

TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
June 8, 2021

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, June 8, 2021 via hybrid meeting. Mayor Royce Pindell called the meeting to order at 7:00 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell

Trustees Present: Darvin Harrell
Whitney Oakley
Rich Pulliam
Denice Smith - *excused*
Donna Sus
Larry Vittum

Staff Present: Trish Stiles, *Town Administrator*
Rachel Summers, *Deputy Town Administrator*
Taeler Houlberg, *Assistant to the Town Administrator*
Alison Belcher, *Assistant Communications Director*
Sara Aragon, *Community Development Manager*
Robin Price, *Public Works Director*
Ricky Martinez, *Utility Services Supervisor*
Danette Ruvalcaba, *Finance and Technology Director*
Adam Meis, *Finance and Technology Coordinator*
Steve Hebert, *Planning and Economic Development Manager*
Lynette White, *Economic Development Manager*
Dan Giroux, *Town Engineer*
Melinda Culley, *Town Attorney*
Gabrielle Renner, *Town Traffic Engineer*
Christina Hart, *Town Clerk*

Public Present: Kathy Smiley, Todd Johnson, Tom Geislar, Barry Moore, Paul Worthman,
John Chesney, Dave Lewis, James Hinkle, Shane Orr

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Royce Pindell.

3. **APPROVAL OF AGENDA**

MAYOR PRO TEM HARRELL MOVED, TRUSTEE VITTUM SECONDED to approve the agenda as presented. The voting was as follows:

YES: Oakley, Pindell, Pulliam, Sus, Vittum, Harrell
NO: None
EXCUSED: Smith

Mayor Royce Pindell declared the motion carried by unanimous vote.

4. **CONSENT AGENDA**

TRUSTEE VITTUM MOVED, MAYOR PRO TEM HARRELL SECONDED to approve the consent agenda as presented.

YES: Pindell, Pulliam, Sus, Vittum, Harrell, Oakley
NO: None
EXCUSED: Smith

Mayor Royce Pindell declared the motion carried by unanimous vote.

A. **Action:** Approval of May 25, 2021 Regular Meeting Minutes

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Chris Clemens and Eva Gergely, 8369 East Lowry Blvd., Denver, Colorado 80230, have purchased a new home in the Bennett Sky View development. They are excited about becoming active residents of the Bennett community.

John Cheney, Lennar Colorado, LLC, 9193 South Jamaica, Englewood, Colorado 80112, expressed concerns on the Bennett Village Subdivision Agreement in regards to the Bennett School District 29J land dedication.

5. **REGULAR BUSINESS**

A. **Public Hearing**

1. **Worthman/Bennett Village Property Rezoning – Case No. 21.11**

Ordinance No. 727-21 – An Ordinance Approving a Rezoning for the Worthman/Bennett Village Property

Mayor Pindell called the matter of Case No. 21.11 Worthman/Bennett Village Property Rezoning to order. The public hearing was opened at 7:09 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 30, 2021. Legal #2473.

Mayor Pro Tem Harrell disclosed to the Board of Trustees of his personal and financial interest by receiving a neighborhood notice of the subject property public hearing, and recused himself from the public hearing discussion and voting.

Steve Hebert, Planning and Economic Development Manager reported to the Trustees the 21.4-acre property known as Bennett Village, previously the Worthman Property, is currently zoned MH – Mobile Home District. The Bennett Village Final Plat, which created 133 lots for single-family detached homes, was approved by the Town Board of Trustees on April 13, 2021.

The property is located immediately east of the Brothers Four subdivision, bounded on the north by Kiowa Street, on the south by Bennett Avenue and on the east by the Custer Street alignment.

The applicant has applied for rezoning of the property to R-2 – Mid-Density Residential District because the prospective homebuilder wants to build two-story houses. The current MH – Mobile Home District has a maximum building height for the principal structure of twenty (20) feet, which will accommodate a single-story mobile home; but, will not accommodate a two-story single-family detached house. The R-2 District has a maximum height limitation for the principal structure of thirty-five (35) feet, which will accommodate a two-story house.

