



Town Board of Trustees

Minutes

Tuesday, February 13, 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

Donna Sus, Trustee

Larry Vittum, Trustee

Staff Present:

Trish Stiles, Town Manager

Taeler Houlberg, Administrative Services Director

Alison Belcher, Communications and IT Director

Adam Meis, IT and Communications Manager

Denise Taylor, Assistant to the Town Manager

Greg Thompson, Community and Economic Development Director

Steven Hoese, Planning Manager

Dan Giroux, Town Engineer

Scott Krob, Town Attorney

Christina Hart, Town Clerk

Public Present:

Kathy Smiley

Mason Oakley

Tommy Jackson
Carol Johnson
John Vitella
Justina Wooten
Jim Marshall
Timothy Heinsohn
Darcie Nicholas
Chris Nicholas
Jack Beckwitt

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:

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

Ayes: Dambroski, Oakley, Pindell, Smith, Sus, Vittum, Barden

Nays: None

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 VITNUM SECONDED to approve the consent agenda as presented. The voting was as follows:

Ayes: Oakley, Pindell, Smith, Sus, Vittum, Barden, Dambroski

Nays: None

Royce D. Pindell, Mayor, declared the motion carried by unanimous vote. **1. Action:** Approval of January 23, 2024, Regular Meeting Minutes **2. Action:** Approval of Resolution No. 997-24 **3.**

Action: Approval of Resolution No. 1002-24 **4. Action:** Approval of First Amendment to the MOU Regarding Homeless Services Adams Co. **5. Action:** Approval of Resolution No. 1003-24

PUBLIC COMMENTS NOT ON THE AGENDA

There were no public comments presented.

a. January 23, 2024 - Regular Meeting Minutes

b. Resolution No. 997-24 - Updating the Town of Bennett's Three-Mile Plan

Resolution No. 997-24 - A Resolution Adopting an Updated Three-Mile Plan for the Town of Bennett, Colorado

c. Department of Local Affairs Local Planning Capacity Grant Program Resolution

Resolution No. 1002-24 - A Resolution Supporting the Grant Application for the Local Planning Capacity Program from the Department of Local Affairs for the Creation of Affordable Housing Review Processes and Exploring Incentive Strategies

d. First Amendment to the Memorandum of Understanding (MOU) Regarding Homeless

Services

e. Wastewater Development Fee Incentive Agreement - Lennar Muegge Farms Filing 7

Resolution No. 1003-24 - A Resolution Approving a Wastewater Development Fee Incentive Agreement with Lennar Colorado LLC

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. CND Eats LLC d/b/a High Plains Diner - Colorado Liquor Retail License Application - Transfer of Ownership

Minutes:

Royce D. Pindell, Mayor, called the matter of the application for a Colorado Liquor Retail License Transfer of Ownership for CND Eats LLC. d/b/a High Plains Diner, to order.

The public hearing was opened at 7:05 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 February 2, 2024. Legal #2909.

Christina Hart, Town Clerk, reported that CND Eats LLC d/b/a High Plains Diner, submitted the completed DR8404 Colorado Liquor Retail License Transfer of Ownership application on November 12, 2023. All requirements for a new Liquor Retail License have been met. Ms. Hart reported that the public hearing poster posted at 100 East Bennett Avenue, Unit #2 incorrectly listed the date of the application. Staff recommended that the public hearing be continued until February 27th, 2024 at 7:00 p.m. so the notice may be properly noticed.

PUBLIC COMMENTS

No public comments were presented.

TRUSTEE VITUM MOVED, TRUSTEE SUS SECONDED to continue the public hearing until February 27, 2024, at 7:00 p.m. so Staff may provide a new public hearing posting at

100 East Bennett Avenue, Unit #2 . The voting was as follows:
Ayes: Pindell, Smith, Sus, Vittum, Barden, Dambroski, Oakley
Nays: None
Royce D. Pindell, Mayor, declared the motion carried by unanimous vote.

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

Minutes:

Royce D. Pindell, Mayor, reopened the application hearing 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 re-opened at 7:10 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 Family Dollar Stores of Colorado, LLC., d/b/a Family Dollar #28218, 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 and applicant representative were present. Carol Johnson, LiquorPros, provided the final report of the survey results determining the needs of the neighborhood and desires of the inhabitants.

Tommy Jackson, Family Dollar Store licensing, provided additional comments and clarification.

PUBLIC COMMENTS

Timothy Heinsohn, Bennett, CO. commented that he was not in favor of the application.

