

TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
July 13, 2021

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, July 13, 2021 via hybrid meeting. Mayor Royce D. 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
Denice Smith
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*
Steve Hebert, *Planning and Economic Development Manager*
Sara Aragon, *Community Development Manager*
Dan Giroux, *Town Engineer*
Danette Ruvalcaba, *Finance and Technology Director*
Robin Price, *Public Works Director*
Gabrielle Renner, *Town Traffic Engineer*
Melinda Culley, *Town Attorney*
Christina Hart, *Town Clerk*

Public Present: Kathy Smiley, Rick Strok, Chris Harris, Chloe Church, Jodi Church, Travis Church, Dodie Hunker

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

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

NO: None

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

A. **Action:** Approval of June 22, 2021 Regular Meeting Minutes

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments.

5. REGULAR BUSINESS

A. Action/Discussion

1. Bennett Gives Back Grant Award Ceremony

Danette Ruvalcaba, Finance and Technology Director, reported to the Trustees The purpose of the Bennett Gives Back Grant (BGB Grant) program is for eligible organizations 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

The Board of Trustees approved funding for the following grant applications in the amounts specified below on June 8, 2021.

- **Bennett Boy Scout Troop 30-Replace Boy Scout Equipment and Storage**
 - Grant Award-\$5,815

- **Bennett Fire Protection District-Bennett Fire Station 92 Personal Protective Equipment Washer**
 - Grant Award-\$7,440
- **Bennett Imagination Library Program - Bennett Imagination Library Program**
 - Grant Award-\$2,745
- **Bennett Park and Recreation District- Pool Must Haves**
 - Grant Award-\$7,500
- **Bennett Wrestling Club-BWC Gear and Scales**
 - Grant Award-\$4,000
- **Discovery Time Kids Early Learning Center-Water Mitigation and Beautification of Area Surrounding Discovery Time Kids Early Learning Center**
 - Grant Award-\$5,000
- **Hearts, Hands and Hope Foundation-Continuous Support for Cancer Patients**
 - Grant Award-\$10,000

Chloe Church, representative for the Bennett Imagination Library Program, started the program in 2018. This is a free program for families within the Town of Bennett who can register their children for a free book every month until the age of five. Miss Church expressed her gratitude and excitement for starting and continuing the program as our community grows. The program currently has 87 children enrolled with 31 children graduating from the program. Miss Church thanked the Trustees for their continued support.

Dodie Hunker, Hearts, Hands and Hope Foundation, shared with the Trustees, her daughter started the Foundation as a result of both her and her daughter having cancer. The Foundation provides meals as well as transportation to dr. appointments for cancer patients. The Foundation has grown 3 times since COVID-19 surfaced. Ms. Hunker expressed her deepest gratitude to the Trustees for the grant award.

Bennett Boy Scout Troop 30 thanked the Trustees for their continued support.

Danette Ruvalcaba, Finance and Technology Director, thanked the Trustees, on behalf of the Bennett Recreation District, for their continued support. Leila Schaub was unable to attend the ceremony due to staffing shortages.

A recess was called at 7:08 p.m. for a photo opportunity for the Bennett Gives Back Grant Awards Ceremony recipients.

The meeting resumed at 7:15 p.m.

2. Public Hearing

A. Lighting Code Update

Ordinance No. 728-21 – An Ordinance Amending Chapter 16 of the Bennett Municipal Code Regarding Lighting Standards

Mayor Royce D. Pindell, called the matter of the Lighting Code Update to order. The public hearing was opened at 7:16 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 May 28, 2021. Legal #2481.

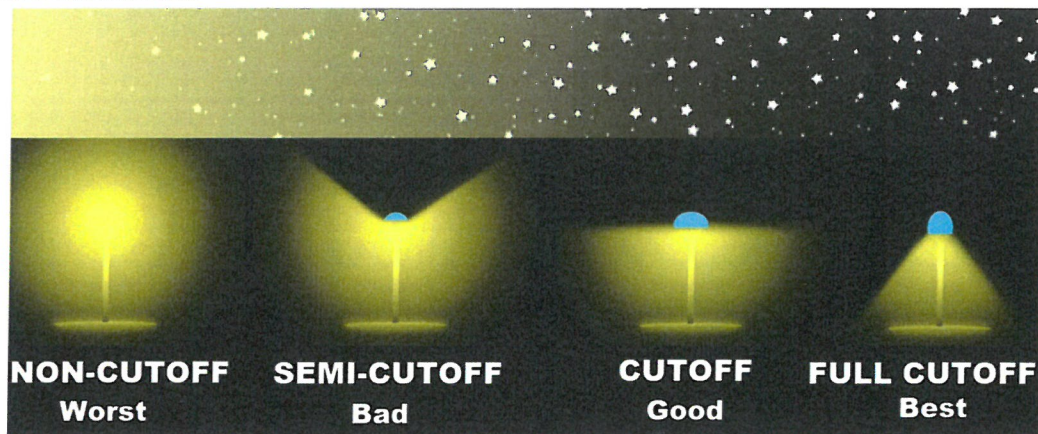
Steve Hebert, Planning and Economic Development Manager reported to the Trustees that Trustee Pulliam presented to staff several proposed changes to the lighting standards in Chapter 16, Division 8 of the Bennett Municipal Code. Staff presented the proposed changes to the Town Board of Trustees in a study session in January 2020 and again in December 2020. During the second study session, the Board indicated general support of the changes as long as certain fixture installations were exempt and staff solicited input from the community. That exemption and community input are described later in this report.