The table below summarizes the zoning of the immediately adjacent properties.

| Direction | Adjacent Zone District | Land Use |
|-----------|-------------------------------|-------------------------------------|
| North | C – General Commercial | Commercial and Residential |
| East | C – General Commercial | Vacant |
| South | PD – Planned Development | Residential, Bennett Crossing (LGI) |
| West | R-1 – Low Density Residential | Brothers Four Neighborhood |

In the proposed R-2 zone district, the following land uses are Permitted Uses as “uses-by-right.” Uses-by-right do not require further review and approval by the Board of Trustees.

1. Elementary and secondary education school
2. Religious institutions
3. Group home for elderly, developmentally disabled or mentally ill persons
4. Home occupations
5. Manufactured homes
6. Single-family dwelling
7. Public utilities, minor
8. Eligible telecommunications facilities request

There are several other land uses allowed as Conditional Uses requiring additional Board of Trustees’ review and approval, including but not limited to day care centers, parks, recreation centers, fire or police stations and bed and breakfast establishments. For a full list of Permitted and Conditional Uses in R-2, see the attached table. Mobile homes are not allowed in the R-2 District.

The table below summarizes the lot and building standards for the existing MH District and the proposed R-2 District.

| Lot and Building Standards – Comparing the MH District to R-2 District | | |
|--|---------------|---------------|
| | MH | R-2 |
| Minimum Lot Area | 3,250 sq. ft. | 3,500 sq. ft. |
| Minimum Lot Width | 40 feet | 25 feet |
| Maximum Lot Coverage | 75% | 70% |
| Maximum Height (Principal Structure) | 20 feet | 35 feet |

Note the minimum lot size in the R-2 District is 250 square feet larger than in the MH District.

The previously approved Bennett Village Final Plat was designed to be consistent with both the existing MH District and the proposed R-2 District. All lots in the approved final plat meet the 3,500 sq. ft. minimum lot size of R-2, and have a minimum lot width of 40 feet.

This summary of public services and utilities is consistent with a similar discussion for the previously approved Bennett Village Final Plat. The referenced attachments are the same as those in the staff report for the final plat application.

Water

Water will be provided by the Town of Bennett. See the attached Town Engineer’s memorandum.

Sanitary Sewer

Sanitary sewer will be provided by the Town of Bennett. See the attached Town Engineer’s memorandum.

Stormwater Management

Stormwater will be collected and conveyed in accordance with Town standards to prevent any on-site or off-site flooding. See the attached Town Engineer’s memorandum.

Access, Traffic and Streets

Local access is provided by Bennett Avenue and Kiowa Street, as well as a network of interior streets. Alleys will serve rear lot garages. All streets will be built to Town standards. The approved final plat dedicated right-of-way for all public streets to be constructed at the developer’s expense. Rezoning from MH to R-2 will not result in an increase in traffic on local streets. See the attached Traffic Impact Study.

Fire and Rescue

All streets, turn-a-rounds, fire hydrants and water pressure must meet the Bennett-Watkins Fire and Rescue design standards. The development is subject to further hydrant location design review by the Fire District, which must occur prior to issuance of building permits. See the attached Bennett-Watkins Fire and Rescue response.

Gas, Electricity and Telecommunications

Natural gas is available from Colorado Natural Gas, electricity from IREA and telecommunications from Eastern Slope Technologies (ESRTA) or Comcast. Appropriate easements for these providers were identified on the final plat.

The criteria for reviewing a rezoning proposal come from two different sections of the code, both of which refer to the Town's Comprehensive Plan.

Sec. 16-1-90. - Conformity with Comprehensive Plan.

