

Deborah K Hess is inviting you to a scheduled Zoom meeting.

Topic: BOT MEETING - 4 26 2022

Time: Apr 26, 2022 06:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83030271632?pwd=dEZUSS95QmFJMIJoVE1vYlp5eXg4UT09>

Meeting ID: 830 3027 1632

Passcode: 368572

One tap mobile

+13462487799,,83030271632#,,,,\*368572# US (Houston)

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Meeting ID: 830 3027 1632

Passcode: 368572

Find your local number: <https://us02web.zoom.us/j/83030271632>

**The scheduled public hearing is a quasi-judicial hearing; therefore, no comments will be taken by Zoom. You may listen to the hearing – but no participation will be allowed using Zoom. You may attend the meeting in person to participate.**

## TOWN OF GRANBY

### AGENDA

APRIL 26 2022

TOWN HALL, ZERO JASPER AVENUE, GRANBY, CO

#### **DINNER TO BE SERVED TO THE BOARD AND STAFF**

**5:00 PM**

**MAYOR HARDY TO CALL THE REGULAR MEETING OF THE TOWN OF GRANBY BOARD OF TRUSTEES TO ORDER AT THE TOWN HALL, ZERO JASPER AVENUE**

(Pledge of Allegiance. Any Board member with any potential conflicts of interest regarding any of the agenda matters will declare them at this time.)

**UNSCHEDULED PUBLIC COMMENTS – COMMENTS ARE LIMITED TO 3 MINUTES**

(This time is reserved for members of the public to make a presentation to the Board on items or issues that are not scheduled on the agenda. The Board will not discuss/debate these items, nor will the Board make any decisions on items presented during this time, rather, the Board will refer the items to staff for follow up.)

**6:00 PM**

**(1) PUBLIC HEARING FOR DISCUSSION AND POSSIBLE APPROVAL OF A RESOLUTION APPROVING AN EXTENSION OF A CONDITIONAL USE PERMIT FOR A WASTE TRANSFER STATION SUBJECT TO CONDITIONS (WASTE CONNECTIONS OF COLORADO, INC. DBA THE TRASH COMPANY) – THE APPLICANTS ASKED TO HAVE THIS ITEM CONTINUED TO THE MAY 10, 2022 BOT MEETING / TOWN MANAGER**

**6:00 PM**

**(2) DISCUSSION ON THE SUN TAX SHARE-BACK AGREEMENT / TOWN MANAGER**

**6:10 PM**

**(3) DISCUSSION AND POSSIBLE APPROVAL OF THE FIRST AMENDMENT TO THE OMNIBUS DEVELOPMENT AGREEMENT EXTENDING THE CONTINGENCY DATE / TOWN MANAGER**

**6:20 PM**

**(4) DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2022-04-26\_\_, A QUALIFYING RESOLUTION RELEASING RECORDED SALES RESTRICTION FOR LOTS 50, 51, AND 53, GRANBY RANCH FILING NO. 6 AND LOTS 1, 2, 5, 14, 16 AND 20-24, GRANBY RANCH FILING NO. 10 / TOWN MANAGER**

**6:30 PM**

**(5) DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2022-04-26 \_\_, A  
RESOLUTION OF THE BOARD OF TRUSTEES REPEALING RESOLUTION 2020-05-26 /  
TOWN MANAGER  
6:40 PM**

**(6) DISCUSSION AND POSSIBLE APPROVAL OF AN IMPROVEMENTS AGREEMENT  
FOR THE VILLAGE AT BUCKHORN P1 – HIGH COUNTRY DEVELOPMENT, LLC /  
TOWN MANAGER  
6:50 PM**

**(7) DISCUSSION AND APPROVAL OF THE HIGHWAY 40 WORKFORCE HOUSING  
LAYOUT / TOWN MANAGER  
7:00 PM**

**(8) DISCUSSION AND APPROVAL OF THE HIGHWAY 40 WORKFORCE HOUSING  
DEED RESTRICTION CONSULTANT / TOWN MANAGER  
7:10 PM**

**(9) UPDATE AND DISCUSSION ON THE HIGHWAY 40 TRAIL / TOWN MANAGER  
7:20 PM**

**(10) DISCUSSION ON THOMPSON ROAD / TOWN MANAGER  
7:30 PM**

**(11) DISCUSSION ON PAC WEBSITE / TOWN MANAGER  
7:40 PM**

**(12) HOUSING AUTHORITY BOARD APPOINTMENT / TOWN MANAGER  
7:50 PM**

**(13) CONSENT AGENDA  
8:00 PM**

**(The items listed under “Consent Agenda” are a group of items to be acted on with a single motion and vote. This agenda is designed to expedite the handling of limited routine matters by the Board. The Board has received the information on these matters in their Board packets prior to the meeting. The Mayor will ask if any citizen wishes to have any specific item discussed. A Board member may request that an item be removed from the Consent Agenda on behalf of a citizen or himself and will state when the item will be discussed in the meeting or tabled to another meeting. The removal of an item will require a second and a majority vote of the Board to be removed. Items on the consent agenda are then voted on by a single motion, second, and non-roll call vote.)**

