

KREMMLING SANITATION DISTRICT

200 Eagle Avenue
PO Box 538
Kremmling, CO 80459

(970) 724-3249
<https://www.kremmlingsd.org>

REGULAR BOARD MEETING

AGENDA

September 14, 2026

6:00 PM

Google Meet joining info:

Video call link: <https://meet.google.com/spv-mmmv-jtb>

Or dial: (US) +1 252-371-1068 PIN: 228 910 551#

1. CALL TO ORDER
2. PUBLIC COMMENT
No board action will be taken on issues raised during public comment. Please state your name for the record when called upon. Comments are limited to 5 minutes per person.
3. APPROVAL OF PREVIOUS MEETING MINUTES
 - a. Approval of minutes from the August 10, 2026, regular meeting
4. FINANCE
 - a. Approval of the August 11, 2026 – September 14, 2026, expenditure report
 - b. Discuss Colorado Retirement Association for Employee Retirement Benefit, Resolution 2026-09-01, Resolution Joining the Colorado Retirement Association
5. OPERATOR'S REPORT
 - a. Report on Compliance Labs and Plant Activity
 - b. Report on Reuse System and Septic Receiving Station
6. ENGINEER'S REPORT
Final Report on Collection System Improvement Project
7. MANAGER'S REPORTS
 - a. Status of Show Cause Hearing and Next Steps
 - b. Report on Kremmling Sunrise Inclusion
 - c. Discuss acquisition of certain tracts of land in K-Town North development
 - d. Discuss budget priorities for 2027 and assess Town of Kremmling's performance
8. ADJOURNMENT

KREMMLING SANITATION DISTRICT RECORD OF PROCEEDINGS

Regular Meeting Minutes

August 10, 2026

A regular meeting of the Board of Directors (Board) of the Kremmling Sanitation District (District) was held on August 10, 2026, at 6:00 PM at the Kremmling Town Hall, 200 Eagle Avenue, Kremmling, Colorado, and online using Google Meet. Links and call-in information were provided.

ATTENDANCE

Directors Present

Noble Underbrink, President
Dave Sammons, Vice President
Alan Hassler, Secretary/Treasurer
Stuart Heller, Assistant Secretary
Rory Menhennett, Assistant Secretary

Directors Absent

Stuart Heller, Assistant Secretary

Staff

Jack Seward, District Manager
Rich Rosene, Project Manager
Scott Weber, Superintendent
Joe Probst, Operator
Thom Yoder, Operator in Responsible Charge
Trista Petefish, Utility Billing Clerk

Public

None.

1. CALL TO ORDER

After notice was duly given and posted in accordance with Colorado law, the meeting was called to order by Mr. Underbrink at 6:01 PM.

2. PUBLIC COMMENT

Lilian Marcione, McMahan and Associates

3. APPROVAL OF MINUTES

Mr. Seward presented the minutes of the July 13, 2026, regular meeting.

Mr. Sammons made a motion to approve the minutes as presented. Mr. Hassler seconded the motion, which unanimously carried.

4. FINANCE

- a. Ms. Marcione, of McMahan and Associates, the District's auditor, presented the 2025 audit report. It was the auditors' opinion that the financial statements present fairly, in all material respects, the financial position of the District as of December 31, 2025. Ms. Marcione noted several material weaknesses that led to significant adjustments to the financial statements and recommended steps to prevent future misstatements.
- b. Mr. Seward presented the expenditure report dated July 14, 2026 – August 10, 2026.

Mr. Menhennett made a motion to (i) approve the expenditure report dated July 14, 2026 – August 10, 2026, in the amount of one hundred ninety-nine thousand six hundred forty-nine dollars and two cents (\$199,649.02) and (ii) authorize the payment of all accounts, including current payables, in conformance with budgetary appropriations. Mr. Sammons seconded the motion, which unanimously carried.

- c. Mr. Seward presented the budget-to-actuals report for July 31, 2026. Mr. Seward noted that the service fees were lower than expected, but noted that this is not creating an out-of-balance budget. All other items are falling as expected for the year. Discussion included overtime due to construction and cost of gas versus budgeted amounts.

5. OPERATOR'S REPORT

Mr. Weber presented the operator's report. Mr. Weber presented the reclaim water usage report noting that the majority of the water is being consumed by the Town for the parks. Mr. Weber reported that there was a violation with the pH dropping lower, but it is otherwise within normal compliance standards. Mr. Yoder and Mr. Weber will compose the violation letter for the state. Mr. Weber reported the septic receiving station is going well. Mr. Probst passed his small systems test and is officially an operator. Mr. Weber informed the Board that Mr. Probst will be leaving to return to school on August 17, 2026. Mr. Weber informed the Board of a tear in the pond liner, and he is working on repairing it. Mainline sewer cleaning will be completed before winter.

6. ENGINEER'S REPORT

- a. Mr. Seward provided an update on development activities, reporting that the K-Town North development has resubmitted their plans. Element Engineering has approved the construction drawings. Building permits for this project will be approved once tap fees are paid.
- b. Mr. Seward provided an update regarding the collection system project, discussing the completion of the project, the final payment, and use of the remaining funds.
- c. Mr. Seward informed the Board about the new Library District project that is currently in the process of planning their utility service.

7. MANAGER'S REPORT

- a. Mr. Seward presented Resolution 2026-08-01, a resolution adopting a safety policy, to the Board. Discussion included the need for the policy and what is included in the policy.

Mr. Hassler made a motion to adopt Resolution 2026-08-01, a resolution adopting a safety policy. Mr. Sammons seconded the motion which carried unanimously.

- b. Mr. Seward presented the inclusion agreement for My Family Trust, LLC. Mr. Hassler noted an error in the legal description of the property. Mr. Hassler made a motion to enter into the inclusion agreement with the property owner of the Antelope Outright Exemption, subject to legal due diligence as to the name of the owner and legal description being confirmed, and authorizes the President to sign the corrected agreement, and direct the manager to commence the public hearing process. Mr. Menhennett seconded the motion, which carried unanimously.
- c. Mr. Seward updated the Board that he has not received any additional information from counsel to FCAP Muddy Creek, LLC.

8. ADJOURNMENT

There being no further business to come before the Board, Mr. Underbrink adjourned the meeting at 7:11 PM.

