

TOWN OF BENNETT, COLORADO  
BOARD OF TRUSTEES  
Regular Meeting  
February 22, 2022

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1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, February 22, 2022 via hybrid meeting. Mayor Royce D. Pindell called the meeting to order at 7:02 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*  
Taeler Houlberg, *Administrative Services Director*  
Alison Belcher, *Communications and IT Director*  
Steve Hebert, *Planning and Economic Development Manager*  
Daymon Johnson, *Capital Projects Director*  
Robin Price, *Public Works Director*  
Ricky Martinez, *Assistant Public Works Director*  
Adam Meis, *IT and Communications Manager*  
Dan Giroux, *Town Engineer*  
Mike Heugh, *Town Traffic Engineer*  
Sara Aragon, *Community Development Manager*  
Steve King, *Special Projects Coordinator*  
Melinda Culley, *Town Attorney*  
Christina Hart, *Town Clerk*

Public Present: Kathy Smiley, Steve Dambroski, Trey Ferrell, Cooper Raines

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 February 8, 2022 Regular Meeting Minutes

#### PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments presented.

#### 5. REGULAR BUSINESS

##### A. Public Hearing

##### 1. Case 21.26 Bennett Ranch Filing No. 2 Final Plat

##### Resolution No. 905-22 – A Resolution Approving a Final Plat for Bennett Ranch Filing No. 2

Mayor Royce D. Pindell called the matter of Case 21.26 Bennett Ranch Filing No. 2 Final Plat to order. The public hearing was opened at 7:06 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 7 and January 14, 2022. Legal #2559.

Case No. 21.26 is a proposed final plat for 84 townhome lots on 8.918 acres in Bennett Ranch. The property was originally platted as Tract B of Bennett Ranch Filing 1. It is located on the south side of East 38<sup>th</sup> Avenue approximately 600 feet west of the East 38th Avenue/Colorado Highway 79 (Kiowa-Bennett Road) intersection. The property is zoned R-3 - High Density Residential.

Access to the townhomes will be via a public street, and a series of private driveways and alleys. In addition, several tracts are set aside as open space tracts that will eventually accommodate landscaping and pedestrian connections.

Notice of the January 24, 2022, Planning and Zoning Commission hearing and the February 22, 2022, Board of Trustees hearing was published in the Eastern Colorado News, posted on the subject property and sent to all property owners within 300 feet of the property. No comments, other than those from the referral agencies, have been received to date.

## PUBLIC COMMENTS

Steve Dambroski, 140 Cleveland Court, asked if the alleys would be concrete or asphalt and if the alleys would withstand the weight of trash trucks.

The public hearing closed at 7:40 p.m.

TRUSTEE OAKLEY MOVED, TRUSTEE SUS SECONDED to approve Resolution No. 905-22 – A resolution approving a final plat for Bennett Ranch Filing No. 2. The voting was as follows:

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

Mayor Royce D. Pindell declared the motion passed unanimously.

### **B. Action/Discussion**

#### **1. Request for Proposal 22-002 – Bennett Regional Park and Open Space (BRPOS) Lower Pond Fishing Improvements**

Robin Price, Public Works Director, reported to the Trustees the Town of Bennett secured a grant from Arapahoe County Open Space to help design and construct a fishing pond at Bennett Regional Park and Open Space Lower Pond (BRPOS). The purpose of the grant project is to turn the lower pond at BRPOS into a recreational fishing pond that will be open and free to the public while still providing adequate storage for existing and future storm water drainage. The Town issued a request for proposal (RFP) on January 13, 2022, for Bennett Regional Park and Open Space Lower Pond Fishing Improvements. Town Staff is committed to recruiting the best talent and resources to build the Town of Bennett's improvements and infrastructure. As a result, the Town team personally approached and invited five known, trusted and highly qualified civil construction firms that have successfully provided high-performance improvements in the Town previously. The work outlined and required by this RFP is unique, and even a bit challenging due to the mix of tasks, and some of the salvage and reuse, as well as high-care items involved. As a result, the Town had only two contractors respond to the RFP. However, both responding firms were very active and thorough, and asked numerous insightful questions about the project. Below is a summary of the responses received for RFP 22-002 and the prior Town experience for each. Proposals were due on February 10 at 2:00 p.m.

The Town received the following qualified responses:

- Kuhn Construction, Inc.: Kuhn Construction, Inc. is a local company that has worked on numerous projects throughout the Town including the most recent BRPOS trail construction and upper pond repurposing. Kuhn Construction, Inc. met all the RFP criteria and gave some additional insight and recommendations on the existing pond liner recommendations.
- Anson Excavating & Pipe, Inc.: Anson Excavating is located in Craig, CO and have worked with the Town on a few utility and concrete projects. Anson Excavating met all of the RFP criteria.

