

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

1. **CALL TO ORDER**

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, March 22, 2022 via hybrid meeting. Mayor Royce D. Pindell called the meeting to order at 7:03 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*
Steve Hebert, *Planning and Economic Development Manager*
Adam Meis, *IT and Communications Manager*
Dan Giroux, *Town Engineer*
Mike Heugh, *Town Traffic Engineer*
Steve King, *Special Projects Coordinator*
Melinda Culley, *Town Attorney*

Public Present: Kathy Smiley, Steve Dambroski, John Vitella, Jim Marshall, Karen Henry,
Mike Thiesen, Peter Gonzales, Kirk Money, Tony Hill, Renee Meriaux

2. **PLEDGE OF ALLEGIANCE**

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

3. **APPROVAL OF AGENDA**

TRUSTEE VITTUM MOVED, TRUSTEE 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 SMITH SECONDED to move item 5b Adams County Homelessness Memorandum of Understanding to regular business. The consent agenda was approved as amended.

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 March 8, 2022 Regular Meeting Minutes

B. **Action:** Memorandum of Understanding between the Town of Bennett and Kiowa Creek Preserve Holdings, LLC.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments presented.

5. REGULAR BUSINESS

A. Public Hearing

1. Case 22.01 Bennett North (Mundell Property) Annexation and Annexation Agreement

Resolution No. 907-22 – A Resolution Concerning a Petition for the Annexation of Property to the Town of Bennett, Colorado, Known as the Bennett North Annexation and Finding the Area Proposed to be Annexed Eligible for Annexation

Ordinance No. 739-22 – An Ordinance Approving an Annexation Known as the Bennett North Annexation to the Town of Bennett, Colorado

Resolution No. 908-22 – A Resolution Approving an Annexation Agreement for the Bennett North Annexation

Mayor Royce D. Pindell called the matter of Case 22.01 Bennett North Annexation to the Town of Bennett and initial zoning for the property. The initial zoning requested is Mid-Density Residential (R-2) to order. The public hearing was opened at 7:09 p.m.

Taeler Houlberg, Town Clerk Pro Tem, 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 4, February 11, February 18, and February 25, 2022. Legal #2587.

Steve Hebert, Planning and Economic Development Manager, report to the Trustees the applicants have petitioned the Town of Bennett to annex 153.62 acres into the Town of Bennett. The property is located at the southwest corner of East 38th Avenue and 1st Street/Converse Road. It is zoned A-3 in unincorporated Adams County. The current property owners are several members of the extended Mundell family.

In Colorado, annexation into a municipality like the Town of Bennett can take place in three ways: (1) landowner petition; (2) annexation election; or (3) unilateral annexation of an enclave or municipal-owned land. In this case, the landowners have submitted a petition to

annex. On January 25, 2022, the Board of Trustees determined the annexation petition was in substantial compliance with the applicable laws of the State of Colorado and set the annexation public hearing for March 22, 2022. Case No. 22.01 is to consider the following:

1. Bennett North Annexation Eligibility Resolution No. 907-22;
2. Bennett North Annexation Ordinance No. 739-22; and,
3. Bennett North Annexation Agreement Resolution No. 908-22

The subject property is **within the Area of Planning Interest in the 2021 Comprehensive Plan**. The Area of Planning Interest includes unincorporated infill properties within Bennett, contiguous properties and properties within a logical service area, ideal for future annexation to the Town.

Staff has had initial conversations with an adjoining property owner clarifying the nature of the application.

2. Case 22.02 Bennett North (Mundell Property) Zoning

Ordinance No. 740-22 – An Ordinance Zoning Property Annexed to the Town of Bennett and Known as the Bennett North Annexation

The applicants have petitioned the Town of Bennett to annex 153.62 acres into the Town of Bennett. As part of the annexation process, the property owner can also apply for zoning consistent with the Town’s zoning code. In this case, the applicant is applying for R-2 – Mid Density Residential. The annexation petition will also be considered by the Town Board of Trustees on March 22, 2022.

The property is currently unincorporated and zoned A-3 in Adams County.

The Area of Planning Interest includes unincorporated infill properties within Bennett, contiguous properties and properties within a logical service area, ideal for future annexation to the Town.

Staff finds the proposed zoning is consistent with, or will promote, the goals and policies of the Town of Bennett 2021 Comprehensive Plan as required by Sections 16-1-90 and 16-2-360 of the Municipal Code.

PUBLIC COMMENTS

No public comments were presented.

The public hearing closed at 8:07 p.m.

TRUSTEE OAKLEY MOVED, TRUSTEE VITNUM SECONDED to approve Resolution No. 907-22 – A resolution concerning a petition for the annexation of property to the Town of Bennett, Colorado, known as the Bennett North Annexation and finding the area proposed to be annexed eligible for annexation. The voting was as follows:

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

Mayor Royce D. Pindell declared the motion passed unanimously.