The foregoing represents a true and accurate representation of the proceedings of the Board's regular meeting held on August 10, 2026



Jack Seward
Recording Secretary

Kremmling Sanitation District
Town of Kremmling

Payment Approval Report - Council Approval
Report dates: 8/11/2026-9/10/2026

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Report Criteria:

Invoices with totals above \$0.00 included.
Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Kremmling Sanitation Administration								
00-200-6025								
1171	RISER ACCOUNTING	2221	ACCOUNTING SERVICES 8/1/26	08/31/2026	94.35	.00		
Total 00-200-6025:					94.35	.00		
00-200-6065								
1173	ALPINE BANK	8/31/2026	COMPUTERS	08/31/2026	759.04	.00		
1173	ALPINE BANK	8/31/2026	MICROSOFT	08/31/2026	13.13	.00		
Total 00-200-6065:					772.17	.00		
00-200-6100								
1173	ALPINE BANK	8/31/2026	GC CLERK & RECORDER OTC	08/31/2026	44.73	.00		
1169	CEGR LAW	8/31/2026	ATTORNEY FEE	08/31/2026	375.50	.00		
Total 00-200-6100:					420.23	.00		
00-200-6180								
1088	TOWN OF KREMMLING	1059	AUG 26 SHARED SERVICES	09/01/2026	5,833.33	.00		
Total 00-200-6180:					5,833.33	.00		
00-200-6200								
1066	MOUNTAIN PARKS ELECTRIC I	8/21/2026	CONVENIENCE FEE	08/21/2026	2.00	.00		
Total 00-200-6200:					2.00	.00		
00-200-6250								
1173	ALPINE BANK	8/31/2026	MANDATORY REGULATORY TR	08/31/2026	50.00	.00		
Total 00-200-6250:					50.00	.00		
Total Administration:					7,172.08	.00		
Collections								
00-300-6060								
1096	COGENT COMPANIES	5685237	POND LINER PUMP REPAIR	08/27/2026	5,775.30	.00		
Total 00-300-6060:					5,775.30	.00		
00-300-6065								
1090	USA BLUEBOOK	INV01126199	REUSE CHLORINE PUMP REPAI	08/07/2026	966.90	.00		
Total 00-300-6065:					966.90	.00		
00-300-6078								
1048	IDEXX DISTRIBUTION INC	3209400129	WP 100I IRRADIATED COLILERT	09/03/2026	1,156.03	.00		
1069	NORTHWEST RANCH SUPPLY	8/25/2026	HARDWARE	08/25/2026	2.98	.00		
1090	USA BLUEBOOK	INV01147412	FLUORESCENT GREEN PAINT	08/31/2026	154.62	.00		
1100	WILLIAMS EQUIPMENT	22574	VAC TRUCK HOSE	08/25/2026	528.00	.00		

Kremmling Sanitation District
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Payment Approval Report - Council Approval
Report dates: 8/11/2026-9/10/2026

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 00-300-6078:					1,841.63	.00		
00-300-6082								
1012	CDPHE	WU271184808	ANNUAL FEE PERMIT COE0210	09/04/2026	1,210.00	.00		
1012	CDPHE	WU271185355	ANNUAL FEE PERMIT CO00484	09/04/2026	1,771.00	.00		
Total 00-300-6082:					2,981.00	.00		
00-300-6155								
1108	UTILITY NOTIFICATION CENTE	226080708	LOCATE SERVICES	08/31/2026	40.94	.00		
1108	UTILITY NOTIFICATION CENTE	STMT 119276	811 LOCATES	08/23/2026	13.24-	.00		
Total 00-300-6155:					27.70	.00		
00-300-6190								
1173	ALPINE BANK	8/31/2026	HACH CREDIT FOR RETURNED	08/31/2026	44.29-	.00		
1048	IDEXX DISTRIBUTION INC	3208080072	REUSE LABS	08/17/2026	432.70	.00		
1058	KREMMLING MERCANTILE LLC	01-132352	LAB D-I WATER	08/26/2026	10.90	.00		
1090	USA BLUEBOOK	INV01137300	LAB FOR REUSE	08/19/2026	85.05	.00		
1090	USA BLUEBOOK	INV01147648	TNT & AMMONIA TESTS	08/31/2026	295.78	.00		
1090	USA BLUEBOOK	INV01148215	ELECTRODE GEL FILLED & ST	08/31/2026	543.72	.00		
Total 00-300-6190:					1,323.86	.00		
00-300-6210								
1173	ALPINE BANK	8/31/2026	SUPPLIES	08/31/2026	106.34	.00		
1173	ALPINE BANK	8/31/2026	SUPPLIES	08/31/2026	35.58	.00		
1173	ALPINE BANK	8/31/2026	TOWER FAN	08/31/2026	43.17	.00		
1173	ALPINE BANK	8/31/2026	WORK GLOVES	08/31/2026	75.96	.00		
1173	ALPINE BANK	8/31/2026	RADIOS	08/31/2026	75.85	.00		
1059	K-TOWN NAPA	INV01126199	BRAKE PARTS CLEANER	08/07/2026	59.88	.00		
1131	MIDDLE PARK CONSERVATION	AUGUST 23, 2	GRASS SEED	08/23/2026	199.00	.00		
1069	NORTHWEST RANCH SUPPLY	8/25/2026	SANDING SUPPLIES	08/25/2026	21.77	.00		
1069	NORTHWEST RANCH SUPPLY	8/25/2026	FASTENERS	08/25/2026	1.12	.00		
1069	NORTHWEST RANCH SUPPLY	8/25/2026	PAINT THINNER	08/25/2026	19.49	.00		
1069	NORTHWEST RANCH SUPPLY	8/25/2026	BUG SPRAY FOR DODGE TRUC	08/25/2026	6.49	.00		
1069	NORTHWEST RANCH SUPPLY	8/25/2026	WASHERS FOR PULL BEHIND	08/25/2026	1.35	.00		
1135	SCOTT WEBER	9/4/2026	WORK SHIRTS	09/04/2026	70.39	.00		
1090	USA BLUEBOOK	INV01137384	SUPPLIES	08/19/2026	303.50	.00		
Total 00-300-6210:					1,019.89	.00		
00-300-6250								
1173	ALPINE BANK	8/31/2026	EMPLOYEE CWP TRAINING	08/31/2026	50.00	.00		
1173	ALPINE BANK	8/31/2026	EMPLOYEE CWP TRAINING	08/31/2026	50.00	.00		
1173	ALPINE BANK	8/31/2026	PSI WATER EXAM	08/31/2026	104.00	.00		
1173	ALPINE BANK	8/31/2026	PSI WASTEWATER EXAM	08/31/2026	104.00	.00		
1127	NOBLE UNDERBRINK	9/1/2026	REIMBURSE FOR NOSLE	09/01/2026	40.00	.00		
Total 00-300-6250:					348.00	.00		
00-300-6300								
1066	MOUNTAIN PARKS ELECTRIC I	8/21/2026	416 S 3RD ST	08/21/2026	58.62	.00		
1066	MOUNTAIN PARKS ELECTRIC I	8/21/2026	MCELROY SWR PMP	08/21/2026	46.56	.00		

