



Town Board of Trustees

Minutes

Tuesday, January 23, 2024 at 7:00 pm

**PLEASE SILENCE ALL CELL PHONE AND ELECTRONIC DEVICES.
THANK YOU.**

1. Meeting Information

207 Muegge Way, Bennett, CO 80102

2. Call to Order

Royce D. Pindell, Mayor

a. Roll Call

Minutes:

Present:

Royce D. Pindell, Mayor

Whitney Oakley, Mayor Pro Tem

Kevin Barden, Trustee

Steve Dambroski, Trustee

Denice Smith, Trustee - *excused*

Donna Sus, Trustee

Larry Vittum, Trustee - *excused*

Staff Present:

Trish Stiles, Town Manager

Rachel Summers, Deputy Town Manager

Taeler Houlberg, Administrative Services Director

Danette Ruvalcaba, Director of Finance

Alison Belcher, Communications and IT Director

Adam Meis, IT and Communications Manager

Robin Price, Public Works Director

Greg Thompson, Community and Economic Development Director

Steven Hoese, Planning Manager

Dan Giroux, Town Engineer

Scott Krob, Town Attorney

Mike Heugh, Town Traffic Engineer

Christina Hart, Town Clerk

Public Present:

Kathy Smiley
Steven Vetter
Ivy Fisher
Michael Cleary
Gina Burke
Mason Brown
Diane Moler
Amber Simran
Tawny Gregory

3. Pledge of Allegiance

Royce D. Pindell, Mayor

Minutes:

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

4. Approval of Agenda

Royce D. Pindell, Mayor

Minutes:

MAYOR PRO TEM OAKLEY MOVED, TRUSTEE DAMBROSKI SECONDED to approve the agenda as presented The voting was as follows:

Ayes: Dambroski, Oakley, Pindell, Sus, Barden

Nays: None

Excused: Smith, Vittum

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

5. Consent Agenda

Royce D. Pindell, Mayor

Minutes:

MAYOR PRO TEM OAKLEY MOVED, TRUSTEE BARDEN SECONDED to approve the consent agenda as presented. The voting was as follows:

Ayes: Oakley, Pindell, Sus, Barden, Dambroski

Nays: None

Excused: Smith, Vittum

Royce D. Pindell, Mayor, declared the motion carried by unanimous vote. **1. Action:** Approval of January 9, 2024, Regular Meeting Minutes

PUBLIC COMMENTS NOT ON THE AGENDA

No comments were presented.

a. January 9, 2024 - Regular Meeting Minutes

Public Comments on Items Not Scheduled for Public Hearing

The Board of Trustees welcomes you. Thank you for joining us for our Town of Bennett Board of Trustees Meeting. If you are not speaking, we ask that you please mute your microphone. For public

comment please sign up on the provided sheet or in the chat box. If you are on the phone, once we get through the sign-up sheet and chat box we will call for any other comments for items not on the agenda.

Your comments will be limited to three (3) minutes. The Board may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and provide direction to the appropriate member of Town staff for follow-up. Thank you.

Regular Business

6. Public Hearing

a. Case No. PZ2023-0004 - Tabor Mortuary Final Development Plan

Resolution No. 995-24 - A Resolution Approving the Tabor Mortuary Final Development Plan

Minutes:

Royce D. Pindell, Mayor, called the matter of Case No. PZ2023-0004 Tabor Mortuary and Crematory Final Development Plan to order.

The public hearing was opened at 7:05 p.m.

Christina Hart, town clerk, stated that, in accordance with the Colorado state statute, it was duly posted and published in the Eastern Colorado News on Friday, January 5, 2024. Legal #2902.

Steven Hoese, Planning Manager, presented the proposed Tabor Mortuary Final Development Plan to the Board.

The public hearing was closed at 7:19 p.m.

MAYOR PRO TEM OAKLEY MOVED, TRUSTEE SUS SECONDED to approve Resolution No. 995-24 - A resolution approving the Tabor Mortuary Final Development Plan. The voting was as follows:

Ayes: Pindell, Sus, Barden, Dambroski, Oakley

Nays: None

Excused: Smith, Vittum

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

b. Amber Corp. d/b/a JD's Liquor - Colorado Liquor Retail License Application - Transfer of Ownership

Minutes:

Royce D. Pindell, Mayor, called the matter of the application for a Transfer of Ownership for a Colorado Liquor Retail License for Amber Corp. doing business as JD's Liquor to order.

The public hearing was opened at 7:222 p.m.

Christina Hart, Town Clerk, stated that, in accordance with Colorado State Statute, notice of the public hearing was properly posted and published in the Eastern Colorado News on January 12, 2024. Legal #2904.

Christina Hart, Town Clerk, reported that Amber Corp., d/b/a JD's Liquor, submitted the completed DR8404 Colorado Liquor Retail License Transfer of Ownership application on October 25, 2023. All requirements for a transfer of ownership of a liquor retail license have been met.