"All applications for development approval, including, but not limited to, site plans, conditional use permits and subdivision plats, shall be evaluated in relation to its [sic] conformance with the policies and embodied within the Comprehensive Plan and all applicable special area plans or master plans. "

Sec. 16-2-360. - Rezoning.

"The Board of Trustees has determined that the Zoning Map should not be amended (rezoning of property approved) unless the rezoning is consistent with the goals and policies of the Comprehensive Plan and promotes the general welfare of the community. If a proposed rezoning is inconsistent with the Comprehensive Plan, the request may only be approved if the applicant demonstrates that the requested rezone is justified because of changed or changing conditions in the particular area, in the Town in general or that the rezoning is necessary to correct a manifest error in the existing zone classification."

The subject property is within an area designated in the Town Centre Land Use Concept area as Mixed Residential.

Notice of the Planning and Zoning Commission and Board of Trustees hearings was posted on the property consistent with the Municipal Code. All property owners within 300 feet have also been notified by mail. No public comments have been submitted to date.

On May 17, 2021, the Town of Bennett Planning and Zoning Commission adopted Resolution 2021-05 recommending the property be rezoned to R-2 – Mid Density Residential District.

APPLICANT PRESENTATION

John Cheney, Lennar Colorado, LLC, reported to the Board of Trustees the developer feels the proposed rezoning from MH to R-2 is desirable for the area.

PUBLIC COMMENTS

There were no public comments presented.

Mayor Pindell closed the public hearing on Case No. 21.11 Bennett Village rezoning at 7:28 p.m.

Trustee Oakley is in support of the rezoning application for the product the applicant wants to build. The proposed rezoning change is in compliance with the Town Comprehensive Plan.

Trustee Pulliam is also in favor of the proposed rezoning application. The application is an improvement of the change from MH to R-2 and is appropriate for the area.

Mayor Pindell expressed his support of the rezoning application stating the rezoning will allow for much needed additional single family homes.

TRUSTEE SUS MOVED, TRUSTEE OAKLEY SECONDED, to approve Ordinance No. 727-21 – An ordinance approving a rezoning for the Worthman/Bennett Village Property. Voting was as follows:

YES: Pulliam, Sus, Vittum, Oakley, Pindell
NO: None
EXCUSED: Smith
RECUSED: Harrell

Mayor Royce Pindell declared the motion passed by unanimous vote.

2. 2020 Town of Bennett, Colorado Audit

Resolution No. 874-21 – A Resolution Accepting the 2020 Audit for the Town of Bennett

Jim Hinkle, Hinkle and Company PC, expressed his gratitude to the Board of Trustees and Town staff for the opportunity to provide comments on the 2020 Town of Bennett audit.

Mr. Hinkle reported to the Board of Trustees that Hinkle and Company PC have audited the financial statements of the Town of Bennett as of and for the year ended December 21, 2020 and have issued their report dated on May 25, 2021.

No matters have come to the attention of Hinkle and Company PC that would require the company to inform the Board of Trustees and/or Town Management of methods used to account for significant unusual transactions and the effect of significant accounting policies in controversial or emerging areas for a lack of authoritative guidance or consensus. No disagreements arose during the course of the audit.

The Antelope Hills General Improvement District (GID) outstanding bonds will become a blended component within the Town of Bennett budget. The blended component is a result of the management of the GID governing Board and management is the same as the Town of Bennett Board. This follows the Governmental Accounting Standard Board (GASB). It is suggested that during the 2021 year the GASB be followed and reported as a blended component. The GID will be incorporated into the Town governmental activities the GID will not be listed separately on the financial statements.

Danette Ruvalcaba, Finance and Technology Director, reported to the Trustees Town staff will be consulting with Alan Guckenburger regarding any liabilities and/or impacts of the GID incorporating into the Town of Bennett financials prior to the 2021 audit i.e.: Town bond rating.