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Town of Kremmling

Payment Approval Report - Council Approval
Report dates: 8/11/2026-9/10/2026

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 00-300-6300:					105.18	.00		
00-300-6310								
1014	CENTURY LINK	AUG. 19, 2026	970-724-9259 967B (PLANT PHO	08/19/2026	108.77	.00		
1066	MOUNTAIN PARKS ELECTRIC I	8/21/2026	345 MARTIN WAY BLOWERS	08/21/2026	5,613.43	.00		
1066	MOUNTAIN PARKS ELECTRIC I	8/21/2026	345 MARTIN WAY SEWER LAGO	08/21/2026	1,341.27	.00		
1091	VERIZON WIRELESS	6151015262	CELL PHONE	08/13/2026	103.63	.00		
1094	WASTE MANAGEMENT-HOT SU	496137	TRASH SERVICE	08/19/2026	445.84	.00		
1094	WASTE MANAGEMENT-HOT SU	497141	TRASH SERVICE	08/31/2026	451.34	.00		
1101	XCEL ENERGY	992894055	UTILITIES- NATURAL GAS	08/28/2026	58.63	.00		
Total 00-300-6310:					8,122.91	.00		
00-300-6320								
1173	ALPINE BANK	8/31/2026	FUEL	08/31/2026	36.19	.00		
1128	GRAND COUNTY COLORADO	INV06150	FUEL + FUEL SURCHARGE	09/01/2026	781.89	.00		
Total 00-300-6320:					818.08	.00		
00-300-6351								
1173	ALPINE BANK	8/31/2026	MOWER REPAIRS	08/31/2026	281.69	.00		
1059	K-TOWN NAPA	090246	WHEEL BEARING	08/20/2026	9.49	.00		
1059	K-TOWN NAPA	090482	OILS FOR VAC TRUCK	08/25/2026	140.28	.00		
1069	NORTHWEST RANCH SUPPLY	8/25/2026	BOLTS FOR PULL BEHIND	08/25/2026	1.00	.00		
Total 00-300-6351:					432.46	.00		
00-300-7000								
1167	FONES CONSTRUCTION LLC	7/31/2026 APP	2025 SYSTEM IMPROVMENTS-	07/31/2026	29,556.51	29,556.51	08/31/2026	
1167	FONES CONSTRUCTION LLC	COLLECTION	SYSTEM IMPROVMENTS APP #	07/23/2026	220,418.66	220,418.66	08/17/2026	
Total 00-300-7000:					249,975.17	249,975.17		
Total Collections:					273,738.08	249,975.17		
Total Kremmling Sanitation:					280,910.16	249,975.17		
Grand Totals:					280,910.16	249,975.17		

Kremmling Sanitation District
Town of Kremmling

Payment Approval Report - Council Approval
Report dates: 8/11/2026-9/10/2026

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
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Dated: _____

Treasurer: _____

District Manager: _____

Report Criteria:

Invoices with totals above \$0.00 included.

Paid and unpaid invoices included.

Kremmling Sanitation District

Budget Worksheet - JACK'S BUDGET WORKSHEET

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Town of Kremmling

Period 01/26 (01/31/2026) - 07/26 (07/31/2026)

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Report Criteria:

Includes all accounts

Includes grand totals

Account Number	Title	2026-26 Current year Actual	2026-26 Current year Budget	2026-26 Current year Remaining	2026-26 Current year Percent
Kremmling Sanitation					
Sanitation Revenue					
00-100-3000	GENERAL PROPERTY TAXES	54,508.04	59,249.00	4,740.96	92.00
00-100-3010	SPECIFIC OWNERSHIP TAXES	1,620.58	2,500.00	879.42	64.82
00-100-3100	TAP FEES	35,531.00	80,000.00	44,469.00	44.41
00-100-3200	SEWER CHARGES	396,427.41	847,740.00	451,312.59	46.76
00-100-3210	SEPTAGE RECEIVING STATION	25.00	.00	25.00-	.00
00-100-3400	PAYMENT FROM TOWN	.00	1,560.00	1,560.00	.00
00-100-3500	INTEREST EARNED	11,924.93	25,000.00	13,075.07	47.70
00-100-3550	MISCELLANEOUS INCOME	82.74	1,000.00	917.26	8.27
00-100-3600	GRANTS AND LOANS	202,787.86	136,835.00	65,952.86-	148.20
Total Sanitation Revenue:		702,907.56	1,153,884.00	450,976.44	60.92
Administration					
00-200-4000	SALARIES	592.00	.00	592.00-	.00
00-200-4005	DIRECTOR FEES	2,450.00	3,250.00	800.00	75.38
00-200-4010	PART-TIME SALARIES	18,245.00	29,484.00	11,239.00	61.88
00-200-4030	WORKERS COMPENSATION IN	3,044.00	3,044.00	.00	100.00
00-200-4050	RETIREMENT & TAXES	1,734.10	2,701.00	966.90	64.20
00-200-6025	ACCOUNTING	4,240.85	17,000.00	12,759.15	24.95
00-200-6050	DUES / SUBSCRIPTIONS	1,029.30	2,035.00	1,005.70	50.58
00-200-6055	DUES AND SUBSCRIPTIONS	.00	.00	.00	.00
00-200-6065	IT SERVICES	4,090.83	7,840.00	3,749.17	52.18
00-200-6075	CASUALTY INSURANCE	19,975.00	19,975.00	.00	100.00
00-200-6080	DEPOSIT REFUND	.00	.00	.00	.00
00-200-6090	INVESTMENT EXPENSE	199.75	.00	199.75-	.00
00-200-6100	LEGAL	11,468.00	15,000.00	3,532.00	76.45
00-200-6175	BUILDING REPAIRS - TOWN HA	1,260.00	12,000.00	10,740.00	10.50
00-200-6180	PAYMENT TO TOWN	34,999.98	58,140.00	23,140.02	60.20
00-200-6185	EMERGENCY RESERVE	.00	34,617.00	34,617.00	.00
00-200-6200	SUPPLIES AND EXPENSES	198.74	5,000.00	4,801.26	3.97
00-200-6250	TRAINING	104.00	.00	104.00-	.00
00-200-6285	TREASURER'S FEE	3,352.84	2,963.00	389.84-	113.16
00-200-6300	UTILITIES - TOWN HALL	106.45	2,256.00	2,149.55	4.72
Total Administration:		107,090.84	215,305.00	108,214.16	49.74
Collections					
00-300-4000	SALARIES	94,471.50	156,800.00	62,328.50	60.25
00-300-4010	PART-TIME SALARIES	24,873.00	56,280.00	31,407.00	44.20
00-300-4050	RETIREMENT & BENEFITS	46,053.74	58,395.00	12,341.26	78.87
00-300-4100	OVERTIME	14,370.75	11,230.00	3,140.75-	127.97
00-300-6060	LAGOON MAINTENANCE & REP	398.85	22,000.00	21,601.15	1.81
00-300-6065	REUSE MAINTENANCE & REPAI	1,445.46	15,160.00	13,714.54	9.53
00-300-6078	COLLECTION MAINT & REPAIR	7,761.42	37,100.00	29,338.58	20.92
00-300-6082	DISCHARGE & REUSE PERMIT	.00	6,500.00	6,500.00	.00
00-300-6155	ENGINEERING & TECHNICAL S	6,401.86	10,000.00	3,598.14	64.02
00-300-6190	LAB TESTS & SUPPLIES	7,437.33	13,865.00	6,427.67	53.64
00-300-6210	GENERAL SUPPLIES	2,762.61	5,000.00	2,237.39	55.25
00-300-6250	TRAINING	1,997.78	6,000.00	4,002.22	33.30