**MOTION TO ADOPT ACCOUNTS PAYABLE FOR APRIL 26, 2022**

**MOTION TO APPROVE MINUTES FROM MARCH 22 AND APRIL 12, 2022**

**(14) COMMITTEE & STAFF UPDATES / REPORTS  
8:05 PM**

**Administrative / Mayor Hardy, Mayor Pro-Tem Shaw, Trustee Quesada**

**Economic Development / Trustee DeLay**

**Public Safety / Trustee Quesada**

**Public Works / Trustee Michalowski**

**Recreation / Trustee Raible**

**Water / Trustee VACANT**

**Town Manager Ted Cherry’s Report and/or Update**

**Mayor Joshua Hardy’s Update**

**Town Attorney Krob’s Update**

**MEETING TO ADJOURN  
8:20 PM**

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**Any matter may be taken up at any time during the meeting EXCEPT DURING PUBLIC HEARINGS WHICH ARE TIME SENSITIVE. Items on the agenda are approximate and intended as a guide for the Town Board. “Estimated Time” is subject to change, as is the order of the agenda except for PUBLIC HEARING TIMES AND ORDER. Anyone wishing to attend the meeting and needs special accommodations, please contact the Town Clerk prior to the meeting. For deadlines and information required to schedule an item on the agenda, please contact Deb Hess, CMC, Town Clerk, at 970-887-2501 ext. 201.**



**TOWN OF GRANBY, COLORADO  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES  
APRIL 26, 2022**

**PRESENT:** Mayor Joshua Hardy, Mayor Pro Tem Deborah J.K. Shaw, Trustee Nick Raible, Trustee Kristie DeLay, Trustee Chris Michalowski, Trustee Rebecca Quesada. **Resigned:** Trustee David Sardinta.

**STAFF PRESENT:** Town Manager Ted Cherry, Town Attorney Nathan Krob, Police Chief Dave Shaffer, Finance Director Sharon Spurlin, and Town Clerk Deborah K. Hess, who recorded this meeting.

Minutes are a summary. **Note:** This meeting was held using Zoom and in person. Since it is very difficult to understand those who appear by Zoom, meeting recordings are available on the Town's website.

**NOTE:** The scheduled public hearing was quasi-judicial, therefore no comments were taken by Zoom. Participants could listen to the meeting using zoom, but if they wanted to comment, they needed to attend in person. The minutes are somewhat verbatim during the public hearing portion of the meeting.

**TIME:** 5:00 PM – DINNER  
6:00 PM – BOT MEETING

**BY:** Mayor Joshua Hardy

**LOCATION:** Town Hall, Zero Jasper Avenue

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**MEETING CALLED TO ORDER**

**6:00 PM**

Hardy called the meeting to order. Everyone said the Pledge of Allegiance. There were no conflicts of interest.

**UNSCHEDULED PUBLIC COMMENTS – COMMENTS ARE LIMITED TO 3 MINUTES**

**6:01 PM**

Hardy asked if there were any unscheduled public comments. There were none.

**PUBLIC HEARING FOR DISCUSSION AND POSSIBLE APPROVAL OF A RESOLUTION APPROVING AN EXTENSION OF A CONDITIONAL USE PERMIT FOR A WASTE TRANSFER STATION SUBJECT TO CONDITIONS (WASTE CONNECTIONS OF COLORADO, INC. DBA THE TRASH COMPANY) – THE APPLICANTS ASKED TO HAVE THIS ITEM CONTINUED TO THE MAY 10, 2022 BOT MEETING / TOWN MANAGER**

**6:01 PM**

Hardy opened the public hearing. There were no comments at which time he closed the public hearing and asked for a continuation of the hearing.

DeLay moved to continue the public hearing to Tuesday, May 10, 2022. Quesada seconded. All yes; Sardinta resigned.

**DISCUSSION ON THE SUN TAX SHARE-BACK AGREEMENT / TOWN MANAGER**

**6:03 PM**

Hardy introduced the agenda item.

Cherry said there were discussions at a previous meeting. He gave the Board a copy of the Sun Agreement and explained the agreement to the Board.

Raible said we already have an agreement in place.

Cherry said there were some questions from the previous meeting.

DeLay asked if the agreement could be amended.

Krob said yes but it would require further discussions with Sun, but it can be amended.

