Kelly Griesch, Casey Farrell and Wayne Kerber. Josh Hardy left at this time.

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

The minutes from the regular meeting held on June 10, 2020 were considered. Debra Brynoff moved

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to approve the minutes as written. The motion was seconded by Kelly Griesch and approved by a majority of a roll call vote (**summary:** yes – 4). Yes: Debra Brynoff, Kelly Griesch, Casey Farrell and Wayne Kerber.

Next, the bills listing and financial reports were reviewed and discussed. Kelly Griesch moved to pay the bills and approve the financial reports. Casey Farrell seconded and the motion was unanimously approved by roll call vote (**summary:** yes – 4). Yes: Debra Brynoff, Kelly Griesch, Casey Farrell and Wayne Kerber.

The delinquency report was reviewed. There was no action taken on delinquencies this month. After discussion Casey Farrell moved to direct staff to proceed with the assessment of penalty and interest charges and collection and disconnection proceedings beginning with the third quarter, 2020 billing period. The motion was seconded by Debra Brynoff and approved by a unanimous roll call vote (**summary:** yes – 4). Yes: Debra Brynoff, Kelly Griesch, Casey Farrell and Wayne Kerber.

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

- The plant is experiencing high flows.
- Continue to deal with River Run Ranch RV and Smith Creek Crossing issues on a daily basis.
- A second treatment train has been placed into operation.
- The District's engineer has been contacted in regards to an issue observed with aeration basin #4.
- Staff has started collection system inspection.
- Joe Starika continues to work as a laborer on a part-time, temporary basis until a full-time laborer can be hired.

Erik Mogensen and Amy Jones joined the meeting at this time and, as part of public comment, Mr. Mogensen introduced himself and Amy Jones, noting that they are not attorneys, are not speaking on the advice of attorneys but that that could change. He requested that the Board consider his application for a building permit for a remodel of the building at 21 Ten Mile Drive in Granby. It was noted that there had been an extensive exchange of e-mail correspondence between staff and Mr. Mogensen and the District Administrator had provided him with a breakdown of the calculation of the additional plant investment fees that would need to be paid prior to approval of the building permit application, due to the proposed changes in the use of the facility as demonstrated by the building permit submission. That calculation showed that an additional plant investment fee of \$3,315.00 (.39 single-family equivalent) is owed for the proposed conversion of warehouse space and addition of offices, conference area and storage space. After further discussion, it was noted that there was no item on the agenda regarding this matter and the Board was not in a position to take any action on the matter. Mr. Mogensen was advised to make a request to be put on the agenda for the next meeting if he and staff were unable to agree upon the plant investment fee assessment.

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Tammy Granger gave the Administrative Report as written. In regards to the matter of vacation accrual and permitted carryover the Board was informed that due to the work demands dealing with development projects and overall workload there are staff members that may experience forfeiture of accrued vacation leave. After discussion Casey Farrell moved to waive the maximum carryover limits of vacation leave accrual until the August 12, 2020 meeting at which time the matter will be further discussed. The motion was seconded by Kelly Griesch and unanimously approved by unanimous roll call vote (**summary:** yes – 4). Yes: Debra Brynoff, Kelly Griesch, Casey Farrell and Wayne Kerber.

The District Administrator addressed Mr. Mogensen's complaint that review of his building permit application was untimely. She explained the delay was the result of a death in her family.

In the Attorney's report Rod McGowan advised that the Second Amendment to Assumption Agreement Between Granby Sanitation District and Sun River Run Ranch RV LLC (Phase 1 Sewer Infrastructure) has been drafted to document the issues discussed and agreed upon at the June 10, 2020 meeting. Rod advised that a current commitment for title insurance and, if applicable, execution of any releases or subordinations of any liens that would have priority over this Amendment need to be submitted to the District as a condition of the District's approval of the Amendment. It was noted that consultant fees through June 30, 2020 have been paid and an extension of the Letter of Credit had been received. Debra Brynoff moved to approve the Second Amendment to Assumption Agreement Between Granby Sanitation District and Sun River Run Ranch RV LLC (Phase 1 Sewer Infrastructure) be approved and the appropriate officers of the District be authorized to execute the Second Amendment upon receipt an executed original of the Second Amendment by Sun River Run Ranch RV LLC and Sun Smith Creek Crossing LLC. Rod McGowan added that Cameron Grant felt that a 30-day time frame to satisfy the conditions in Article 1.0 would be sufficient. Debra Brynoff amended her motion to include the 30-day timeframe to Section 1.2. Casey Farrell seconded and the motion was approved unanimously by roll call vote (**summary:** yes – 4). Yes: Debra Brynoff, Kelly Griesch, Casey Farrell and Wayne Kerber.

In regards to the Petition for Inclusion submitted by Carl Borgstrom Rod informed the Board that there are easements needing to be procured from Sun Smith Creek Crossing and the Town of Granby to provide access from the Smith Creek Crossing infrastructure to Carl's property. In addition, Smith Creek Crossing wastewater infrastructure is not yet completed and as a result of these issues Rod had discussed with Carl the possibility of delaying action on his Petition or withdrawing it until these matters are resolved. Mr. Borgstrom would like to postpone consideration of his Petition at this time.

Rod will provide a legislative update at the August meeting.

In other business, Erik Mogensen stated that the passing of the District Administrator's father was a legitimate excuse for the delay and offered condolences.

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There being no further business to come before the Board it was duly moved by Kelly Griesch, seconded by Casey Farrell and unanimously carried by roll call vote (**summary:** yes – 4) that the meeting stand adjourned at 9:00 p.m. Vote: Yes: Debra Brynoff, Kelly Griesch, Casey Farrell and Wayne Kerber.



Casey Farrell, Secretary