Kremmling Sanitation District
Town of Kremmling

Budget Worksheet - JACK'S BUDGET WORKSHEET
Period 01/26 (01/31/2026) - 07/26 (07/31/2026)

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Account Number	Title	2026-26 Current year Actual	2026-26 Current year Budget	2026-26 Current year Remaining	2026-26 Current year Percent
00-300-6300	UTILITIES-LIFT STATIONS	754.79	1,386.00	631.21	54.46
00-300-6310	UTILITIES-LAGOONS & REUSE	56,052.78	119,676.00	63,623.22	46.84
00-300-6320	VEHICLES - FUEL	3,234.29	5,000.00	1,765.71	64.69
00-300-6351	VEHICLES-REPAIRS	6,049.29	5,000.00	1,049.29-	120.99
00-300-6400	CHEMICALS	8,821.87	17,445.00	8,623.13	50.57
00-300-6520	DAMAGE CLAIMS	.00	500.00	500.00	.00
00-300-7000	CAPITAL IMPROVEMENTS	368,426.44	390,520.00	22,093.56	94.34
00-300-7001	CAPITAL IMPROVEMENT RESE	.00	172,000.00	172,000.00	.00
Total Collections:		651,313.76	1,109,857.00	458,543.24	58.68
Kremmling Sanitation Revenue Total:		702,907.56	1,153,884.00	450,976.44	60.92
Kremmling Sanitation Expenditure Total:		758,404.60	1,325,162.00	566,757.40	57.23
Total Kremmling Sanitation:		55,497.04-	171,278.00-	115,780.96-	32.40
Grand Totals:		55,497.04-	171,278.00-	115,780.96-	32.40

KREMMLING SANITATION DISTRICT

RESOLUTION 2026-09-01

RESOLUTION JOINING THE COLORADO RETIREMENT ASSOCIATION

WHEREAS, the Kremmling Sanitation District (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado, located in the County of Grand, Colorado, and is a duly organized and existing special district pursuant to C.R.S. § 32-1-101 *et seq.*

WHEREAS, the Board of Directors (the “Board”) may appoint, hire, and retain agents, employees, engineers, and attorneys pursuant to C.R.S. § 32-1-1001(1)(j).

WHEREAS, it has been determined to be in the best interest of the employees of the District to provide for the retirement of employees under certain terms and conditions.

WHEREAS, the Board finds and determines that by to joining the Colorado Retirement Association, with multiple counties, municipalities, and political subdivisions in Colorado joining together to adopt a retirement system, it lowers individual costs and thereby saves taxpayers’ money and employees’ money.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Kremmling Sanitation District as follows that effective October 5, 2026, the District hereby elects to join the Colorado Retirement Association, providing access to their 401(a) Money Purchase Pension Plan and 457(b) Deferred Compensation plan and directs the District Manager to execute all documents necessary to effect such membership.

ADOPTED by the Board this 14th day of September 2026.

KREMMLING SANITATION DISTRICT

By: _____
Noble Underbrink
President

ATTEST:

Alan N. Hassler
Secretary

KREMMLING SANITATION DISTRICT

SEPT 14TH 2026

OPERATORS REPORT

Septic receiving station update.

