

TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
January 11, 2022

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, January 11, 2022 via hybrid meeting. Mayor Royce D. Pindell called the meeting to order at 7:00 p.m. The following persons were present upon the call of the roll:

Mayor: Royce D. Pindell

Trustees Present: Kevin Barden
Darvin Harrell
Whitney Oakley
Denice Smith
Donna Sus
Larry Vittum

Staff Present: Trish Stiles, *Town Administrator*
Rachel Summers, *Deputy Town Administrator*
Taeler Houlberg, *Administrative Services Director*
Alison Belcher, *Communications and IT Director*
Steve Hebert, *Planning and Economic Development Manager*
Steve King, *Special Projects Coordinator*
Melinda Culley, *Town Attorney*
Christina Hart, *Town Clerk*

Public Present: Kathy Smiley, Bruce Rahmani, Wayne Clark, James Grider Lee, Scott Smith, Maite Sanchez

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Royce D. Pindell.

3. APPROVAL OF AGENDA

TRUSTEE VITTUM MOVED, MAYOR PRO TEM HARRELL SECONDED to approve the agenda as presented. The voting was as follows:

YES: Harrell, Oakley, Pindell, Smith, Sus, Vittum, Barden

NO: None

Mayor Royce D. Pindell declared the motion carried by unanimous vote.

4. CONSENT AGENDA

MAYOR PRO TEM HARRELL MOVED, TRUSTEE VITTUM SECONDED to approve the consent agenda as presented.

YES: Oakley, Pindell, Smith, Sus, Vittum, Barden, Harrell

NO: None

Mayor Royce D. Pindell declared the motion carried by unanimous vote.

A. **Action:** Approval of December 14, 2021 Regular Meeting Minutes

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments presented.

5. REGULAR BUSINESS

A. Action/Discussion

1. Intergovernmental Agreement (IGA) Concerning Land Dedications or Payments in Lieu for School Purposes

Resolution No. 898-22 – A Resolution Approving an Intergovernmental Agreement (IGA) Concerning Land Dedications or Payments in Lieu for School Purposes

Trish Stiles, Town Administrator, reported to the Board of Trustees, Melinda Culley, Town Attorney and the attorney for the Bennett School District 29J finalized the last version of the IGA after several fruitful meetings between the Town Board and Bennett School District.

The Town and Bennett School District 29J have been working for several months on an Intergovernmental Agreement (IGA) concerning the requirements for land dedication or conveyance for public school sites or payments in lieu of land dedication or conveyance ("fair contributions for public school sites"). Significant parts of the IGA include:

The methodology for determining the fair contribution for public school sites has been updated to require per dwelling unit (DU):

- Single Family Detached – 0.0162 acres or \$2,079.09
- Single Family Attached – 0.0075 acres or \$964.84
- Multi-family – 0.0038 acres or \$482.42

In deciding whether land or payment in lieu of land will be required, the School District will consult the School Site Zone map, school acreage requirements and the Town's comp plan.

If land is to be dedicated, the developer is responsible for providing a site that has direct access to an improved street, utilities stubbed to the site, and overlot grading.

If a fee-in-lieu is required, the fees will be collected at the time of building permit for no fewer than 50 units at a time.

The School District will deposit all such funds into an interest-bearing account. Monies must be used for the acquisition, development or expansion of school sites or for capital facilities planning, site acquisition or capital outlay purposes for school facilities.

The School District will submit an annual report and audit to the Town describing how the in-lieu payments were spent.

The initial term of the IGA is ten years and can be renewed for an additional 10 years. Either party may terminate the IGA after giving one year notice.

The parties agree to cooperate in the defense of any legal action contesting the validity of the IGA. The School District agrees to defend such claims.

If the Board chooses to approve the IGA, it will need to also adopt an ordinance that implements the terms of the IGA. Adoption of that ordinance requires public hearings before the Planning Commission and Town Board. The Board's hearing on the ordinance is currently scheduled for January 25.

TRUSTEE VITUM MOVED, MAYOR PRO TEM HARRELL SECONDED to approve Resolution No. 898-22 – An intergovernmental agreement concerning land dedications or payments in lieu for school purposes. The voting was as follows:

YES: Pindell, Smith, Sus, Vittum, Barden, Harrell, Oakley

NO: None

Mayor Royce D. Pindell declared the motion passed unanimously.

2. Town of Bennett Planning and Zoning Commission Appointments

Christina Hart, Town Clerk, reported to the Board of Trustees, the terms of three Commissioners expired on December 31, 2021. Commissioner(s) Wayne Clark, James Grider Lee and Scott Smith all indicated their willingness to accept the appointment and continue to serve the community.

TRUSTEE VITUM MOVED, TRUSTEE SUS SECONDED to approve the appointment of James Grider Lee, Wayne Clark and Scott Smith to the Town of Bennett Planning and Zoning Commission with a term ending on December 31, 2025. The voting was as follows:

YES: Smith, Sus, Vittum, Barden, Harrell, Oakley, Pindell

NO: None

Mayor Royce D. Pindell declared the motion passed unanimously.