PUBLIC COMMENTS

No public comments were presented.

The public hearing was closed at 7:28 p.m.

MAYOR PRO TEM OAKLEY MOVED, TRUSTEE SUS SECONDED to approve the DR8404 Colorado Liquor Retail License Application for a Transfer of Ownership, thereby licensing Amber Corp. doing business as JD's Liquor to sell beer, wine and spirituous liquor at its establishment in the Town of Bennett. The voting was as follows:

Ayes: Sus, Barden, Dambroski, Oakley, Pindell

Nays: None

Excused: Smith, Vittum

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

c. Family Dollar Stores of Colorado, LLC d/b/a Family Dollar #28218 - New Beer and Wine License Application

Minutes:

Royce D. Pindell, Mayor, called the matter of the application for a new Beer and Wine License for Family Dollar Stores of Colorado, LLC doing business as Family Dollar #28218 to order.

The public hearing was opened at 7:32 p.m.

Christina Hart, Town Clerk, stated that, in accordance with Colorado State Statute, notice of the public hearing was properly posted and published in the Eastern Colorado News on January 12, 2024. Legal #2905.

Christina Hart, Town Clerk, reported that Amber Corp., d/b/a JD's Liquor, submitted the completed DR8403 Colorado Beer and Wine License application on June 26, 2023. All requirements for a a new Beer and Wine License have been met.

Ms. Hart reported that the applicant was unable to attend tonight's hearing; therefore, Staff is recommending the public hearing be continued until February 13, 2024, at 7:00 so the applicant may be present.

PUBLIC COMMENTS

No public comments were presented.

MAYOR PRO TEM OAKLEY MOVED, TRUSTEE DAMBROSKI SECONDED to continue the public hearing until February 13, 2024, at 7:00 p.m. so the consultant for Family Dollar Stores of Colorado, LLC d/b/a Family Dollar #28218 may attend. The voting was as follows:

Ayes: Barden, Dambroski, Oakley, Pindell, Sus

Nays: None

Excused: Smith, Vittum

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

7. Action/Discussion Items

a. RFP Waiver - Contract for Lease Purchase of E35 2024 Sweeper and Lease Purchase of a 2024 Freightliner Dump Plow Combo

Robin Price, Public Works Director

Minutes:

Robin Price, Public Works Director, presented the contract for lease purchase of an E35 2024 street sweeper and lease purchase of a 2024 Freightliner Dump Plow combo for the Town of Bennett public works fleet.

TRUSTEE BARDEN MOVED, MAYOR PRO TEM OAKLEY SECONDED to approve Ordinance No. 777-24 - An ordinance approving a Master Lease Purchase Agreement for a Standard Street Sweeper and Dump Truck. The voting was as follows:

Ayes: Dambroski, Oakley, Pindell, Sus, Barden

Nays: None

Excused: Smith, Vittum

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

MAYOR PRO TEM OAKLEY MOVED, TRUSTEE DAMBROSKI SECONDED to approve Resolution No. 999-24, Schedule 1, Exhibit E, Lessee Resolution - A Master Lease Purchase Agreement dated as of January 15, 2024, between Tax-Exempt Leasing Corp. (Lessor) and Town of Bennett (Lessee) and Schedule 1. The voting was as follows:

Ayes: Oakley, Pindell, Sus, Barden, Dambroski

Nays: None

Excused: Smith, Vittum

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

8. Town Manager Report

Minutes:

- February 21st at 6:00 p.m. - Joint meeting with the Bennett School Board and Bennett Board of Trustees.
- Team leadership attended a Director's retreat and came away with great information and collaboration.

- January 16th - Met with Arapahoe County Sheriff to continue working on a law enforcement IGA.
- Vacation planned the week of January 28th. Rachel Summers, Deputy Town Manager will be available to assist during that time.

9. Trustee Comments and Committee Reports

Mayor and Trustees

Minutes:

Kevin Barden, Trustee, reported on the following:

- Kudos to the staff and town board for a productive board retreat.

Royce D. Pindell, Mayor, reported on the following:

- January 23rd, at 4:00 p.m., Joe Stemo Ballfield ribbon cutting.
- Regarding Bennett's population of Adams County people, Mayor Pindell corrected Adams County Sheriff Claps' remarks. As of July 2022, 2,676 people lived in Bennett on the Adams County side, according to the DOLA Demography Office. Since July 2022, 141 new homes have been added to Bennett, averaging 2.67 people per home. This means that 3,052 people live on the Adams County side of Bennett, not the 4,500 that the sheriff has been reporting.

