

**TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
January 12, 2021**

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, January 12, 2021 virtually via Zoom Link. Mayor Royce Pindell called the meeting to order at 7:00 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell

Trustees Present: Darwin Harrell - *excused*
Whitney Oakley
Rich Pulliam
Denice Smith
Donna Sus
Larry Vittum

Staff Present: Trish Stiles, *Town Administrator*
Rachel Summers, *Deputy Town Administrator*
Taeler Houlberg, *Assistant to the Town Administrator*
Alison Belcher, *Public Relations Coordinator*
Sara Aragon, *Community Development Coordinator*
Steve Hebert, *Planning and Economic Development Manager*
Danette Ruvalcaba, *Finance and Technology Director*
Deb Merkle, *Community Development Manager*
Ricky Martinez, *Utility Services Supervisor*
Daymon Johnson, *Capital Projects Director*
Dan Giroux, *Town Engineer*
Robin Price, *Public Works Director*
Melinda Culley, *Town Attorney*
Christina Hart, *Town Clerk*

Public Present: John Vitella, Kathy Smiley, Suzanne Meintzer, Dee Wisor, George Rowley, Harvey Deutsch, Michael Blumenthal, Dave Lewis, Tracye H.

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 voting was as follows:

YES: Oakley, Pindell, Pulliam, Smith, Sus, Vittum

NO: None

EXCUSED: Harrell

Mayor Royce Pindell declared the motion carried by unanimous vote.

4. **CONSENT AGENDA**

TRUSTEE PULLIAM MOVED, TRUSTEE VITTUM SECONDED to approve the consent agenda as presented.

YES: Pindell, Pulliam, Smith, Sus, Vittum, Oakley

NO: None

EXCUSED: Harrell

Mayor Royce Pindell declared the motion carried by unanimous vote.

A. Approval of Minutes

Action: Approval of December 8, 2020 Regular Meeting Minutes.

B. Action: Resolution No. 857-21 – A Resolution Approving an Open Space Grant Agreement between the Town of Bennett and County of Adams for Community Center Improvements.

C. Action: Resolution No. 858-21 – A Resolution Approving an Open Space Grant Agreement between the Town of Bennett and County of Adams for Highway 79 Permanent Trail Improvement Construction Project.

D. Action: Resolution No. 859-21 – A Resolution Approving an Open Space Grant Agreement between the Town of Bennett and County of Adams – Civic Center Park Conceptual Design.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments.

5. **REGULAR BUSINESS**

A. Public Hearing

1. First Amendment to the Bennett Ranch Service Plan for Metropolitan District Nos. 1-4

Resolution No. 860-21 – A Resolution of the Town of Bennet Approving the First Amendment to the Service Plan for Bennett Ranch Metropolitan District Nos. 1-4

Mayor Royce Pindell called the matter of the Town of Bennett 2021 Budget to order. The public hearing was opened at 7.05 p.m.

Christina Hart, Town Clerk, stated that in accordance with Colorado State Statue, notice of the public hearing was properly posted and published in the Eastern Colorado News on December 18,

2020. Interested parties, who are the owners of the property, have been properly notified per Colorado State Statute of the public hearing.

Trish Stiles, Town Administrator, provided the Board of Trustees with a summary of the changes before them. The first amendment before the Trustees is a request, from the developer, for the metro district service plan, to change update the language providing more conformance with other similar metro districts within the Town of Bennett. The change in language of the metro district service plan will provide language surrounding the bond provision. The updated language of the service plan will ensure the Town of Bennett receives proper advanced notification prior to the issuance of the bonds with the metro district. The updated language of the metro district service plan will afford the Town of Bennett to insure the documents meet the requirements of the service plan. The metro district has plan to issue bonds for the infrastructure construction within the first phase of Bennett Ranch. Staff is recommending approval of the change to the first amendment.

The proposed change to the second amendment is a request from Town staff to clarify the Authority will have the authority to own and maintain a park and recreation improvements within the bounds of the metro districts. Staff is recommending the approval of the change to the second amendment of the original service plan.

The Applicant thanked Town Staff and the Board of Trustees for their review and consideration of the proposed changes to the metro district service plan regarding the bond documents.