TRUSTEE OAKLEY MOVED, TRUSTEE VITTUM SECONDED to approve Ordinance No. 739-22 – An ordinance approving an annexation known as the Bennett North Annexation to the Town of Bennett, Colorado. The voting was as follows:

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

Mayor Royce D. Pindell declared the motion passed unanimously.

TRUSTEE OAKLEY MOVED, TRUSTEE SMITH SECONDED to approve Resolution No. 908-22 – A resolution approving an annexation agreement for the Bennett North Annexation. Voting was as follows:

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

Mayor Royce D. Pindell declared the motion passed unanimously.

TRUSTEE SUS MOVED, MOTION NOT SECONDED to approve Ordinance No. 740-22 – An ordinance zoning property annexed to the Town of Bennett and known as the Bennett North Annexation. **The motion failed.**

B. Action/Discussion

1. Brunner Subdivision Agreement

Resolution No. 909-22 – A Resolution Approving a Subdivision Agreement for the Brunner Subdivision

Melinda Culley, Town Attorney, reported to the Trustees on February 8, the Board of Trustees approved a Final Plat for the Brunner Subdivision, which will allow up to 87 single-family detached lots on the south side of US Hwy 36/Colfax Ave, just east of the SkyView Subdivision. As a condition of approval, the Subdivider is required to enter into a Subdivision Agreement (SA) regarding the public improvements for the project.

Notable provisions of the proposed SA for the Brunner Subdivision include:

- The Subdivider is responsible for constructing approximately \$4 million in public improvements.
- The Subdivider will pay the Town's costs for improving the Penrith Park lift station to accommodate sewage flows from the Brunner Subdivision. The Town's Water Engineer is finalizing cost estimates for those improvements, which will be added to the SA before it is executed. If the actual cost exceeds the estimated cost, the Muegge Farms Metro District No. 3 will be responsible for 50% of the overages. The Subdivider is allowed up to 25 building permits and certificates of occupancy (COs) prior to completion of the lift station improvements.
- Muegge Farms Metro District No. 3 will be responsible for constructing the following off-site road improvements:
 - o the eastern half-section of Penrith Road between Civic Center Drive and the limits of the Penrith Park Subdivision;
 - o the full section of Civic Center Drive between Penrith Road and Foggy Street;
 - o the southern half-section of Civic Center Drive between Foggy Street and the western limit of Civic Center Drive to be constructed as part of Muegge Farms Filing No. 4; and

- o the Lark Sparrow Way extension between the Brunner Subdivision and Civic Center Drive.
- Subdivider will be allowed up to five building permits and COs for model homes prior to completion of the off-site road improvements. The model homes may be open to the public for walk-throughs and general community sales purposes, but not occupied as a living space prior to completion of the off-site road improvements.

As noted above, cost estimates for the lift station improvements and other public improvements are still being finalized. Therefore, the enclosed resolution approves the SA, subject to finalization and approval of the cost estimates and exhibits by the Town Engineer.

TRUSTEE VITTUM MOVED, TRUSTEE SMITH SECONDED to approve Resolution No. 909-22 – A resolution approving a Subdivision Agreement for the Brunner Subdivision. Voting was as follows:

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

Mayor Royce D. Pindell declared the motion passed unanimously.

2. Adams County Homelessness Services Memorandum of Understanding (MOU)

Trish Stiles, Town Administrator, reported to the Trustees, Adams County has begun coordinating homelessness services, data sharing and determining roles and responsibilities between the county and municipalities (i.e., City of Aurora, City of Brighton, City of Commerce City, City of Federal Heights, City of Northglenn, City of Thornton, City of Westminster, City and County of Broomfield and Town of Bennett) in order to coordinate services and investments countywide and reach as many people experiencing homelessness in the community as possible.

The proposed Memorandum of Understanding (“MOU”) would take effect in 2022 and remain in effect through December 31, 2024, subject to the Town’s right to terminate its involvement at any time.

This proposed MOU regarding homelessness services will strengthen regional coordination and improve outcomes for individuals experiencing or at risk of homelessness. Through a shared commitment to share and utilize available data, all parties agree to identify resources and service needs for people experiencing or at risk of homelessness and potential locations and properties that can best provide those resources and services.

The Town of Bennett would be responsible for collaborating efforts, participating in meetings, sharing data with Adams County to help facilitate program planning, and assigning a staff member to the Core Team who can speak on behalf of the Town.

Through the MOU, the Town of Bennett will have an opportunity to further evaluate the homelessness situation in the area as well as provide dignity related services to any resident experiencing or at risk of homelessness.

Furthermore, the MOU does not require a financial obligation from the Town and it contains a termination right, which would allow the Town to terminate its involvement if necessary.