The public hearing was closed at 7:53 p.m.

The authority deliberated and discussed the application and the evidence that was presented to them.

TRUSTEE BARDEN MOVED, MAYOR PRO TEM OAKLEY SECONDED to approve the application for a Colorado Beer and Wine license submitted by Family Dollar Stores of Colorado, LLC d/b/a Family Dollar #28218. The voting was as follows:

Ayes: Sus, Barden, Dambroski, Oakley, Pindell

Nays: Smith, Vittum

Royce D. Pindell, Mayor, declared the motion carried 5 to 2.

a. Cancelling of April 2, 2024 Election and Declaring Candidates Elected

Resolution No. 1000-24 - A Resolution Instructing the Town Clerk to Cancel the April 2, 2024 Election and Declaring Candidates Elected

Minutes:

Christina Hart, Town Clerk, reported to the board that the clerk's office received four petitions for the position of trustee and one petition for the position of mayor. All petitioners met the qualifications to run for the Board of Trustees.

Staff recommends the Board of Trustees cancel the April 2, 2024, election and declare the candidates elected.

Whitney Oakley - Office of Mayor with a four-year term ending in April 2028

Denise Smith - Office of Trustee with a four-year term ending in April 2028
Donna Sus - Office of Trustee with a four-year term ending in April 2028
Royce D. Pindell - Office of Trustee with a four-year term ending in April 2028

Larry Vittum - Office of Trustee with a two-year term ending in April 2028

TRUSTEE BARDEN MOVED, TRUSTEE DAMBROSKI SECONDED to approve Resolution No. 1000-24 - A resolution instructing the Town Clerk to cancel the April 2, 2024 election and declaring candidates elected. The voting was as follows:

Ayes: Sus, Vittum, Barden, Dambroski, Oakley, Pindell, Smith

Nays: None

Royce D. Pindell, Mayor, declared the motion passed unanimously.

8. Town Manager Report

Minutes:

- Ms. Stiles provided recognition to three Bennett area representatives who volunteer within the CASA program.
- CDOT meeting discussions included the crosswalks at the locations of Centennial Dr. and Adams St. at Highway 79 and Highway 36. Town staff will be notified once a date is set for the kick-off meeting to discuss designs.
- CDOT will install a radar speed sign southbound near the curve of Highway 79 within the next couple of weeks.
- CDOT will install no parking signs near the railroad crossings per the request of the fire district.
- Staff attending a pre-scoping meeting regarding the bridge at Exit 305. Discussions include potentially bundling Exits 304 and 305 into a grant program.
- Ms. Stiles reported that the February 21st meeting with the school board was cancelled.
- Water Committee Update: the new trial date for the renewable water project is December 1–19, 2025.
- April 9th: Study Session is cancelled in lieu of a reception for the newly elected mayor and trustees.

9. Trustee Comments and Committee Reports

Mayor and Trustees

Minutes:

Whitney Oakley, Mayor Pro Tem, reported on the following:

- Expressed gratitude to the CASA volunteers for their dedication to the program.
- Attended the Metro Mayor's caucus with Mayor Pindell and thanked him for the invitation.

Mayor Pindell called for a recess at 8:45 p.m.

The meeting resumed at 9:00 p.m.

10. Executive Session

- a. For the purpose of conferencing with an attorney to receive legal advice on a specific legal question and 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)(b)(e); Negotiations and specific legal questions related to police services for the Town of Bennett.

Minutes:

MAYOR PRO TEM OAKLEY MOVED, TRUSTEE SMITH SECONDED to go into executive session for the purpose of conferencing with an attorney to receive legal advice on a specific legal question and 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)(b)(e); Negotiations and specific legal questions related to police services for the Town of Bennett. Voting was as follows:

Ayes: Vittum, Barden, Dambroski, Oakley, Pindell, Sus, Smith

Nays: None

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

The Board went into executive session at 9:05 p.m.

b. Return to Open Meeting

Minutes:

The Board came out of the executive session at 10:15 p.m.

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

11. To Take Action Following Executive Session

Minutes:

Staff was provided direction.

12. Adjournment

Minutes:


TRUSTEE SMITH MOVED, TRUSTEE DAMBROSKI SECONDED to adjourn the meeting. The meeting was adjourned at 10:16 p.m. Voting was as follows:

Ayes: Dambroski, Oakley, Pindell, Smith, Sus, Vittum, Barden

Nays: None

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

Minutes Approved:

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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.