In order to supply water to the Town of Bennett residents Ms. Stiles determined this to be an emergency situation and authorized Mr. Martinez, Utility Services Supervisor, to immediately take steps and action to bring Wells No. 3 and 8 back on line. Mr. Martinez went above and beyond to address these issues.

Public Comments

There were no public comments presented.

Trustee Comments

Trustee Vittum asked if the Town of Bennett would be held liable for the bond payments if the Metropolitan District were to go into foreclosure. Melinda Culley, Town Attorney, stated the metro district is a separate legal entity from the Town of Bennett, therefore the Town of Bennett would not be held liable for the bond payments nor would it effect the credit rating of the Town of Bennett.

Mayor Pindell closed the public hearing on the First Amendment to the Bennett Ranch Service Plan for Metropolitan District Nos. 1-4 at 7:14 p.m.

TRUSTEE PULLIAM MOVED, TRUSTEE OAKLEY SECONDED to approve Resolution No. 860-21 – A Resolution of the Town of Bennett Approving the First Amendment to the Service Plan for Bennett Ranch Metropolitan District Nos. 1-4. Voting was as follows:

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

Mayor Royce Pindell declared the motion passed by unanimous vote.

B. Action/Discussion

1. Bennett Crossing Metropolitan District No. 2 Inclusion of Property

Trish Stiles, Town Administrator, reported to the Board of Trustees, the requested inclusion before them is related to the Bennett Crossing Metropolitan District No. 2. The land is immediately adjacent to the Bennett Crossing at the south end of the Bennett Crossing property (also known as the Jagee property). The Jagee property currently has the former Conoco gas station as well as the FNB Bank. The FNB Bank is currently constructing a new bank on the Bennett Crossing property. The 4.845-acre property will be re-developed.

Staff recommends the inclusion of the 4.485 acres of the Jagee property into the Bennett Crossing Metropolitan District No. 2. The service plan doesn't change, but will be included in metro district plan.

Bennett Crossing service plan requires notice be provided to the Board of Trustees. Specific action or consent is not required by the Trustees.

2. Muegge Farms Metropolitan District No. 3 Inclusion of Property

Trish Stiles, Town Administrator, reported to the Board of Trustees the requested inclusion before them is also known as the Brunner Property. The property is located between the Bennett Community Center and the Sky View Ranch Metropolitan District. The property would be included into the Muegge Farms Metropolitan District.

Dee Wisor, Butler Snow, LLP, Town of Bennett Metropolitan District Attorney, reported to the Trustees the inclusion and boundary changes must be approved by the board per the service plan.

Suzanne Meintzer, council for Muegge Farms Metropolitan Districts, provided clarification to the Trustees, there are two items under the Muegge Farms inclusion being addressed.

- The first item is District No. 2 - the property is within the inclusion area and does not require action by the Board of Trustees. This is notice of intent.
- The inclusion of District No. 3 includes a property that is not included in the current service plan, therefore requiring approval by the Board of Trustees.

TRUSTEE PULLIAM MOVED, TRUSTEE SUS SECONDED, that the Town consent to the inclusion of the Brunner Property into Muegge Farms Metropolitan District No. 3 and that the Mayor be authorized to execute a consent form for the same. Voting was as follows:

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

Mayor Royce Pindell declared the motion passed by unanimous vote.

3. Kennedy Utility Corridor Construction Project

Daymon Johnson, Capital Projects Director, reported to the Board of Trustees the Kennedy Utility Corridor & Private Access Road is an integral piece of the Town's current utility infrastructure's redundancy and quality. This project also provides necessary connections to the future Public Works Northern Municipal Complex (NOMCOM).

The proposed utility corridor will house the first phase of the 10" purple pipe beltway, 8" and 12" potable waterline, wastewater access way, and private access road. The asphalt millings within this proposal will provide immediate access for contractors to utilize the recently finished and commissioned reuse construction water load out stations. Additionally, the proposed scope creates a connection for future NOMCOM utilities and future Town infrastructure needs.