Mainline sewer jetting and cleaning started 8-28-26

Pond liner issue update

Joe testing results

August compliance labs results

August plant performance

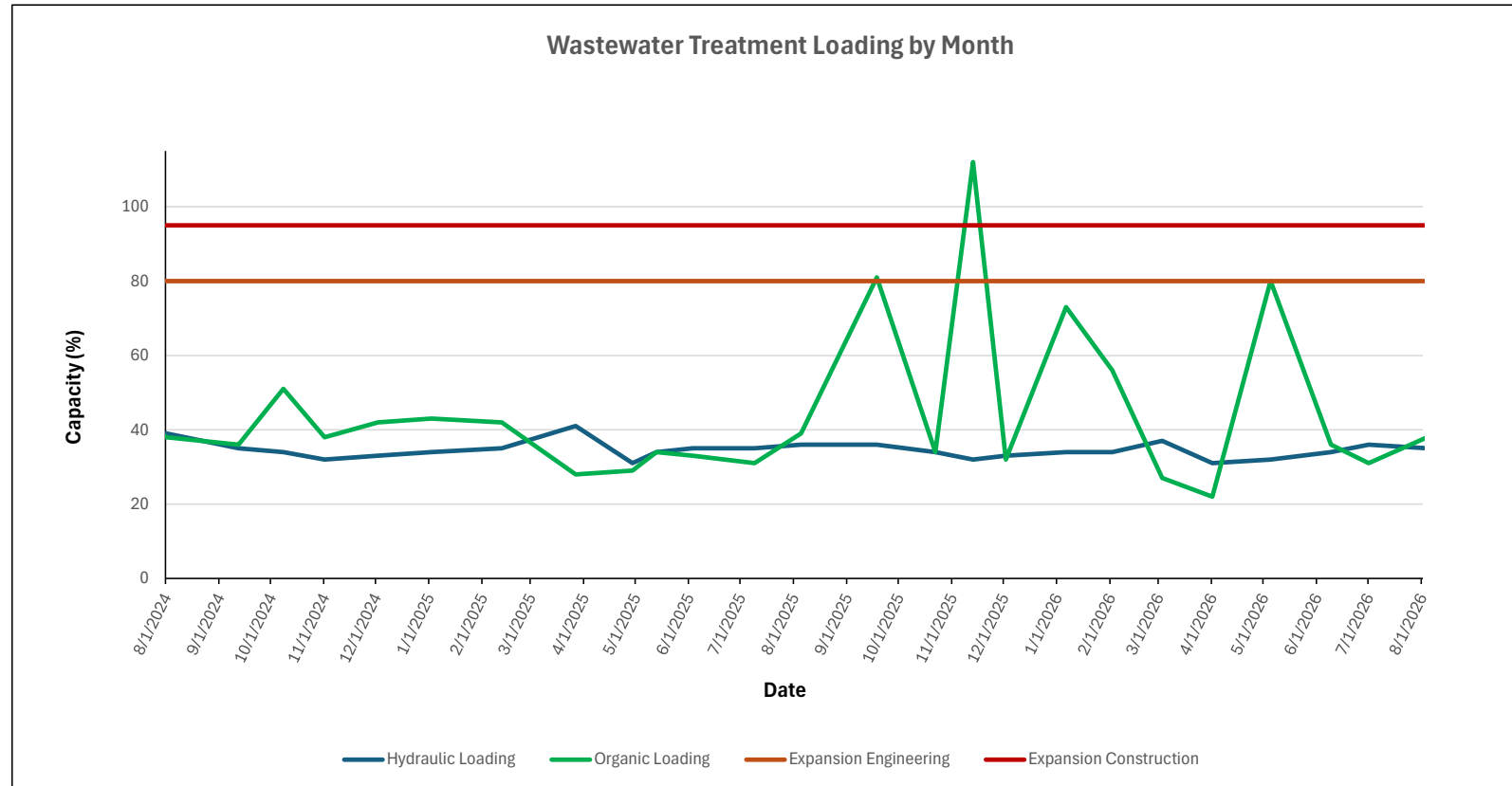
September compliance labs collected 9-2-26

Reclaim water usage

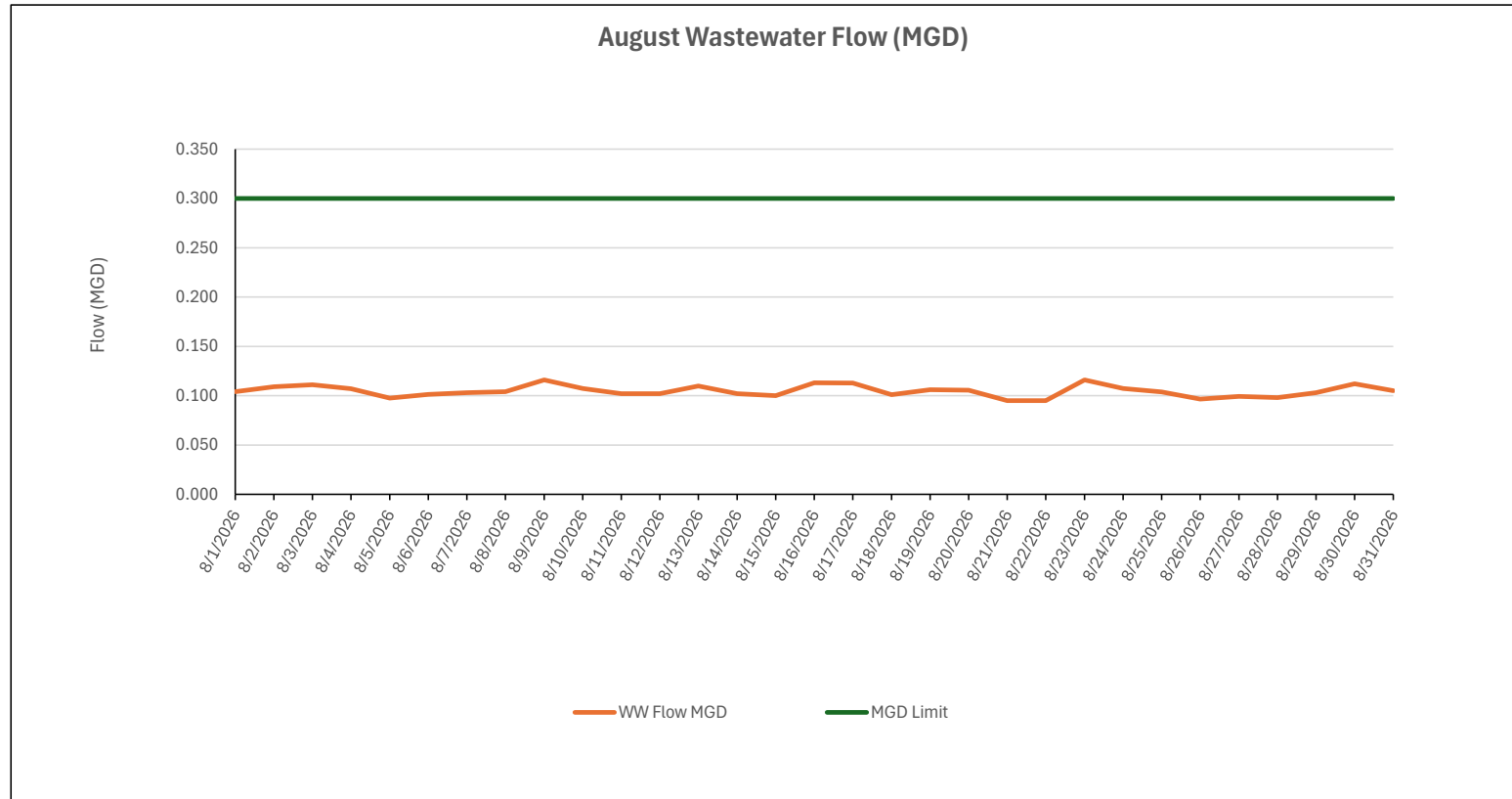
CDOT lift station generator service and walk through 9-3-26