## **COMMITTEE & STAFF UPDATES / REPORTS**

**6:05 PM**

**Administrative / Mayor Hardy, Mayor Pro-Tem Shaw, Trustee Quesada**  
Shaw, Hess and Spurlin had nothing to report.

**Economic Development / Trustee DeLay**

DeLay gave a county housing update.

Lauren Huber said there is a lot of construction happening in the downtown area using the construction grants including six businesses that are being worked on.

**Public Safety / Trustee Quesada**

Quesada said the new vehicles are arriving and then will need to be outfitted. An arrest warrant was obtained for the hit & run at 3<sup>rd</sup> and Agate Avenue where there was damage to Town property and another owner's property.

**Public Works / Trustee Michalowski**

Michalowski had no update.

**Recreation / Trustee Raible**

Raible said the new recreation calendar is out and the rec department is looking for a part-time person for the summer.

**Water / Trustee VACANT**

Cherry said we have water.

**Town Manager Ted Cherry's Report and/or Update**

Cherry said Lauren Huber and he will be attending a meeting in Silverthorne next week.

**Mayor Joshua Hardy's Update**

Hardy said he had nothing to report.

**Town Attorney Krob's Update**

Krob said the Board has until June 11 to appoint a new trustee to fill Sardinta's position. He discussed the Unicum Litigation and the Reclamation Ridge Litigation with the Board.

## **CONSENT AGENDA**

**6:12 PM**

**MOTION TO ADOPT ACCOUNTS PAYABLE FOR APRIL 26, 2022**

Hardy asked if there were any questions.

Quesada moved to approve the Accounts Payable as presented. Shaw seconded. Roll Call vote was all yes; Sardinta resigned.

**MOTION TO APPROVE MINUTES FROM MARCH 22 AND APRIL 12, 2022**

Hardy introduced the minutes.

Raible moved to approve the minutes as presented. Shaw seconded. All yes; Sardinta resigned.

Huber said that last month they were nominated for an award and did receive the Governor's Reward for the East Troublesome Fire presentation.

DeLay said that Destination Granby's Board met, did some strategic planning and will be releasing their 2022-2025 goals soon.

Cherry said that the Parks Department is beginning to do dirt work in Polhamus Park.

**DISCUSSION AND POSSIBLE APPROVAL OF THE FIRST AMENDMENT TO THE  
OMNIBUS DEVELOPMENT AGREEMENT EXTENDING THE CONTINGENCY DATE /  
TOWN MANAGER**

**6:19 PM**

Hardy introduced the agenda item.

Krob explained the amendment to the Board.

After discussion, Raible moved to approve the First Amendment as presented. Quesada seconded. All yes; Sardinta resigned.

**BREAK**

**6:22 PM**

**BACK IN SESSION**

**6:23 PM**

**UPDATE AND DISCUSSION ON THE HIGHWAY 40 TRAIL**

**6:23 PM**

Cherry explained doing the second part of the trail to Thompson Road to the Board.

The discussion was on the following: estimated \$1.76 million to finish the trail, there currently is \$1.57 million in the budget, Cherry put in for a grant to help cover the cost of the trail, SGM thinks the numbers will be OK through 2023, and he would like direction from the Board on how to proceed.

Raible said the longer the wait, the more construction costs will continue to rise.

Discussion continued: it should take a couple of months to do the work, adding this to next year's budget, some of the Board would like to see this finished sooner than later, and we are currently short \$200,000.

It was agreed by the Board to wait and see what kind of funding from grants the Town can get.

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2022-04-26A, A QUALIFYING RESOLUTION RELEASING RECORDED SALES RESTRICTION FOR LOTS 50, 51, AND 53, GRANBY RANCH FILING NO. 6, AND LOTS 1, 2, 5, 14, 16, AND 20-24, GRANBY RANCH FILING NO. 10 / TOWN MANAGER**

**6:30 PM**

Hardy introduced the agenda item.

Krob explained the resolution to the Board.

There were no questions from anyone.

DeLay moved to approve Resolution 2022-04-26A as presented. Quesada seconded. Roll Call vote was all yes; Sardinta resigned.

**DISCUSSION ON THOMPSON ROAD / TOWN MANAGER**

**6:32 PM**

Hardy introduced the agenda item.

Cherry explained the situation to the Board.

There was discussion on the following: Estimate was \$1.5 million to redo that stretch of Thompson Road which was not budgeted for, the amount would be split between the Town and the GEGID, there would be an RFP to do the road, engineering could be done by the middle of May and bids could be received by June, get the road done sooner than later, this would take priority over the trail as there is an economic impact for the Town because of City Market, maybe push this out to next year to 2023, Thompson Road is still not the Town's road, the road was not constructed properly, we have a public works manual on how to construct a road in a much better manner, a special assessment may be necessary, City Market and the gas station are not charged HOA dues, the annual assessment for the SDF has been decreasing and could that be increased, it depends on the wording of the document that created the SDF, there have been conversations with the auditor about using those funds for road improvements, it can come back if the Board wants more information, we can run the financials if we can move forward with the bid which would be helpful, the Board asked Spurlin to do an analysis of the funds, City Market does pay a portion of property tax and system development fees, the SDF is usually raised in December, and to go out for bid through SGM.

