

TOWN OF BENNETT, COLORADO  
BOARD OF TRUSTEES  
Regular Meeting  
May 10, 2022

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1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, May 10, 2022 via hybrid meeting. Mayor Royce D. Pindell called the meeting to order at 7:15 p.m. The following persons were present upon the call of the roll:

Mayor: Royce D. Pindell

Trustees Present: Kevin Barden - *excused*  
Steve Dambroski  
Darvin Harrell  
Whitney Oakley  
Denice Smith  
Donna Sus

Staff Present: Trish Stiles, *Town Administrator*  
Rachel Summers, *Deputy Town Administrator*  
Taeler Houlberg, *Administrative Services Director*  
Alison Belcher, *Communications and IT Director*  
Adam Meis, *IT and Communications Manager*  
Dan Giroux, *Town Engineer*  
Mike Heugh, *Town Traffic Engineer*  
Peter Kozinski, *Town Traffic Consultant*  
Dalton Kelley, *Butler Snow*  
Suzanne Meintzer, *McGeady Becher*  
Steve King, *Special Projects Coordinator*  
Melinda Culley, *Town Attorney*  
Christina Hart, *Town Clerk*

Public Present: Kathy Smiley, John Vitella, Cooper Raines, Marilyn Cross, Jeffery Vogel,  
Jim Marshall, Behrooz Far, Robin Stoneman, Larry Evans, Iris Evans,  
Nyssa Beach

2. PLEDGE OF ALLEGIANCE

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

**3. APPROVAL OF AGENDA**

MAYOR PRO TEM HARRELL MOVED, TRUSTEE OAKLEY SECONDED to approve the agenda as amended by adding the CDOT PowerPoint presentation. The voting was as follows:

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

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

**4. CONSENT AGENDA**

TRUSTEE OAKLEY MOVED, MAYOR PRO TEM HARRELL SECONDED to approve the consent agenda as approved noting former Trustee Vittum was listed in error on the April 26 meeting minutes. The voting was as follows:

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

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

A. **Action:** Approval of April 26, 2022 Regular Meeting Minutes

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

There were no public comments presented.

**5. REGULAR BUSINESS**

**A. Action/Discussion**

**1. Colorado Department of Transportation (CDOT) Guests and Discussion**

Trish Stiles, Town Administrator, reported to the Trustees, four representatives from CDOT and Town Traffic Engineer and Town Traffic Consultant are present during tonight's meeting. Ms. Stiles offered her personal gratitude to the CDOT representatives attending the board meeting. CDOT representatives present tonight are:

- Anthony (Tony) Meneghetti, Region 1 North Program Resident Engineer
- Alazar Tesfaye, Region 1 Traffic Program Engineer
- Craig Hurst, Director of CDOT Freight Branch

Tony Meneghetti, Region 1 North Program Resident Engineer, thanked the Board for the opportunity to present Region 1 updates to them. The I-70 and State Highway 79 East bound off-ramp construction is slated to begin in the very near future. CDOT will oversee the project ensuring the project is built according to State and Federal specifications. The design is complete and has been authorized by the Highway Administration.

Craig Hurst, Director of CDOT Freight Branch, addressed the issues of the lack of truck parking in Colorado. Federal regulations state the drivers are required to have 10 hours of rest time after driving 11 hours in a day. Loves Truck Stop is a willing partner addressing opportunities for the expansion for additional truck parking. CDOT, Loves, and the Town of

Bennett are working on a Memorandum of Understanding (MOU) to fund the design using Federal and State dollars.

Alazar Tesfaye, Region 1 Traffic Program Engineer, reported CDOT is ready to submit the Marketplace Drive improvement project notice to proceed (NTP) once the Town has provided CDOT the traffic control plan. The intersection has met warrant based on the traffic impact study to install the signalization mast arms. Upon the completion of the warrant analysis, CDOT is confident the signals would be approved.

Traffic counts is scheduled at Colfax Avenue and First Street and at Adams and First Street the week of May 17, 2022.

Nyssa Beach, CDOT South Region Traffic Engineer, addressed the Kiowa-Bennett bridge project. CDOT, Arapahoe and Adams Counties visited the site during the week of May 2. The project is eligible for the BTE (Bridge/Tunnel Enterprise) funding. The project is not currently identified for immediate prioritization, but recognized as a high priority for Region 1.