This scope of work includes, but is not limited to:

- 1400' LF of 10" Non-Pot (Purple Pipe)
- 1400' LF of 12" Potable Waterline
- 700' LF of 8" Potable Waterline
- 4th & Truman Water Main Connection & Patchback
- 2 Fire Hydrants
- Western WWTF Access Way
- Private Access Roadway from 1st to 4th

The Town solicited bids from contractors in the request for proposal 20-014 on December 15, 2020. The response was successful and resulted in five prime bidding contractors. A summary of the submitted proposals are as follows:

Contractor	Pricing
Anson Excavating & Pipe	\$469,780.00
A-Team Excavating	\$403,081.70
Aardvark Excavating, LLC	\$304,894.70
Kuhn Construction, Inc.	\$280,590.36
Dan's Custom Construction, Inc.	\$249,700.00

Of these five firms, the Town has worked with all of them and is very familiar and qualifies work with three of them: Dan's Custom, Kuhn Construction and Aardvark. Most recent work experience: Dan's Custom with the Cordella lift station and the reuse construction water load out stations. And Kuhn, recently completing the Muegge Way widening and landscaping grading for Hwy. 79.

As you can see in the pricing summary, the range was rather broad and was cause for some initial concern on the review team. Myself, Robin Price (Dir. Of Public Works), Ricky Martinez (Utilities Manager) and Dan Giroux (Town Engineer) investigated all of the proposals. Through contractor interviews, bid and scope verification, evaluations, and team discussions, staff resolved to compare the proposals adequately.

Most notable during this review process was that while Anson and A-Team put together comprehensive bids, their materials costs were substantially higher than the others, accounting for their pricing being so high. And while Dan's Custom was low, there was missing scope within the submitted proposal.

After a thorough evaluation of all bids, the Town staff recommends board approval of contract award to Kuhn Construction, Inc. in an amount not to exceed \$280,590 for the completion of the Kennedy Utility Corridor project.

This project is budgeted and will be funded via the following sources;

- \$153,735 from the Water Fund carry forward from 2020
- \$43,892 from the Water Fund appropriation in the 2021 budget
- \$76,103 from the Purple Pipe Adams county Grant
- \$6,860 from Storm Drainage Impact Fees

TRUSTEE PULLIAM MOVED, TRUSTEE VITTUM SECONDED, to authorize the Mayor of the Town of Bennett to sign a standard Town Construction Contract Agreement, in an amount not to exceed \$280,590.00, for the completion of the Kennedy Utility Corridor project. Voting was as follows:

YES: Oakley, Pindell, Pulliam, Smith, Sus
 NO: None
 EXECUSED: Harrell

Mayor Royce Pindell declared the motion passed by unanimous vote.

4. Backflow Prevention Notice

Trish Stiles, Town Administrator, reported to the Trustees, in October 2020, Direct Discharge and Rick Martinez, Utility Services Supervisor, notified the State that the Town was in violation of the BPCCC Reg. 11 section 11.39 Rule for 2019. This rule states that as a water distributor Bennet was required to have 80% of all testable backflow prevention devices tested by year end. The Town did not meet that criteria in 2019 as we only obtained a 57% compliance ratio due to a clerical error caused by an incomplete inventory of all backflow prevention devices within the Town. As a result, Bennett was issued a Tier 2 Violation which requires Public Notification.

Town Staff conducted an extensive survey of all backflow devices throughout the year. Please keep in mind this is a Tier 2 Violation that requires a Public Notice but the system has not had any back siphonage, or health related issues. It is important to understand that the Town of Bennett met and/or exceeded all primary drinking water standards during 2019. This violation is specifically for not certifying that 90% of all backflow devices were tested and working properly. As of December 2020, we have reached a 94% compliance ratio and are eagerly working with the local businesses toward a 100% compliance.

Staff is working on an Ordinance to be brought to the Board that will help Staff enforce this rules for all non-single family residences and businesses in the future.

No action is needed by the Board of Trustees at this time. The Town of Bennett is required to send out the notice and the letter explaining the notice by January 17, 2021, to all utility customers.

5. Town Administrator Yearly Review

Mayor Pindell, reported to the Board of Trustees the Town Administrator yearly review is approaching quickly. Two Trustees make a committee for the Town Administrator review. The review is a requirement of Ms. Stiles contract. The 2021 review committee are:

- Mayor Royce D. Pindell
- Trustee Donna Sus

The standard Town review form will be provided to the review committee. Survey Monkey is on-line platform that will be used. Ms. Stiles reported she is completing her self-review. Once the self-review is finalized, Ms. Stiles will distribute the review to the committee who will then forward onto the Trustees for their respective reviews.