Trish Stiles, Town Administrator, reported to the Trustees the Town experienced a major change needing to hire a new auditor. It was a long process for the 2020 audit, due to the change, therefore staff did not find it in the best interest of the Town to incorporate the GID into the Town financials without first bringing it before the Board of Trustees.

TRUSTEE VITTUM MOVED, TRUSTEE PULLIAM SECONDED to approve Resolution No. 874-21 – A resolution accepting the 2020 Audit for the Town of Bennett. The voting was as follows:

YES: Vittum, Harrell, Oakley, Pindell, Pulliam, Sus
NO: None
EXCUSED: Smith

Mayor Royce Pindell declared the motion carried by unanimous vote.

3. Bennett Gives Back Grant Awards Recommendations

Danette Ruvalcaba, Finance and Technology Director, reported to the Board of Trustees the purpose of the Bennett Gives Back Grant (BGB Grant) program is for eligible organization and special districts to obtain additional resources to help supplement services or resources provided to the residents of Bennett.

The Town of Bennett, through the BGB Grant, may provide a grant up to 90% of the costs of a qualifying event, project, program, or activity in an amount up to \$10,000 per organization per year from the Town's general fund.

The Town received 11 BGB Grant applications, for a total requested amount of \$83,621.15. The maximum funds available for this program in 2021 are \$40,000, therefore, the Bennett Gives Back Advisory Board met on May 24th to develop funding recommendations.

The applications received were as follows:

- **Bennett Boy Scout Troop 30-Replace Boy Scout Equipment and Storage**
 - Project Budget-\$11,112
 - Grant Request-\$10,000

- **Bennett Cub Scout Pack 30-Centralized Location for Pack 30 Resources**
 - Project Budget-\$4,753
 - Grant Request-\$4,278

- **Bennett Fire Protection District-Bennett Fire Station 92 Personal Protective Equipment Washer**
 - Project Budget-\$14,880
 - Grant Request-\$7,440

- **Bennett Imagination Library Program-Bennett Imagination Library Program**
 - Project Budget-\$3,050
 - Grant Request-\$2,745

- **Bennett Park and Recreation District-Maintenance Surprises**
 - Project Budget-\$20,000
 - Grant Request-\$10,000

- **Bennett Park and Recreation District-Pool Must Haves**
 - Project Budget-\$22,500
 - Grant Request-\$10,000
- **Bennett Wrestling Club-BWC Gear and Scales**
 - Project Budget-\$8,954
 - Grant Request-\$8,058
- **CASA of Adams and Broomfield Counties-CASA Volunteer Program**
 - Project Budget-\$713,432
 - Grant Request-\$3,000
- **Discovery Time Kids Early Learning Center-Water Mitigation and Beautification of Area Surrounding Discovery Time Kids Early Learning Center**
 - Project Budget-\$15,800
 - Grant Request-\$10,000
- **Bennett Community Food Bank-Semi-Trailer and Forklift**
 - Project Budget-\$9,000
 - Grant Request-\$8,100
- **Hearts, Hands and Hope Foundation-Continuous Support for Cancer Patients**
 - Project Budget-\$11,000
 - Grant Request-\$10,000

TRUSTEE OAKLEY MOVED, TRUSTEE VITTUM SECONDED to approve funding for the following grant applications:

- Bennett Boy Scout Troop 30 in the amount of \$5,815 for replacement of equipment and storage.
- Bennett Fire Protection District-Bennett Fire Station 92 in the amount of \$7,440 for personal protective equipment washer.
- Bennett Imagination Library Program – Bennett Imagination Library Program in the amount of \$2,745.
- Bennett Parks and Recreation District in the amount of \$7,500 for pool must haves.
- Bennett Wrestling Club in the amount of \$4,000 for Bennett Wrestling Club gear and scales.
- Discovery Time Kids Early Learning Center in the amount of \$5,000 for center-water mitigation and beautification of area surrounding Discovery Time Kids Early Learning Center.

- Hearts, Hands and Hope Foundation in the amount of \$10,000 for continuous support for cancer patients.