David Hall, GEOA President, presented his understanding and that there is an agreement between the Town and Grand Elk Developers which he turned over to Cherry. The Grand Elk Residents don't believe they should be the ones to rehabilitate the road.

After discussion, the Board agreed to have Cherry get bids and then go from there.

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2022-04-26B, A  
RESOLUTION OF THE BOARD OF TRUSTEES REPEALING RESOLUTION 2020-05-26 /  
TOWN MANAGER**

**6:57 PM**

Hardy introduced the agenda item.

Krob explained the resolution to the Board.

Quesada moved to approve Resolution 2022-04-26B as presented. Shaw seconded. All yes; Sardinta resigned.

**DISCUSSION AND POSSIBLE APPROVAL OF AN IMPROVEMENTS AGREEMENT FOR  
THE VILLAGE AT BUCKHORN P1 – HIGH COUNTRY DEVELOPMENT, LLC / TOWN  
MANAGER**

**6:58 PM**

Hardy introduced the agenda item.

Cherry explained the document to the Board.

After discussion by the public and the Board, Raible moved to approve the agreement as presented. She seconded. All yes. Sardinta resigned.

**DISCUSSION AND APPROVAL OF THE HIGHWAY 40 WORKFORCE HOUSING  
LAYOUT / TOWN MANAGER**

**7:10 PM**

Hardy introduced the agenda item.

Cherry presented a printout to the Board which was also in the packet and went through the presentation with the Board.

After discussion, Michalowski moved to approve the layout. DeLay seconded. All yes. Sardinta resigned.

**DISCUSSION AND APPROVAL OF THE HIGHWAY 40 WORKFORCE HOUSING DEED  
RESTRICTION CONSULTANT / TOWN MANAGER**

**7:30 PM**

Hardy introduced the agenda item.

Cherry explained this item to the Board.

After discussion, DeLay moved to approve hiring the consultant as presented not to exceed \$36,500. Raible seconded. All yes. Sardinta resigned.

**BREAK**

**7:45 PM**

**BACK IN SESSION**

**7:53 PM**

**CONTINUED DISCUSSION ON THE UPDATE AND DISCUSSION ON THE HIGHWAY 40  
TRAIL / TOWN MANAGER**

**7:53 PM**

Cherry continued the earlier discussion with the Board as Dan Coakley from SGM was on the line at this time.

Discussion continued on the following: 60-90 days turnaround time for the trail to be completed,

what current equipment do we have to plow the trail, plans have been into CDOT for review for a couple of weeks but there have been no significant comments, Cherry asked for direction if the Board wanted to start the bid process or wait until we have more funding sources, Hardy asked that we wait and move this to 2023, the Board talked about the construction timeline, contacting Kroeger again about them helping with the Thompson Road Repairs which Cherry will try to speak with someone at Kroeger, budget and contingency, and maybe doing this in the shoulder season to be done by Mid-October.

Raible moved to authorize SGM for a not to exceed the amount of \$15,000 to work on the bidding process. Quesada seconded. Roll Call vote: all yes. Sardinta resigned.

**DISCUSSION ON PAC WEBSITE / TOWN MANAGER**

**8:05 PM**

Hardy introduced the agenda item.

Cherry presented the information to the Board.

PAC members presented their three options to the Board which included \$325 per year to host the site.

After a lengthy discussion concerning Destination Granby taking in the money for events, Michalowski moved to approve Option 2 with the additional request for the Town to approve all content. Raible seconded. Roll Call vote: all yes except for Shaw and Hardy who were both no. Sardinta resigned.

**HOUSING AUTHORITY BOARD APPOINTMENT / TOWN MANAGER**

**8:40 PM**

Hardy introduced the agenda item.

Cherry explained the different ways to appoint a board member to the Housing Authority. After discussion, Cherry will reach out to find people interested in doing this position.

**MEETING ADJOURNED**

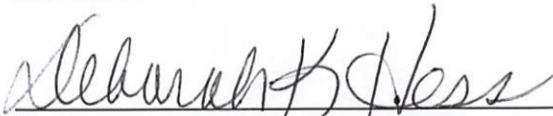
**8:52 PM**

DeLay moved to adjourn. Quesada seconded. All yes. Sardinta resigned.

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**BOARD OF TRUSTEES**

**ATTEST:**



Deborah K. Hess, CMC  
Town Clerk

  
Joshua Hardy  
Mayor