

TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
July 9, 2019

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, July 9, 2019 at the Bennett Town Hall, 207 Muegge Way, Bennett, Colorado. Mayor Royce Pindell called the meeting to order at 7:05 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell

Trustees Present: Darvin Harrell
Charles Bayley
Neal Mancuso
Rich Pulliam
Larry Vittum
Phyllis Webb

Staff Present: Melinda Culley, *Town Attorney*
Rachel Summers, *Deputy Town Administrator*
Trish Stiles, *Town Administrator*
Lynette White, *Town Clerk*

Public Present: Pat Siegman, Linda Burry, Irma Ronquillo, Steven Vetter, Taeler Houlberg

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Royce Pindell.

3. APPROVAL OF AGENDA

TRUSTEE PULLIAM MOVED, TRUSTEE VITTUM SECONDED to approve the agenda as presented. The Mayor declared the motion carried by unanimous vote.

4. CONSENT AGENDA

TRUSTEE VITTUM MOVED, TRUSTEE MANCUSO SECONDED to approve the consent agenda as presented. The Mayor declared the motion carried by unanimous vote.

A. Approval of Minutes

1. Action: Approval of June 25, 2019 Regular Meeting Minutes

B. Resolution(s)

1. Action: Approval of Resolution No. 758-19 – A Resolution Forgiving Certain Water and Sewer Payments due to the Town of Bennett from the Bennett Park and Recreation District

5. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Irma Ronquillo, 440 2nd Street, addressed the Board regarding permission to place a light in the rear of her home. Ms. Ronquillo stated that she is making the request due to safety concerns and that she has spoken with surrounding neighbors regarding the placement. There would be no cost incurred by the Town for installation.

Town Staff was provided direction to research how to accommodate the request.

6. PUBLIC HEARING

A. Special Event Permit – Tri Valley VFW Post 8449

Lynette White, Town Clerk, presented the Special Event Permit application submitted by the Tri Valley VFW Post #8449.

The Tri Valley Post 8449 Veterans of Foreign Wars, has submitted a completed application for a Special Events Permit, Saturday, September 7, 2019, to operate a beer garden inside and outside at the Tri-Valley VFW, located at 115 Palmer Avenue; the licensed area will also encompass 1st Street, Palmer Avenue and Trupp Park; all local and state required fees have been received and the entities are in good standing.

C.R.S. 12-48-105(3) states “the state or local licensing authority shall not issue a special event permit to any organization for more than fifteen (15) days in one calendar year”; the applicant is requesting one (1) day(s) in this submittal, this is the first application 2019.

A review of the application by the Office of the Town Clerk determined that the application is complete and accurate, the required fees submitted, and notification of the public hearing was posted and published in the Eastern Colorado News, June 21, 2019 as Legal No. 2240, in accordance with State statute.

Per C.R.S 12-48-107(3), the local licensing authority shall cause a hearing to be held if after investigation and upon review of the contents of any protest filed, sufficient grounds exist for denial; *there have been no objections received by the Town Clerks Office.*

TRUSTEE BAYLEY MOVED, TRUSTEE VITNUM SECONDED that the Local Licensing Authority of the Town of Bennett adopt the written Findings and Decision prepared by the Town Clerk and approve issuance of a Special Events Permit to the Tri-Valley Post 8449 Veterans of Foreign Wars, 115 Palmer Avenue, for Saturday, September 7, 2019. Voting was as follows;

YES: Harrell, Mancuso, Pindell, Pulliam, Vitnum, Webb, Bayley
NO: None

The Mayor declared the motion carried by unanimous vote.

7. ACTION/DISCUSSION ITEMS

A. Amending Bennett Municipal Code Concerning Incarceration of Municipal Offenders

Melinda Culley, Town Attorney, reviewed HB19-1148, concerning changing the maximum jail sentence for certain crimes from one (1) year to three hundred sixty-four (364) days.

Under current law, the maximum jail sentence for a Class 2 misdemeanor i.e.: resisting arrest, second-degree arson, petty theft, a misdemeanor without a fixed statutory penalty, and municipal ordinance violations is one (1) year.

According to federal immigration laws, foreign nationals who are lawfully in the United States are subject to removal if convicted of a state or local crime that carries the potential for a one-year jail sentence. The act is designed to eliminate the risk of deportation and removal for those convicted of lower level state and municipal crimes.