The voting was as follows:

YES: Harrell, Oakley, Pindell, Pulliam, Sus

NO: None

EXCUSED: Smith

Mayor Royce Pindell declared the motion carried by unanimous vote.

4. Proposed Updates for Chapter 13 of the Bennett Municipal Code

Ordinance No. 724-21 – An Ordinance Amending Chapter 13 of the Bennett Municipal Code and Adding Cross-Connection Control Programming Requirements

Taeler Houlberg, Assistant to the Town Administrator, reported to the Board of Trustees Over the next several months, Staff will be reviewing the entirety of the Bennett Municipal Code and proposing updates to the Board of Trustees. Updates may include, but are not limited to, changes in assigned designees, clarifying language, grammatical updates, removal of unnecessary or redundant items, etc. Staff will also propose any needed and necessary ordinances that are required for safety and/or current Town projects.

Draft Ordinance 724-21 lists all of the proposed changes Staff is recommending for Chapter 13 of the Bennett Municipal Code. These changes were brought about through both review and necessity. The following section of this report lists proposed code updates from the Clerk and Court, Finance and Public Works Departments. Included in the ordinance is Article V of Chapter 13, which will provide the structure and regulations for the Backflow Prevention and Cross-Connection Control Program that has been discussed in previous meetings.

Per State Regulation 11.39, each water distributor is required to have a Backflow Prevention and Cross-Connection Control Plan (BPCCC) in place to comply with State rules and regulations. An ordinance that includes the BPCCC has been compiled and specifically fits Town needs, including the ability for the Town to enforce the rules and regulations set forth by the Colorado Department of Health and Environment (CDPHE). The intent of Article V is to allow the Board of Trustees to protect the Town’s water system from contamination and pollution that can occur via backflow from a privately owned distribution or water system. Article V also provides for maintaining a Cross-Connection Control Program, which will systematically prevent the contamination or pollution of the Town’s water system.

Chapter 13 proposed updates are as follows:

Article I – Water and Sewer Development

Sec. 13-1-5

- Defines specific words and phrases to be used for the purposes of Chapter 13.

Sec. 13-1-10

- Updates language to specify that development fees are set forth in the Town of Bennett Schedule of Fees. This creates consistency with other chapters in the code.

Sec. 13-1-80

- Designates the Town Administrator as the individual to authorize and determine provisions associated with reimbursement agreements with developers and subdividers for extending water and sewer mains by or through vacant properties.
- Updates language so that no party can seek reimbursement if a determination of costs was not made prior to construction of the main extension.

Sec. 13-1-140

- Designates the Finance Director as the individual who can prepare and record a “notice of assessment.”

Article II – Sewer Regulations

Sec. 13-2-30

- Designates the Finance Director as the individual responsible for the annual winter monthly consumption (AWMC) determinations.
- Designates the Finance Director as the individual to receive requests to reinstate sewer service.

Sec. 13-2-40

- Designates the Finance Director to certify unpaid fees to the County Treasurer.
- Updates language to specify that development fees are set forth in the Town of Bennett Schedule of Fees.

Article III – Water Regulations

Sec. 13-3-10

- Outlines the requirement that any property owner seeking water service with the Town shall execute a water service agreement that sets forth parameters of water service for the property, including a SFE allocation and water usage limits. The SFE allocation shall be based on the SFEs allocated to the development pursuant to Section 13-1-10 of this Code, or if no such allocation has been made then the allocation will be one (1) SFE.
- Outlines that if actual water usage on a property exceeds the water usage limits corresponding to the SFE allocation for the property, the property owner may be responsible for paying an additional water development fee in accordance with Section 13-1-10 of this Code.

Sec. 13-3-40

- Designates the Finance Director as the individual to receive water discontinuance notifications and specifies that fees are set forth in the Town of Bennett Schedule of Fees.