After a thorough evaluation of the contractors and their submitted bids, Staff believes both companies would be qualified to complete this project. When comparing the two bids with

the current grant budget of \$650,000 (\$487,500 Grant and Cash Match of \$162,500 from the reserved Antelope Hills Redemption Fund located in the General Fund) both bids exceeded the current budget. Town Staff conducted a meeting with Kuhn Construction, Inc. to include a phased approach so Town Staff can proceed with the current grant. Anson Excavating due to mobilization and base costs of the bid could not fit into the current budget. Kuhn Construction, Inc. while providing their pricing met with Raven Industries on-site to conduct a detailed evaluation, to address the pond liner as a spliced "curtain" area reduction per the RFP instruction. From their investigation, the Kuhn-Raven team determined the current liner was sun damaged and had a large potential to leak due to the existing liner age of over 15 years. Town Staff worked diligently with Kuhn Construction, Inc. to carefully and thoughtfully reduce the base scope of the original RFP-requested fishing pond improvements, and in turn to upgrade the critical improvement of providing an entirely new, earth-protected and UV-ray resistant liner for the final fishing pond area. The pond liner is the foundation of the fishing pond and Staff's sense was that the pond and fishing amenity would never be more successful than its ability to hold onto our precious Town water. After Town Staff met with Kuhn Construction, Inc. to determine priority and costs Kuhn Construction, Inc. updated their proposal to remove, specific items that Town Staff will need to add to a second phase of the Fishing Pond Grant. The updated proposal from Kuhn Construction, Inc. dated February 10, 2022, includes the reduced scope with the updated full liner.

TRUSTEE VITUM MOVED, MAYOR PRO TEM HARRELL SECONDED to authorize the Mayor and the Town of Bennett to enter into a standard Town contract agreement with the updated Kuhn Construction, Inc. proposal dated February 10, 2022 in the amount no to exceed \$574,000.00. The voting was as follows:

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

Mayor Royce D. Pindell declared the motion passed four aye's to two no's.

2. Lafever Building Systems – Change Order PW-007

Daymon Johnson, Capital Projects Director, reported to the Board of Trustees, The Town contracted Lafever Building Systems (LBS) to complete the construction of our new Public Works facility on the NOMCOM Campus. The contract date between LBS and the Town was 5/24/2021 and was for a total of \$2,856,110 with a date of completion of 5/31/2022.

The date of substantial completion initially was 4/1/2022; however, due to delays with materials, the completion has been amended to 5/31/2022.

Through various cost analyses and material discussions, Town staff has reviewed and processed change orders to date as a part of the allowable contingency of the contract. Staff value engineered a deduction of \$168,056 for grading and site utilities, taking the contract well below its initial estimate.

Per the finance policy, Staff is seeking Board consideration of change order PW-006 for \$182,518, which is 5% of the contract total.

The first part of this change (\$134,349) is the materials and labor for tenant improvements (TI). At the contract, Staff was operating on budget allowance for the TI work, understanding the TI drawings were not final. Final drawings were completed and released by D2C Architects on 6/15/2021, followed by the procurement of TI materials on 2/15/2022. Furthermore, the finalized TI work includes a fire sprinkler system, additional lighting and fixture upgrades, the interior door package and radiant heaters. These items were budget allowances in the initial core, shell drawings, and included the GMP proposal; however, some of those budget allowances were lower than current pricing and those material changes are what is shown here.

The second half of this change order (\$48,169) on page 2 is for material increases from suppliers. Simply put, the materials market volatility right now, and for the last several months, has been at an unprecedented level. Some suppliers are holding pricing for less than 24hrs. This cost is directly attributed to materials shortages and/or changes relating to materials availability and pricing fluctuations.

Overall, while this change order is \$182,518, the total contract change is an additional \$77,030. This overage is covered in the Public Facilities Impact Fund.

TRUSTEE SMITH MOVED, TRUSTEE VITTUM SECONDED to authorize Town Staff to execute change order PW-007 with Lefever Building Systems in an amount not to exceed \$182,518 for contractor services to continue the construction of the new Public Works facility.

The voting was as follows:

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

Mayor Royce D. Pindell declared the motion passed unanimously.

## **6. TOWN ADMINISTRATOR REPORT**

Trish Stiles, Town Administrator, reported on the following:

- Attended the monthly CDOT meeting. Discussion included the pedestrian crosswalks issues. Bennett residents submitted 200 of the 2,000 comments.
- Met with Peter Cozinsky and DRCOG to discuss the TIP cycles.
- A draft of the MOU will be coming before the board regarding the 304-bridge design.
- Adams County Sheriff is providing regular updates to Ms. Stiles.
- Rachel Hampell, new Executive Assistant, will be starting on March 7.
- Ms. Stiles will be on vacation from February 26 – March 6. Ms. Summers will be covering during that time.
- The Board retreat will be on February 25 from 8:00 am – 1:00 pm at CORE Electric Coop.

## **7. TRUSTEE COMMENTS AND COMMITTEE REPORTS**

### **Larry Vittum**

Trustee Vittum reported on the following:

- Attended DRCOG

**Royce D. Pindell**

Mayor Pindell reported on the following:

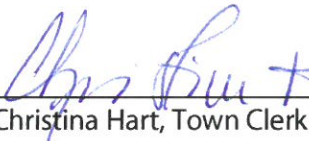
- Offered his thanks to the CSO's.
- Thanked staff for their great work removing snow.

**8. ADJOURNMENT**

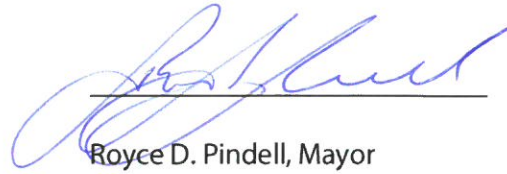
TRUSTEE BARDEN MOVED, MAYOR PRO TEM HARRELL SECONDED to adjourn the meeting. The meeting was adjourned at 8:50 p.m. Voting was as follows:

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

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

  
Christina Hart, Town Clerk



  
Royce D. Pindell, Mayor