August 2026 Wastewater Performance

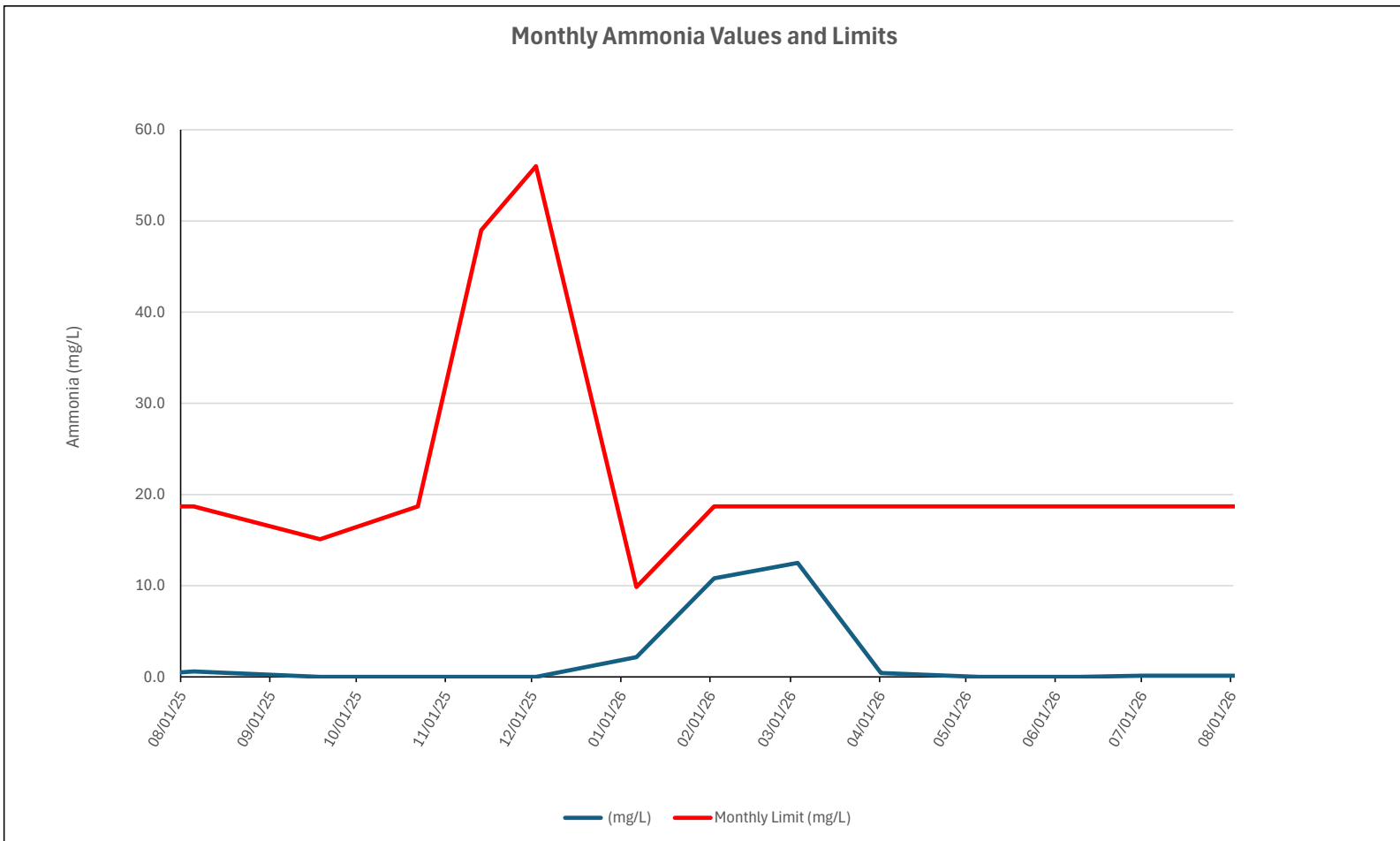
Sample date: 8/4/26

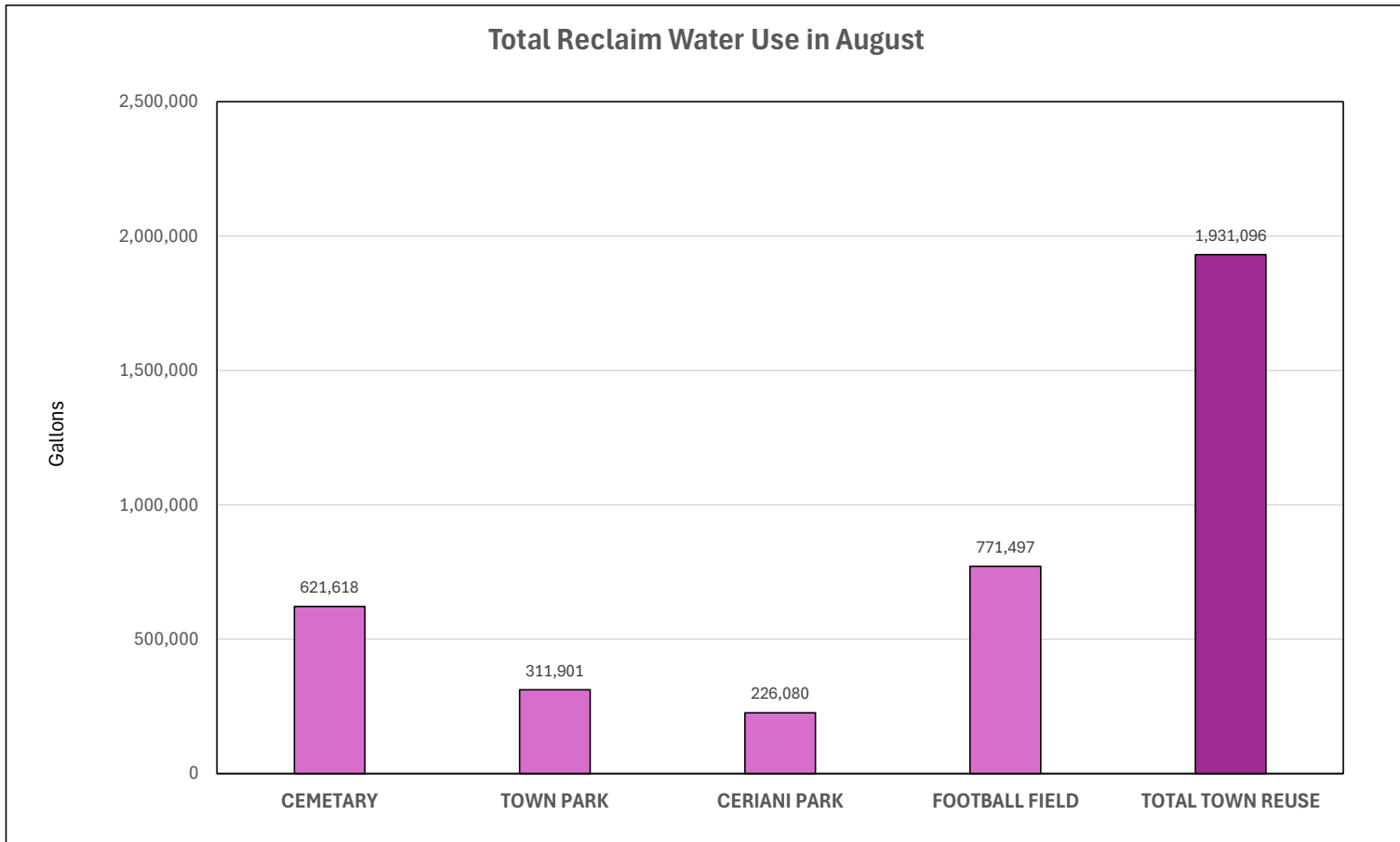


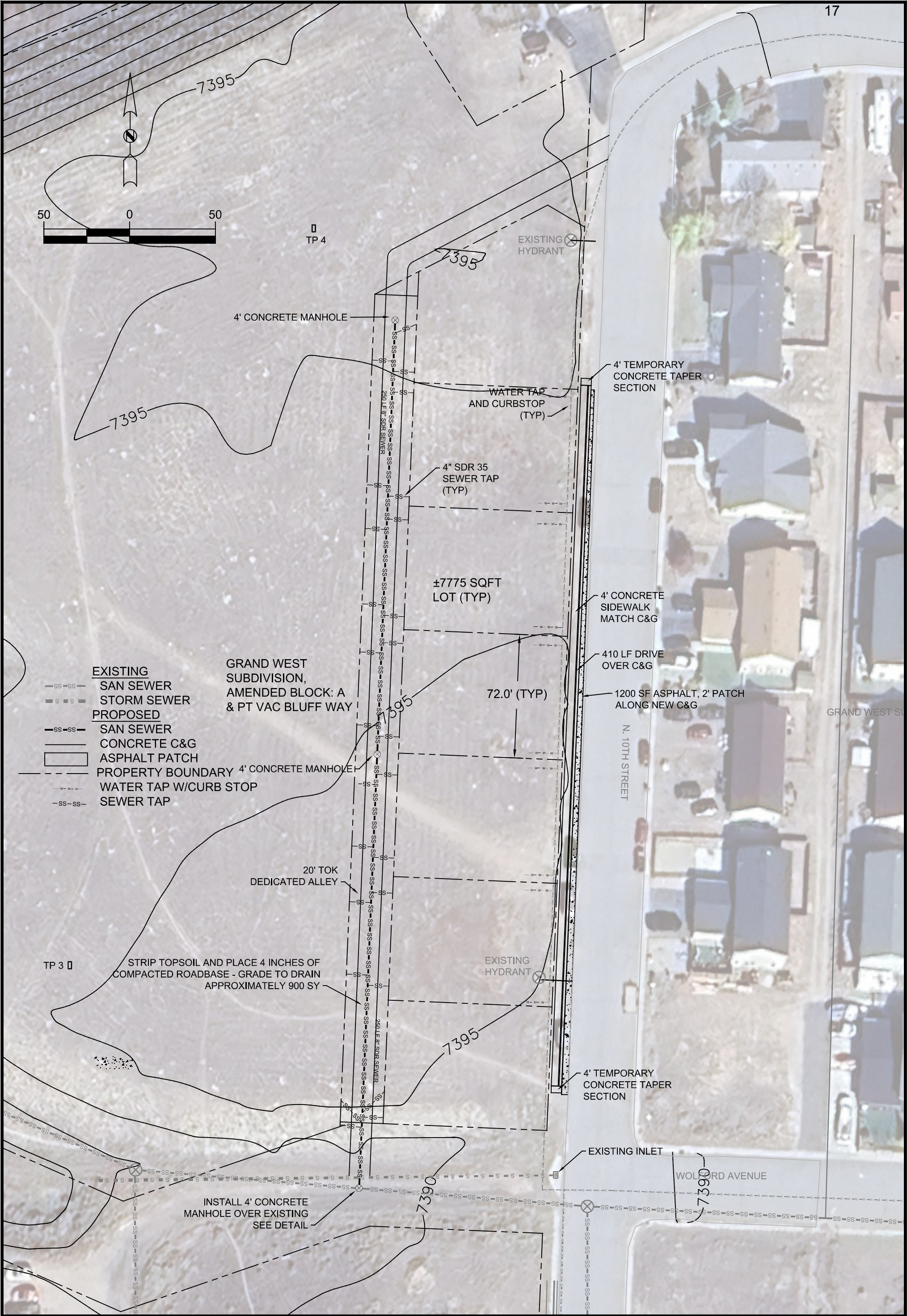
Effluent Parameters	Permit Limit	Monthly Reported Values	Influent Parameters	Monthly Reported Values
BOD (mg/L)	30-45 mg/L	< 2 mg/L	Hydraulic % Capacity	35%
BOD % Removal	85% minimum	100.0%	Organic % Capacity	38%
TSS (mg/L)	75-110 mg/L	2 mg/L	BOD (mg/L)	253 mg/L
Ammonia	18.7 mg/L	0.128 mg/L	TSS (mg/L)	212 mg/L
E. coli (#/100mL)	1088-2176 #/100mL	1.0 #/100mL		
pH	6.5 - 9.0 SU	6.58 - 8.20 SU		