HB19-1148 will change the maximum sentence from one (1) year to three hundred sixty-four (364) days. The change will become effective August 2, 2019.

Ordinance No. 699-19 – An Ordinance Amending the Bennett Municipal Code Concerning Incarceration of Municipal Offenders

TRUSTEE PULLIAM MOVED, TRUSTEE MANCUSO SECONDED that the Board of Trustees adopt Ordinance No. 699-19, an ordinance amending the Bennett Municipal Code Concerning Incarceration of Municipal Offenders. Voting was as follows;

YES: Mancuso, Pindell, Pulliam, Vittum, Webb, Bayley, Harrell

NO: None

The Mayor declared the motion carried by unanimous vote.

B. Amending Bennett Municipal Code to Update Hardened Surface Definition

Trish Stiles, Town Administrator, presented the ordinance amending the Bennett Municipal Code to update the definition of a hardened surface. The Board of Trustees requested an alternate definition be provided other than the “monolithic” description.

Town Staff will research and bring the ordinance back for discussion at a future meeting.

Ordinance No. 700-19 – An Ordinance amending Section 8-5-5 of the Bennett Municipal Code Concerning the Definition of Hardened Surface for Purposes of Parking and Storing Motor Vehicles and Recreational Equipment

No action was taken.

8. TOWN STAFF COMMUNICATION

Trish Stiles

Trish Stiles, Town Administrator, presented the following;

- Intergovernmental Agreements for Exit 304 Improvements w/ CDOT, Adams and Arapahoe Counties
- Underpass discussion with CDOT and UPRR to be scheduled
- Economic Development and Town Planner Position
- Strategic Planning discussion for the direction of Adams County Economic Development (ACED)
- Arapahoe County and Adams County Executive Committee Breakfast, July 19, 2019
- Town of Bennett State of the Town, Friday, July 26, 2019
- Meeting with IREA Government Relations Director
- Party in the Park, Thursday, July 11, 2019
- Corren Lind has received Human Resources Certification
- Taeler Houlberg – accepted position of Assistant to the Town Administrator

9. **TRUSTEE COMMENTS AND COMMITTEE REPORTS**

Neal Mancuso

Trustee Mancuso attended the Arapahoe County Open Space Shareback Ceremony and commented on the grant awarded for Future Park.

Rich Pulliam

Trustee Pulliam inquired if there is an update on obtaining the artwork for the grain elevators. Ms. Houlberg advised the project is currently on hold.

Darvin Harrell

Trustee Harrell informed the Board of the memorial service taking place at the Bennett Recreation Center on Sunday, July 14, 2019.

The Mayor declared a meeting recess at 7:52 p.m. The meeting was resumed at 7:57 p.m.

10. **EXECUTIVE SESSION**

- A. **For determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e); Cordella Lift Station**
- B. **For determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e); Open Space Acquisition**

TRUSTEE PULLIAM MOVED, TRUSTEE VITTUM SECONDED to go into executive session for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) and the following additional details are provided for identification purposes – ***Cordella Lift Station; Open Space Acquisition***

The Mayor declared the motion carried by unanimous vote. The Board went into executive session at 8:05 p.m.

The Board came out of executive session at 9:10 p.m. The Mayor announced that the Board had been in executive session and the following persons participated in that session: Charles Bayley, Darvin Harrell, Neal Mancuso, Royce Pindell, Rich Pulliam, Larry Vittum, Phyllis Webb, Rachel Summers, Trish Stiles, and Melinda Culley. The Mayor asked if there were any matters not included in the motion for an executive session or violations of the Open Meetings Law, and if so, that these concerns be stated for the record. No concerns were presented.

The Open Meeting was resumed at 9:10 p.m.


A. Report from Executive Session

Direction was provided to Town Staff to continue negotiations.

11. ADJOURNMENT

TRUSTEE PULLIAM MOVED, TRUSTEE VITTUM SECONDED to adjourn the meeting. The Mayor declared the motion carried by unanimous vote. The meeting was adjourned at 9:10 p.m.


Lynette F. White, MMC
Town Clerk


Royce D. Pindell, Mayor