TRUSTEE SUS MOVED, TRUSTEE BARDEN SECONDED to approve the Memorandum of Understanding between Adams County, Colorado, and the Cities of Aurora, Brighton, Commerce City, Federal Heights, Northglenn, Thornton, Westminster, the Town of Bennett and the City and County of Broomfield regarding homelessness services. The voting was as follows:

YES: Oakley, Pindell, Smith, Sus, Barden
NO: Harrell, Vittum

Mayor Royce D. Pindell declared the motion passed 5 to 2.

3. **Building Department Services Contract Charles Abbott Associates, Inc.**

Resolution No. 910-22 – A Resolution Approving an Agreement for Building Department Services by and Between the Town of Bennett and Charles Abbott Associates, Inc.

Trish Stiles, Town Administrator, reported to the Trustees, the Town of Bennett has contracted in various forms with Charles Abbott Associates, Inc. (CAA) since 2018 to perform building department inspection and review services. CAA has been a national alternative service provider to state and local government agencies since 1984. Their expertise allows them to provide public agencies for building & safety, city engineering, public works, environmental, and fire prevention services. Prior to this contract, the Town of Bennett utilized SAFEbuilt for many years prior in similar contractual services. In 2019, staff reviewed the proposed contract and determined at the time that an in house building inspector, supplemented with electrical inspections from CAA would be the best and most cost effective delivery of services. In 2021, an in house electrical inspector was hired and CAA provided back up services on an as needed basis. After changes in staff during December 2021 until present, the Town of Bennett has been contracting with CAA to do all building inspection and review services.

During this time, staff received and reviewed a new proposal from CAA as well as looked at possible replacements for in house services to continue.

In-house Inspection Services:

As with many business sectors at this time, the building inspection sector is, a tight and competitive job market with limited supply of qualified Chief Building Officials as well as Electrical Inspectors. This is due in large part to the building industry pulling candidates into the private sector as well as Colorado state law that requires electrical inspectors to be master electricians. While staff did post these positions, our response for qualified candidates was very limited and the pool was not as strong as we had hoped.

Contract Inspection Services:

CAA also submitted a revised proposal to the Town of Bennett to offer full service building inspection at a rate of 60% of building permit revenues. This is an improved proposal from 2019 when the proposal was a minimum of 70% of revenues with a stepped approach with various metric points being met at both 65% and 60%. Per the proposal, CAA will perform residential and commercial building inspections, including electrical inspections, plan

reviews, and building official services as needed. This would be a three-year contract but would be something that each party could terminate with 30 days written notice.

TRUSTEE BARDEN MOVED, TRUSTEE SUS SECONDED to approve Resolution No. 910-22 – A resolution approving an agreement for Building Department services by and between the Town of Bennett and Charles Abbott Associates, Inc. The voting was as follows:

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

NO: None

Mayor Royce D. Pindell declared the motion passed unanimously.

6. TOWN ADMINISTRATOR REPORT

Trish Stiles, Town Administrator, reported on the following:

- Water Committee comments responses were due back at the beginning of March 2022. Case is moving along.
- Attended some Transportation Sub-regional Forums regarding trail connections.
- Attended monthly CDOT meeting. Ms. Stiles extended an invitation for a meeting between the Board of Trustees and CDOT for possibly May 10.
- Working on a water sustainability grant for expansion of the purple pipe.
- Orientation scheduled for April 1 at 2:00 p.m.
- Reception for outgoing Trustee Vittum and Board of Adjustment April 12 at 6:00 p.m. The board meeting will follow at 7:00 p.m.

7. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Larry Vittum

Trustee Vittum reported on the following:

- Attended DRCOG
- Reported to DRCOG Mayor Pindell would be attending future DRCOG meetings

Whitney Oakley

Trustee Oakley reported on the following:

- Attended the I-70 Corridor Chamber of Commerce lunch and learn. Steve Hebert and Lynette White presented during the program. Trustee Oakley spoke about our Community Service Officers while addressing crime within the Town.
- Anythink Library has been hosting the Corridor Creative Arts group.

Royce D. Pindell

Mayor Pindell reported on the following:

- Thanked Public Works staff for repairing the water line break.

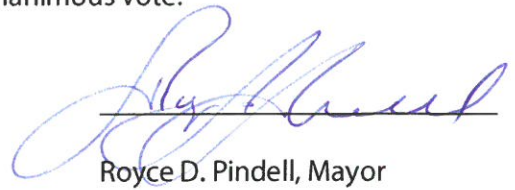
8. ADJOURNMENT

TRUSTEE VITNUM MOVED, TRUSTEE SMITH SECONDED to adjourn the meeting. The meeting was adjourned at 9:17 p.m. Voting was as follows:

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

NO: None

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



Royce D. Pindell, Mayor



Christina Hart, Town Clerk