## **B. Public Hearing**

### **1. Proposed Service Plan for Bennett North Metropolitan District Nos. 1, 2, 3 and 4**

#### **Resolution No. 915-22 – A Resolution of the Town of Bennett Approving the Service Plan for Bennett North Metropolitan District Nos. 1, 2, 3 and 4**

Mayor Royce D. Pindell called the matter of the Service Plan for Bennett North Metropolitan District Nos 1, 2, 3 and 4 to order. The public hearing was opened at 7:58 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 April 15, 2022. Legal #2638.

Suzanne Meintzer, McGeady Becher, representative for the applicant, reported to the Trustees, the Metro Districts are needed for the financing, construction or installation of public improvements necessary to serve the property. The property is approximately 154 acres commonly known as the Mundell property recently annexed into the Town of Bennett.

The estimated cost of public improvements is \$73,000,000. Improvements would include streets, sewer, water, sanitation and storm drainage.

#### **PUBLIC COMMENTS**

No public comments were presented.

The public hearing was closed at 8:14 p.m.

TRUSTEE DAMBROSKI MOVED, TRUSTEE SUS SECONDED to approve Resolution No. 915-22 – A resolution of the Town of Bennett approving the Service Plan for Bennett North Metropolitan District Nos. 1, 2, 3 and 4. The voting was as follows:

YES: Oakley, Pindell, Smith, Sus, Dambroski, Harrell

NO: None

EXCUSED: Barden

Mayor Royce D. Pindell declared the motion passed unanimously.

C. Action/Discussion Items

1. Kiowa Creek Annexation Nos. 1-3 – Substantial Compliance Resolution and Setting a Public Hearing

Resolution No. 916-22 – A Resolution Finding Substantial Compliance for Annexation Petitions Filed with the Town of Bennett, Colorado Known as Kiowa Creek Annexation Nos. 1-3 to the Town of Bennett and Setting a Public Hearing

Melinda Culley, Town Attorney, reported to the Trustees, the Town has received petitions for the annexation of three properties comprising approximately 317.3 acres at the northeast corner of CO Highway 79 (Kiowa-Bennett Road) and Old Victory Road and east of the Mount View Cemetery. (See attached vicinity map and annexation maps.) The property owners are Kiowa Creek Preserve Holdings, LLC and Herdsman Capital, LLC, represented by Russell MacLennan. The properties are currently within unincorporated Adams County.

State statute sets forth the process for an annexation petition and requires the petition to contain the following:

- An allegation that it is desirable and necessary that such area be annexed to the municipality.
- An allegation that the requirements of Sections 31-12-104 and 31-12-105 exist or have been met
- An allegation that the signers of the petition comprise more than fifty percent of the landowners in the area and own more than fifty percent of the area proposed to be annexed, excluding public streets and alleys and any land owned by the annexing municipality.
- A request that the annexing municipality approve the annexation of the area proposed to be annexed.

Town Staff and the Town Attorney have reviewed the annexation petitions and find they substantially comply with state statute. Therefore, Staff recommends the Board adopt the attached substantial compliance Resolution No. 916-22. The resolution also sets the Board of Trustees public hearing on the annexation for June 28, 2022.

TRUSTEE SMITH MOVED, TRUSTEE OAKLEY SECONDED to approve Resolution No. 916-22 – A resolution finding substantial compliance for annexation petitions filed with the Town of Bennett, Colorado known as Kiowa Creek Annexation Nos. 1-3 to the Town of Bennett, and setting a public hearing. The voting was as follows:

YES: Pindell, Smith, Sus, Barden, Dambroski, Oakley

NO: Harrell

EXCUSED: Barden

Mayor Royce D. Pindell declared the motion passed 5 votes to 1.

2. **Bennett Farms Annexation – Substantial Compliance Resolution and Setting a Public Hearing**

**Resolution No. 917-22 – A Resolution Finding Substantial Compliance for Annexation Petitions Filed with the Town of Bennett, Colorado Known as Bennett Farms Annexation Nos. 1 and 2 to the Town of Bennett and Setting a Public Hearing**

Melinda Culley, Town Attorney, reported to the Trustees, The Town has received petitions for annexation of properties, comprising 405.6 acres near the northwest corner of East Colfax Avenue and Harback Rd. (See attached vicinity map and annexation maps.) The property owners are Kiowa Creek Preserve Holdings, LLC and Herdsman Capital, LLC, represented by Russell MacLennan. The properties are currently within unincorporated Adams County.