3. Town Administrator Performance Review Committee Selection

Mayor, Royce D. Pindell, reported to the Trustees, the Town Administrator's performance review and contract are approaching and the performance review committee needs to be selected to gather the Trustees reviews as it relates to the Town Administrator's contract. Mayor Royce D. Pindell and Trustee Donna Sus served on the 2021 committee. The committee is comprised of two Town Board members. The Board will need to action during the February 8, 2022 board meeting or an increase of salary will automatically be implemented. Trish Stiles, reported to the Board, HR functions have be moved to Taeler Houlberg. Ms. Houlberg will assist Trustee Oakley and Trustee Smith with the performance review documents.

TRUSTEE SUS MOVED, TRUSTEE VITUM SECONDED to appoint Trustee Smith and Trustee Oakley to the committee for the performance review of Town Administrator, Trish Stiles. The voting was as follows:

YES: Harrell, Oakley, Pindell, Smith, Sus, Vittum, Barden

NO: None

Mayor Royce D. Pindell declared the motion passed unanimously.

6. TOWN ADMINISTRATOR REPORT

Trish Stiles, Town Administrator, reported on the following:

- Staff felt the absence of Corren Lind, Executive Services Supervisor. Staff wishes her all the best. The Bennett-Watkins Fire Rescue Department is very fortunate to have her on their team.
- Job postings on the Town of Bennett website, Indeed, and CML website include positions for:
 - Public Works
 - Executive Assistant
 - Chief Building Official
- Charles Abbot and Associates are providing building official services for the Town of Bennett.
- Tri-County Health has started meetings again including the topic of COVID-19. Ms. Stiles has asked Staff to be prepared to work remotely. Essential staff i.e.: CSO, Public Works will be onsite and available for residents.
- COVID-19 has affected Town Hall whether Staff or their family has tested positive.
- Ms. Stiles and Charles Bayley had a meeting with BennT Creek Water Authority with a potential Authority member. March 8, 2022 is the response date for the Water Court.
- The Town is prepared for ground water cleanup. This will be added to the Town's water portfolio. The notice will be published on January 18 and submitted to the State.
- Staff has received 50% of the back collection for the error in the bulk water rate billing. Additional letters will be sent out for the remaining 50%.
- Engage, Shape, Build will be virtual. The program is scheduled on January 19 beginning at 5:30.
- The information regarding the accident in which a young resident was hit by a vehicle at the Centennial and Hwy 79 crosswalk was provided to CDOT. Ms. Stiles and Daymon Johnson have a meeting scheduled with consultant Peter Kozynski for follow-up with CDOT. CDOT must approve the permit for a crosswalk signal.

7. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Royce D. Pindell

Mayor Royce D. Pindell reported on the following:

- Inquired when the holiday lights would be taken down; Ms. Houlberg responded the company the Town used is located in Louisville, Colorado and was impacted by the Boulder County fires. She anticipates the lights will be taken within the next one or two months.

Mayor Royce D. Pindell called for a recess at 7:45 p.m. The meeting resumed at 7:56 p.m.

8. EXECUTIVE SESSION

For the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. 24-6-402(4)(e); Bennett Lodging, Ltd. Third Amendment to Public Improvements Reimbursement and Tax Rebate Agreement.

TRUSTEE OAKLEY MOVED, MAYOR PRO TEM HARRELL SECONDED to go into executive session for; determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. 24-6-402(4)(e); Bennett Lodging, Ltd. Third Amendment to Public Improvements Reimbursement and Tax Rebate Agreement. Voting was as follows:

YES: Barden, Harrell, Oakley, Pindell, Smith, Sus, Vittum
NO: None

Mayor Royce D. Pindell declared the motion carried by unanimous vote.

The Board went into executive session at 8:06 p.m.

The Board came out of executive session at 9:12 p.m. Mayor Royce D. Pindell lost virtual connection, therefore, Melinda Culley, Town Attorney, announced that the Board has been in executive and the following person participated via hybrid in that session: Mayor Royce D. Pindell, Trish Stiles, Rachel Summers, Trustee Vittum, Trustee Oakley, Trustee Sus, Melinda Culley, Trustee Smith, Trustee Barden, Mayor Pro Tem Harrell, Taeler Houlberg, and Christina Hart. The Town Attorney 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 concern be stated for the record. No concerns were presented.

9. REPORT FROM EXECUTIVE SESSION

During the executive session, the Board provided Staff with instructions on negotiating the Third Amendment to the Comfort Inn Public Improvements Reimbursement and Tax Rebate Agreement (PIRA). Staff will prepare the documents and present to the Board during the January 25, 2022 board meeting.

10. ADJOURNMENT

TRUSTEE VITTUM MOVED, TRUSTEE SUS SECONDED to adjourn the meeting. The meeting was adjourned at 9:15 p.m. Voting was as follows:

YES: Harrell, Oakley, Smith, Sus, Vittum, Barden
NO: None
EXCUSED: Pindell

Mayor Pro Tem Harrell declared the motion carried by unanimous vote.


Christina Hart, Town Clerk




Royce D. Pindell, Mayor