	Wastewater Plant Flows (Kgal/Day)
Average	0.105
Minimum	0.095
Maximum	0.116
% Flow	35%







- EXISTING**
- SS-SS SAN SEWER
 - S S STORM SEWER
- PROPOSED**
- SS-SS SAN SEWER
 - CONCRETE C&G
 - ASPHALT PATCH
 - PROPERTY BOUNDARY
 - 4' CONCRETE MANHOLE
 - W-W-W-W WATER TAP W/CURB STOP
 - SS-SS SEWER TAP

KTOWN NORTH
KREMMLING, CO

C-2 PLAN VIEW



CIVIL SITE AND SOIL LLC
1756 N. 28th St.
LARAMIE, WY 82072
970-531-0617

BY: KSS
REV: 6/19/2025
8/14/2025
5/29/2026
7/30/2026

BROWNLEE & ASSOCIATES, LLC

Physical Address: 216 Main Street, Edwards, CO 81632

Mailing Address: PO Box 268, Edwards, CO 81632

Tel. No.: (970) 306-3312 * Fax No.: (970) 360-1049

Email: michael@brownleelawllc.com

August 4, 2026

Joseph W. Norris
CEGR LAW
44 Cook Street, Suite 620
Denver, CO 80206
Via Email Only: jnorris@cegrlaw.com

Re: Muddy Creek Cabins, 315 River Lane, Kremmling, CO: Response to July 15, 2026 Letter; FCAP Muddy Creek LLC

Dear Mr. Norris:

Thank you for your July 15, 2026 letter. As you are aware, this firm represents FCAP MUDDY CREEK LLC (“Client” or “Muddy Creek”). We write to confirm our Client's willingness to supplement the record and to meet, and to correct several points in your letter before the matter proceeds.

Muddy Creek welcomes a productive discussion and is open to a resolution that fairly reflects the Property's actual use and its actual demand on the District's system. Please send several dates in the coming weeks and we will make ourselves available.

Muddy Creek will supplement the record in good faith. Consistent with the questions raised at the July 13 hearing, we anticipate providing information confirming that the Property is leased in its entirety to a single commercial tenant under a master lease; that individual occupants hold no separate leases and rotate through the Property at the tenant's direction; and actual metered water and sewer data reflecting the Property's true demand. That evidence confirms what the record already shows: the Property operates today exactly as it did when the District issued Connection Permit 2024-5-1 in May 2024, and it functions as commercial lodging within the District's own classification — not as thirty-two individual dwelling units.

First, the District bears the burden of proof. The proceeding is styled as an Order to Show Cause, but it is the District that seeks to void four existing connection permits and impose more than \$100,000 in additional fees. The District therefore bears the burden of establishing that a change of use occurred, or that the present use is inconsistent with the use existing when Permit 2024-5-1 issued.

Second, no adverse inference is available. Your letter states that the process affords “no opportunity for formal discovery or for the Board to compel production,” yet reserves the right to

treat any non-production adversely. The District cannot have it both ways. Where the District bears the burden, where the proceeding provides no mechanism for discovery, and where our client is supplementing voluntarily and in good faith, an adverse inference would be improper, and our Client objects to any such inference.

Third, this is a quasi-judicial proceeding subject to due process. Notwithstanding the letter's characterization of the process as "not a legal or judicial proceeding," the Board's action here in applying existing standards to a specific property to determine that owner's rights and obligations is quasi-judicial as a matter of Colorado law. Cherry Hills Resort Dev. Co. v. City of Cherry Hills Vill., 757 P.2d 622 (Colo. 1988). Constitutional due process therefore attaches regardless of the label the District applies, including the right to an impartial decision-maker and to adequate notice of the specific factual and legal basis for the proposed action.

To permit a meaningful response, please identify: (1) the specific change in the Property's operations that the District contends occurred after it issued Permit 2024-5-1 in May 2024; (2) the independent basis, under the District's own Rules and Regulations, for the proposed reclassification, apart from the Town's contested January 2026 water-billing correction; and, (3) the full text of Sections 3.3.3(D)(1), 3.4.3, and 3.4.6 and the applicable fee schedule on which the District relies. We note that the District's own classification expressly includes boarding houses and dormitories. These are categories that, by their nature, involve extended occupancy, so occupancy measured in weeks or months does not remove the Property from the commercial classification under which every permit has issued for twenty-five years.

That said, Muddy Creek is prepared to discuss a resolution that confirms the Property's existing allocation of 20.3 SEU across Connection Permits 2000-5-1, 2001-6-1, 2016-12-1, and 2024-5-1. That allocation already reflects the District's own methodology which is a fractional single-family equivalent per cabin (0.6 SFE per cabin under the 2000 and 2024 permits) applied consistently for twenty-five years, and it is supported by the Property's actual demand on the District's system. To provide the District comfort going forward, Muddy Creek would agree that any future adjustment to the Property's SEU allocation be based on a mutually acceptable engineering study of the Property's actual metered water and sewer demand, rather than on a presumption of one single-family equivalent per cabin. A resolution on these terms would confirm the existing classification, avoid the cost and uncertainty of judicial review, and treat the Property consistently with comparable commercial accounts in the District's service area.

We appreciate your commitment that District staff will share the results of its follow-up investigation, including usage records and voter-registration information. Please provide those materials to us as they are gathered so that both sides work from the same record.

My Client reserves all rights and remedies, including the right to seek judicial review of any adverse determination. We look forward to receiving your proposed dates.

Best Regards,

/s/ Michael G. Brownlee

Michael G. Brownlee

BROWNLEE & ASSOCIATES, LLC

Email: michael@brownleelawllc.com

cc: *Levi Rozga, VP of Operations, Fortius Capital (via email only)*

Mike Pearson, CEO, Fortius Capital (via email only)