Under state statute, the annexation process involves several steps including:

- **Step 1:** Make a determination as to whether the petition for annexation is in substantial compliance with State law and set a public hearing on the annexation.
- **Step 2:** Notice of the hearing on the proposed annexation is published in the newspaper for four consecutive weeks and mailed to the County, School District and special districts.
- **Step 3:** The Town prepares or directs the applicant to prepare an annexation impact report.
- **Step 4:** The Town Board holds a public hearing on the annexation at which it will decide whether the property is eligible for annexation, whether or not to approve the annexation, and approve zoning for the property.
- **Step 5:** The Town Board acts on an Annexation Agreement between the Town and property owner.

This petition for annexation is the first step in the process. The action requested tonight is for the Board to find the annexation petitions to be in substantial compliance with state law and to set a public hearing on the proposed annexation. By this action, the Board is not deciding whether the property is eligible for annexation or whether to approve the annexation, but rather that the application is in substantial compliance with the statute and can move forward.

State statute sets forth the process for an annexation petition and requires the petition to contain the following:

- An allegation that it is desirable and necessary that such area be annexed to the municipality.
- An allegation that the requirements of Sections 31-12-104 and 31-12-105 exist or have been met.

- An allegation that the signers of the petition comprise more than fifty percent of the landowners in the area and own more than fifty percent of the area proposed to be annexed, excluding public streets and alleys and any land owned by the annexing municipality.
- A request that the annexing municipality approve the annexation of the area proposed to be annexed.

Town Staff and the Town Attorney have reviewed the annexation petitions and find they substantially comply with state statute. Therefore, Staff recommends the Board adopt the attached substantial compliance Resolution No. 917-22. The resolution also sets the Board of Trustees public hearing on the annexation for June 28, 2022.

TRUSTEE SUS MOVED, TRUSTEE DAMBROSKI SECONDED to approve Resolution No. 916-22 – A resolution finding substantial compliance for annexation petitions filed with the Town of Bennett, Colorado known as Kiowa Creek Annexation Nos. 1-3 to the Town of Bennett, and setting a public hearing. The voting was as follows:

YES: Smith, Sus, Dambroski, Oakley, Pindell  
 NO: Harrell  
 EXCUSED: Barden

Mayor Royce D. Pindell declared the motion passed 5 votes to 1.

### 3. First Reading of the 2020 Model Traffic Code

#### Ordinance No. 740-22 – An Ordinance Adopting by Reference the 2020 Edition of the “Model Traffic Code” for the Regulation of Traffic in the Town of Bennett

Per section 42-4-110(1)(b), C.R.S., municipalities may, in the manner prescribed by article 16 of title 31, C.R.S., adopt by reference all or any part of a model municipal traffic code. The Colorado Department of Transportation (CDOT) has prepared and adopted a 2020-revised edition of the Model Traffic Code (MTC) for Colorado.

The last adopted update to the MTC was conducted in 2015 in which the Town adopted the 2010 edition. Staff proposes that the Town adopt the new 2020 edition. The attached Ordinance 740-22 would allow the Town to adopt, with amendments, the 2020 edition of the MTC by reference. The amendments to the MTC that staff have put forward allow the Town to have a traffic code that is more specifically tailored to the Bennett community.

In order to adopt the 2020 MTC, state statute requires that the Board must conduct a First and Second Reading, as well as provide proper notification of the adoption. Staff will ensure that proper notification is published fifteen (15) days and eight (8) days prior to the Second Reading.

Additional general updates to Chapter 8 will also be coming to the Board for review soon. The updates for this chapter were complicated and staff needed to work through additional items before presenting them to the Mayor and Trustees. While the codification of the MTC operates on its own schedule due to notice and hearing requirements, Staff intends to have all of the Chapter 8 updates ready for adoption on the same day.

### **Section 8-1-10. Model Traffic Code Adoption.**

This section adopts by reference Parts 1 through 19, Appendix 1 and Definitions of the 2020 edition of the Model Traffic Code as published by CDOT. It also allows for the Town's additions and modifications to the MTC as set forth in Section 8-1-20.

### **Section 8-2-20. Amendments.**

Subsection "a" allows for the adopted MTC to be known as the "Town of Bennett Traffic Code." It also states the general purpose of the article as establishing local traffic regulations, that any provision of the MTC not relating to Bennett shall be ignored, any references to the Colorado Revised Statutes shall be deemed to include amendments to such statutes, references to "police" or "peace officer" shall mean the Adams County Sheriff and Arapahoe County Sheriff, and references to "municipal" or "municipality" shall mean the Town of Bennett.