Sec. 13-3-60

- Designates the Finance Director to certify unpaid water accounts to the County Treasurer.

Sec. 13-3-280

- Designates the Finance Director as the individual to receive readings from meters.

Article V – Cross-Connection Control Program

Sec. 13-5-5

- Defines all words and phrases necessary to understand the provisions laid out in Article V of Chapter 13.

Sec. 13-5-10

- Outlines the purpose of the article to protect the Town's water system from contaminants or pollutants that could enter the system by backflow through a service connection.

Sec. 13-5-20

- Outlines by what authority the Town can institute the Cross-Connection Control Program and that the Town has authority to do the following:
 - Survey all service connections within the distribution system;
 - Impose fees for the administration of the article;
 - Maintain records of cross-connection surveys and all items installed for containment; and
 - Enforce all provisions of the article.

Sec. 13-5-30

- Outlines all the buildings, entities and users to which Article V does and doesn't apply.

Sec. 13-5-40

- Designates the responsibility for implementing the Cross-Connection Control Program to the Public Works Director or their designee.

Sec. 13-5-50

- States that the most stringent provisions in the code will prevail if a dispute arises between Article V and the International Plumbing Code.

Sec. 13-5-60

- Outlines the requirements for the Cross-Connection Control Program including the following items:
 - Applicable service connections shall be subject to a survey for cross-connections;
 - If a cross-connection is identified, an appropriate backflow prevention assembly or method must be installed at the customer's water service connection within 120 days;
 - Limitations on where a backflow prevention assembly can be installed;
 - Devices must be protected from drainage, freezing and thermal expansion;
 - Backflow prevention assemblies and methods are subject to inspection testing, maintenance and repairs, as needed;
 - All costs associated with the backflow prevention assembly or method shall be the responsibility of the customer;
 - Building plans must be submitted for all new buildings and approved by the Town prior to the issuance of water service; and
 - Provide special instructions for various fire sprinkling or antifreeze systems.

Sec. 13-5-70

- Outlines the Town's water system and the source and distribution facilities to the point of the water service connection.

Sec. 13-5-80

- Outlines the expectations for the customer associated with inspections, testing and repair including:
 - Certified inspections and operational tests on backflow preventers upon installation and at least once per year;
 - Backflow prevention assembly or method being repaired or replaced when it is found defective; and
 - The Town reserves the right to test or check the installation and operation of any backflow prevention assembly or method.

Sec. 13-5-90

- The Town shall have the right and authority to do the following if an uncontrolled cross-connection is discovered:
 - Control the cross-connection;
 - Remove the cross-connection;
 - Suspend water service to the cross-connection; and
 - Suspend water service to the property.
- The Town shall give written notice to any customer to install a backflow prevention assembly or method when their plumbing system has been found to present a risk to the Town's water distribution system through uncontrolled cross-connection.

Sec. 13-5-100

- Outlines the expectations for recordkeeping and reporting for the owner and Public Works Department and states what information should be included on all test reports.

Sec. 13-5-110

- Outlines the penalties for violations of any provision in Article V and the possibility of discontinuance of water service if there is an imminent threat to public health.

Trustee Oakley stated she believes it is the responsibility of the Board and the Town to communicate with the developers of the limitation on outdoor irrigation with home buyers so the future home owners understand how much can be irrigated.

Trustee Pulliam stated "This is a model example of good governance way to approach a problem like this. Property owners who choose to step outside the boundaries should accept the burden of the cost and not raise the rates across the board. It's a way for people to do the right thing or pay for the privilege to do the wrong thing."

TRUSTEE PULLIAM MOVED, TRUSTEE SUS SECONDED to approve Ordinance No. 724-21 – An ordinance amending Chapter 13 of the Bennett Municipal Code and adding Cross-Connection Control Program requirements and strike Section 7 of the ordinance as presented to the Board of Trustees during the June 8th, 2021 board meeting. The voting was as follows:

YES: Oakley, Pindell, Pulliam, Sus, Vittum
NO: Harrell
EXCUSED: Smith

Mayor Royce Pindell declared the motion passed 5 to 1.

6. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Larry Vittum

Trustee Vittum reported on the following;

- Attended the Arapahoe Transportation Forum the week of June 7th, 2021. Discussions surrounded Senate Bill 260.
- The Transportation Improvement (TIP) cycle of 2024-2027 is approaching.

Whitey Oakley

Trustee Oakley reported on the following;

- Kudos were given to Alison Belcher, Assistant Communications Director, for the design of the Bennett events QR Code hand-outs.

Donna Sus

Trustee Sus reported on the following;

- Trustee Sus and Trustee Oakley have been discussing efforts of door to door canvassing by the Board of Trustees. Ms. Stiles will have the opportunity to review the ideas potentially presenting the ideas to the rest of the Trustees.

Darvin Harrell

Mayor Pro Tem Harrell reported on the following;

- Inquired about the Mount View Cemetery construction time-line i.e.: fencing.

TRUSTEE VITTUM MOVED, MAYOR PRO TEM HARREL SECONDED to take a recess at 9:12 p.m. Voting was as follows:

YES: Pindell, Pulliam, Sus, Vittum, Harrell, Oakley
NO: None
EXCUSED: Smith

The Mayor declared the motion carried by unanimous vote.

The meeting resumed at 9:29 p.m.

7. EXECUTIVE SESSION

For determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. 24-6-402(4)(e); Bennett Village Subdivision Agreement.

TRUSTEE PULLIAM MOVED, TRUSTEE SUS SECONDED to go into executive session for: Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. 24-6-402(4)(e); Bennett Village Subdivision Agreement.

YES: Pindell, Pulliam, Sus, Vittum, Harrell, Oakley

NO: None

EXCUSED: Smith

The Mayor declared the motion carried by unanimous vote.

The Board went into executive session at 9:30 p.m.

The Board came out of executive session at 10:22 p.m. The Mayor announced that the Board had been in executive session and the following persons participated virtually in that session: Mayor Royce Pindell, Trish Stiles, Trustee Oakley, Trustee Pulliam, Trustee Vittum, Melinda Culley, Trustee Sus, Mayor Pro Tem Harrell, Trustee Vittum, Steve Hebert, Adam Meis, Dan Giroux and Christina Hart. The 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.

The Board of Trustees resumed the open meeting at 10:24 p.m.

9. REPORT FROM EXECUTIVE SESSION

During the executive session the board discussed matters that are subject to negotiations and directed negotiators regarding specific aspects of the Bennett Village Subdivision Agreement.

10. ACTION/DISCUSSION

To Take Action on Items Discussed in the Executive Session - Bennett Village Subdivision Agreement

TRUSTEE PULLIAM MOVED, TRUSTEE VITTUM SECONDED to approve the Bennett Village Subdivision Agreement for 6.15 acres at \$45,000 per acre rate for 133 total units for a total of \$276,911 with the first payment of \$138,455.50 due at the time of the first permit and the remaining \$138,455.50 due at the time of the 66 permit. Voting was as follows:

YES: Pulliam, Sus, Vittum, Harrell, Oakley, Pindell

NO: None

EXCUSED: Smith

The Mayor declared the motion carried by unanimous vote.

11. ADJOURNMENT

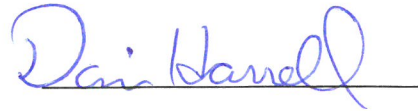
TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to adjourn the meeting. The meeting was adjourned at 10:32 p.m. Voting was as follows:

YES: Sus, Vittum, Harrell, Oakley, Pindell, Pulliam

NO: None

EXCUSED: Smith

The Mayor declared the motion carried by unanimous vote.



Darvin Harrell, Mayor Pro Tem



Christina Hart, Town Clerk