10. Executive Session

- a. Pursuant to Section 24-6-402(4)(b) and (e), C.R.S., for the purposes of receiving legal advice on specific legal questions and to determine the Town's position regarding matters that are subject to negotiation and to instruct negotiators, all in connection with the Town's pending groundwater application in Case No. 2023GW04.**

Minutes:

MAYOR PRO TEM OAKLEY MOVED, TRUSTEE DAMBROSKI SECONDED to go into executive session Pursuant to Section 24-6-402(4)(b) and (e), C.R.S., for the purposes of receiving legal advice on specific legal questions and to determine the Town's position regarding matters that are subject to negotiation and to instruct negotiators, all in connection with the Town's pending groundwater application in Case No.

2023GW04. Voting was as follows:

Ayes: Pindell, Sus, Barden, Dambroski, Oakley

Nays: None

Excused: Smith, Vittum

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

The Board went into executive session at 8:04 p.m.

b. Return to Open Meeting

Minutes:

The Board came out of the executive session at 8:55 pm.

Royce D. Pindell, Mayor, announced that the Board has been in executive session and the following persons participated: Kevin Barden, Steve Dambroski, Christina Hart, Gina Burke, Mason Brown, Trish Stiles, Scott Krob, Rachel Summers, Donna Sus, Whitney Oakley and

Royce Pindell. Royce D. Pindell, 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.

c. Report from Executive Session

Minutes:

The executive session discussions were within the scope of the statute. Town Attorney Scott Krob and water attorneys were present throughout the executive session, which is protected by the attorney/client privilege.

11. Action/Discussion Items

a. To Take Action on Town's pending groundwater application in Case No. 2023GW04

Minutes:

No action was taken.

12. Executive Session

a. 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. Section 24-6-402(4)(e); Wastewater Development Fee Incentive - Lennar

Minutes:

MAYOR PRO TEM OAKLEY MOVED, TRUSTEE DAMBROSKI SECONDED to go into 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. Section 24-6-402(4)(e); Wastewater Development Fee Incentive - Lennar.

Voting was as follows:

Ayes: Sus, Barden, Dambroski, Oakley, Pindell

Nays: None

Excused: Smith, Vittum

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

The Board went into executive session at 8:58 p.m.

b. Return to Open Meeting

Minutes:

The Board came out of the executive session at 9:18 pm.

Royce D. Pindell, Mayor, announced that the Board has been in executive session and the following persons participated: Kevin Barden, Steve Dambroski, Christina Hart, Trish Stiles, Scott Krob, Rachel Summers, Donna Sus, Whitney Oakley and Royce Pindell. Royce D. Pindell, 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.

c. Report from Executive Session

Minutes:

The executive session was within the scope of the statute. Town Attorney Scott Krob was present throughout the executive session, which is protected by the attorney/client privilege.

13. Action/Discussion Items

a. To Take Action on Wastewater Development Fee Incentive - Lennar

Minutes:

No action was taken.

14. Executive Session

a. 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. Section 24-6-402(4)(e); Discussion of invoice received from Adams County law enforcement.

Minutes:

MAYOR PRO TEM OAKLEY MOVED, TRUSTEE DAMBROSKI SECONDED to go into 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. Section 24-6-402(4)(e); Discussion of invoice received from Adams County law enforcement. Voting was as follows:

Ayes: Barden, Dambroski, Oakley, Pindell, Sus

Nays: None

Excused: Smith, Vittum

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

The Board went into executive session at 9:20 p.m.

b. Return to Open Meeting

Minutes:

The Board came out of the executive session at 10:01 p.m.

Royce D. Pindell, Mayor, announced that the Board has been in executive session and the following persons participated: Kevin Barden, Steve Dambroski, Christina Hart, Trish Stiles, Scott Krob, Rachel Summers, Donna Sus, Whitney Oakley and Royce Pindell. Royce D. Pindell, 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.

c. Report from Executive Session

Minutes:

The executive session was within the scope of the statute. Town Attorney Scott Krob was

present throughout the executive session, which is protected by the attorney/client privilege.

15. To Take Action on Invoice Received from Adams County Law Enforcement

Minutes:

The board provided staff with direction to pay the January invoice.

16. Adjournment

Minutes:

TRUSTEE BARDEN MOVED, TRUSTEE DAMBROSKI SECONDED to adjourn the meeting. The meeting was adjourned at 10:01 p.m. Voting was as follows:


Ayes: Oakley, Pindell, Sus, Barden, Dambroski

Nays: None

Excused: Smith, Vittum

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

Minutes Approved:

DocuSigned by:

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Royce D. Pindell, Mayor

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Christina Hart, CMC / Town Clerk

Individuals with disabilities who need auxiliary aids in attending the meeting may request assistance by contacting the Town Hall at 207 Muegge Way, Bennett, CO 80102-7806, (303) 644-3249. Please give notice at least 48 hours in advance of the meeting to allow for enough time in making the necessary arrangements.