Subsection "b" clarifies that all generic references, including items like "this jurisdiction" and "local government authorities," shall mean and refer to the Town of Bennett and its elected or appointed officers.

Subsection "h" regulates specific speed limits for areas where speed limits are not posted. The speed limit suggestions are as follow:

- (a) Twenty-five (25) miles per hour in any residence district, as defined in section 42-1-102(80), C.R.S.;
- (b) Thirty-five (35) miles per hour in any business district, as defined in Section 42-1-102(11), C.R.S.; and
- (c) Fifteen (15) miles per hour in alleys. "

Additional subsections include the following general amendments:

- Prohibiting use of golf cars on roadways, except if used for special events;
- Giving the Town's Municipal Court jurisdictions over violations of traffic regulations and allowing the Court, if it chooses, to require driver improvement school for traffic violations;
- Adding a reference clarification;
- Adding language to designate maintenance, repair, or construction zones in order to increase penalties and surcharges in those designated areas;
- Adding language to increase penalties for moving traffic violations in school zones and giving the Town authority to place traffic signs designating those areas;
- Prohibiting parking at a municipal park unless the occupants of the vehicle are using the facilities;
- Adding a section to prohibit parking that obstructs traffic or maintenance;
- Allowing peace officers tender a penalty service notice even upon refusal by the defendant; and
- Outlining sections of the MTC specifically not adopted.



**Section 8-1-30. Model Traffic Code – Applicability.**

This section designates that the MTC shall apply to every street, alley, sidewalk area, driveway, park and every other public way, place or parking area, either within or outside the corporate limits of the Town, the use of which the Town has jurisdiction and authority to regulate.

**Section 8-1-40. Interpretation of provisions.**

This section states that Chapter 8, Article I shall be interpreted as putting into effect the general purpose of conforming to the State’s uniform regulation of vehicles and traffic.

Staff recommends that the Board of Trustees adopt Ordinance 740-22 on first reading and set the public hearing and second reading for a later date. Below is the proposed motion as provided by the Town Attorney.

TRUSTEE SMITH MOVED, MAYOR PRO TEM HARRELL SECONDED to adopt on first reading Ordinance No. 740-22 - An ordinance adopting by reference the 2020 edition of the “Model Traffic Code” for the regulation of traffic in the Town of Bennett, and to set a public hearing and second reading for June 14, 2022. The voting was as follows:

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

Mayor Royce D. Pindell declared the motion passed unanimously.

**4. 2022 Bennett Days**

September 10, 2022, will mark the 12th anniversary of the Bennett Days Community Event. The Board of Trustees and Staff pride themselves on offering Bennett Days as one of the last FREE community events with top-notch entertainment and attractions for all ages. Through generous community support, this annual celebration continues to grow. Each year visitors from all over the eastern corridor travel to Bennett to enjoy long-honored small-town traditions and entertainment. Historically the Town funds the event primarily through sponsorship and volunteer services.

We are actively seeking 2022 Sponsors. The ultimate goal of the sponsorship recruitment is to: provide the best, most wide-reaching connection to potential customers; provide a top-notch, professionally run event; preserve the history and traditions of the Bennett community; and create long-lasting partnerships where sponsors have a passion for the future of this great event. Staff’s goal for this year's event is \$60,000 in sponsorships, which is \$15,000 more than last year.

Bennett Days kicks off with a parade every year. This year the theme is "Keepin' it Local!" and immediately following the parade, Trupp Park opens for a day of FREE events. There is a Kids Fun Zone with inflatable bounce houses and slides, rock walls, trampoline jumps, face painting and caricature artists.



The I-70 Chamber of Commerce also organizes a vendor street fair for local residents, artisans and business owners to set up booths. Last year over 35 vendors participated. Staff anticipates more space can be provided for the vendors via expansion efforts and that number will easily be exceeded. In 2019, the Vendor Street Fair included over 80 vendors.

There are also performances on the stage in Trupp Park throughout the day. This year there will be a community dance lesson, performances from the Bennett High School Pep Band, Amazing Dave Magician and the local Tae Kwon Do team.

Other events throughout the day include a food truck rally, foam party with the Bennett Fire Protection District, beer garden and giveaways at the Town Booth.