The deadline for the review is February 24, 2021. If the review is not complete by the deadline other provisions would automatically be implemented, per the Town Administrator contract.

C. TOWN STAFF REPORTS

Town Administrator

Trish Stiles, Town Administrator provided the following report;

- The Town of Bennett is a member of the Adams County Consortium Community Development Block Grant (CDBG). CDBG receives funds for the grant from the federal government. CDGB annually breaks up the funds to disperse to the consortium within Adams County. Potential funding for assistance with rent and mortgage programs. A time limit of three months of assistance is in place.
- Melissa Steager, Tri-County Health Department, will be in attendance during the January 26, 2021 board meeting.
- Arapahoe County has been certified for the 5-star program. The county will review the application and then forward to the Town of Bennett staff committee for their review and inspection. If approved the county will review and finalize the certification. Ms. Stiles reported that Lynette White, Economic Development Coordinator has been diligent working with business' in Bennett. Ms. Stiles expressed gratitude to Ms. White with her exceptional communications with the Town business'.
- The Board retreat, scheduled for February 12, 2021, will focus on the Town comprehensive plan update. The time of the retreat will be scheduled from 8:00 a.m. – 12:00 p.m.

D. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Rich Pulliam

Trustee Pulliam reported on the following;

- The water committee filed for water rights on December 31, 2020. The process now begins.

Larry Vittum

Trustee Vittum reported on the following;

- Denver Regional Council of Governments (DRCOG) is scheduled to meet the week of January 20, 2021. Date to be determined.
- Can the Board of Trustees meeting dates along with the agenda link be included within the water bills? Ms. Stiles reported there is a place for notifications to be listed within the water bill.

Denice Smith

Trustee Smith reported on the following;

- Glove-box bandits have been in the Centennial subdivision.
- Family Dollar was broken into during the holiday season.
- What is the amount of time residents have to shovel snow from their sidewalks? Ms. Stiles confirmed the residents have 24 hours to remove snow from the sidewalks.

Royce Pindell

Mayor Pindell reported on the following;

- Did not participate in discussions regarding COVID-19 over the holiday break.
- Can the Board of Trustees meeting dates along with the agenda link be included within the water bills? Ms. Stiles reported there is a place for notifications to be listed within the water bill.
- Thanked Staff for the holiday lighting and planning the annual holiday party.

9. 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. Section 24-6-402(4)(e); Sheriff’s Department.

TRUSTEE PULLIAM MOVED, TRUSTEE SUS SECONDED to go into executive session for:

For determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. Section 24-6-402(4)(e); Sheriff’s Department.

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

The Mayor declared the motion carried by unanimous vote.

The Board went into executive session at 8:41 p.m.

The Board came out of executive session at 9:33 p.m. The Mayor announced that the Board had been in executive session and the following persons participated virtually in that session: Mayor Royce Pindell,

Trish Stiles, Trustee Oakley, Trustee Pulliam, Trustee Vittum, Melinda Culley, Trustee Sus, Trustee Smith, Trustee Vittum, Danette Ruvalcaba, Taeler Houlberg, and Christina Hart. 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 Board of Trustees resumed the open meeting at 9:34 p.m.

10. REPORT FROM EXECUTIVE SESSION


During the Executive Session the Board of Trustees instructed negotiators and to continue negotiations related to the Sheriff's Department Intergovernmental Agreement (IGA).


11. ADJOURNMENT

TRUSTEE PULLIAM MOVED, TRUSTEE VITTUM SECONDED to adjourn the meeting. The meeting was adjourned at 9:35 p.m. Voting was as follows:

- YES: Oakley, Pindell, Pulliam, Smith, Sus, Vittum
- NO: None
- EXECUSED: Harrell

The Mayor declared the motion carried by unanimous vote.

DocuSigned by:

 D458792134FB463
 Royce D. Pindell, Mayor

DocuSigned by:

 00366DAA7ED246D...
 Christina Hart, Town Clerk