Over the years, Staff retained and recruited new entertainment and activities and looks forward to doing the same this year. New in 2022 is the Buckers Unlimited **Finals Bull Riding** and **Little Texas** Headliner concert. For this event, staff is proposing a relocation of the evening activities to the new Kiowa Creek Open Space in the area shown below. This new location will alleviate the noise concern of the Little Texas concert for the adjacent residential neighborhood at Trupp Park. Furthermore, staff will be able to reopen Palmer Ave following the conclusion of the daytime activities at Trupp Park, thus allowing time to clean up the park before Sunday. While in the early stages of identifying the traffic control plan, parking attendants, fireworks location and emergency service access, Staff believes this new location will provide Bennett with a unique and scenic experience.

In addition, pending funding availability, Staff is working on bringing other new activities to Bennett Days, such as a mini bulling riding event for kids, additional food trucks, an extended vendor street fair, heightened trash clean-up services and lawn volleyball. Town Staff and community partners meet monthly to discuss new ideas, identify budget, sponsors, staffing, and preparations for the event.

After receiving feedback from the Town Board of Trustees, the Town Administrator will work with Trustee Oakley on the gift card and swag giveaway in lieu of the community dinner. The Trustees will have a booth set up in the more heavily foot-trafficked vendor street fair, where they can hand out the giveaways.

In addition to the gift card giveaway, Staff wants to include the Board of Trustees as a visible and considerable sponsor of this amazing community event as the entertainment is taken to the next level by the creation of an intimate, outdoor, live, FREE concert for the Bennett residents.

Staff is proposing that the Board of Trustees be the headline sponsor of the Little Texas concert. Having the Board sponsor, this part of Bennett Days aligns with the Board's focus on supporting the arts in Bennett. Furthermore, it will allow the event to remain completely FREE, offering a one-of-a-kind opportunity for all of our residents to enjoy a first-class day of activities and entertainment.

Below is a rendering of what some of the advertising may look like should the Board choose to sponsor this event.



Below is the current budget for the 2022 Bennett Days.

Revenues		
Bennett Board Sponsorship	\$25,000	
Business Sponsorship	\$60,000	
Expenses		
Family Fun Zone (Inflatables, Face Painting, Caricatures)		\$16,000
Fireworks		\$8,000
Giveaways		\$2,500
Gift Cards		\$1,000
Bull Riding		\$28,000
Concert		\$20,000
Rentals		\$8,500
Supplies		\$1,000
<b>Total</b>	<b>\$85,000</b>	<b>\$85,000</b>

TRUSTEE SUS MOVED, MAYOR PINDELL SECONDED for the approval of \$25,000 from the general fund contingency for the Town of Bennett Board of Trustees' sponsorship of the 2022 Bennett Days Headliner Concert, Little Texas. The voting was as follows:

YES: Dambroski, Harrell, Oakley, Pindell, Smith, Sus

NO: None

EXCUSED: Barden

Mayor Royce D. Pindell declared the motion passed unanimously.

**6. TOWN ADMINISTRATOR REPORT**

Trish Stiles, Town Administrator, reported on the following:

- The Broker Lunch and Business Appreciation events are May 12, 2022. The Broker Lunch and tour of the Town of Bennett is scheduled from 12:00 p.m. – 1:30 p.m. The Business Appreciation event are scheduled from 4:30 p.m. – 6:00 p.m.
- The joint meeting between the Town of Bennett and Bennett Parks and Recreation District to discuss the IGA are scheduled for May 23, 2022 beginning at 6:30 p.m. The meeting will take place in the conference room at Town Hall.

**7. TRUSTEE COMMENTS AND COMMITTEE REPORTS**

**Royce D. Pindell**

Mayor Pindell reported on the following:

- Former Bennett Mayor, Alfred "Pete" Pedro recently passed away.
- Scheduled to attend a meeting with CDOT regarding the Loves Truck Stop Private, Public, Partnership discussion.

**Darvin Harrell**

Mayor Pro Tem Harrell reported on the following:

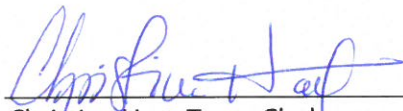
- The baseball game was stopped because the dirt from construction was an issue.


**8. ADJOURNMENT**

TRUSTEE OAKLEY MOVED, TRUSTEE DAMBROSKI SECONDED to adjourn the meeting. The meeting was adjourned at 9:33 p.m. Voting was as follows:

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

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

  
 Christina Hart, Town Clerk

  
 Royce D. Pindell, Mayor