The purpose of the Town's lighting standards is to:

1. Provide adequate lighting for safety and security;
2. Reduce light pollution, light trespass, glare, sky glow impacts and offensive light sources;
3. Prevent inappropriately aimed or poorly designed or installed exterior lighting;
4. Encourage quality lighting design, light fixture shielding, uniform light intensities and lighting controls; and
5. Promote efficient and cost-effective lighting to conserve energy.

The primary approach to reducing light pollution, light trespass and offensive lighting is to use full cut-off fixtures that conceal the light source, so it is not visible from adjacent properties and public rights-of-way (streets).

The image below illustrates the concept of cut-off fixtures. Also, see the PowerPoint presentation more illustrations:



The current lighting standards were adopted in 2014. For various reasons, including the complexity of measuring the brightness (lumens) of light sources, the lack of public education and outreach, and the number of lights in our residential, commercial and industrial neighborhoods, enforcement has not been effective. Staff conducted a windshield survey, driving Bennett neighborhoods in late November, and found 342 homes with non-compliant light fixtures. Many have motion-detector security lights with an unshielded light source. Given the limited scope of the survey, there are likely many more non-compliant fixtures.

Cut-off Fixtures and Single-Family Home Exemptions

The current code requires all exterior lights greater than 900 lumens (approximately 70 watts) to be shielded from view from adjacent properties and public rights-of-way. In addition, the code requires a full cut-off fixture to prevent the direct view of the light source, i.e., the bulb. A full cut-off fixture is designed so that light is aimed downward and the direct light source is shielded from view. (See examples attached to this staff report.)

For single-family detached dwellings, the code currently exempts light fixtures of sixty (60) watts or less from the full cut-off requirement; however, these fixtures must have a translucent or frosted lens. Clear unfrosted bulbs within clear fixtures are prohibited.

The proposed amendments would eliminate the 900 lumens threshold noted above and eliminate the exemption for a single-family home light fixture of 60 watts or less. The effect would require almost all light fixtures in residential and commercial areas to use full cut-off fixtures. The reference to translucent or frosted lenses would be eliminated because they would no longer be necessary.

A provision has been included in the proposed lighting standards that states that a replacement of an existing fixture to meet compliance is only required if an electrical permit is also required for the project or installation. If an electrical permit is not required, then the fixture does not have to conform to the provisions of the code. This was added based on the recommendation from the Board.

Exemption for Ornamental Lighting

The current code exempts ornamental landscape lighting fixtures that do not exceed fifteen (15) watts from the lighting standards. The proposed amendment would eliminate this exemption and require all ornamental landscape lighting to use the full cut-off fixture. Holiday lights are currently exempt on residential and non-residential properties. No change is proposed for holiday lights. All exterior lighting, except for holiday lights, aviation lighting and public safety lighting, would be subject to the Town's lighting standards.

Miscellaneous Clean-up Amendments

Several proposed updates clean-up the language to make it internally consistent if the ordinance is amended.

The proposed updates to the lighting standards were presented to the public at Engage.Shape.Build. on Wednesday, May 19, 2021, and were well-received by those in attendance with no notable opposition.

It is Staff's interpretation that by removing the exemption for single-family residential lighting and requiring all light fixtures, regardless of brightness, to be full cut-off fixtures, light pollution will be reduced.

Additionally, requiring full cut-off fixtures, regardless of the lumens of the light source, would make enforcement easier. No longer will interpretation of the code depend on the light source's brightness; therefore, a visual inspection will be simplified. If the light source is directly visible, it will be considered non-compliant.

Finally, including the added provision of **only** requiring a light fixture to be replaced by a full cut-off fixture if an electrical permit is necessary for the installation, alleviates the concerns associated with financially burdening residents if the proposed amendments to Chapter 16 are approved.

On June 28, 2021, the Planning and Zoning Commission recommended approval of the proposed lighting standards via Resolution 2021-06.

Staff recommends that the Board of Trustees approve Ordinance 728-21, an ordinance amending Chapter 16 of the Bennett Municipal Code regarding lighting standards.

PUBLIC COMMENTS

There were no public comments presented.

Mayor Pindell closed the public hearing the Lighting Code Update at 7:50 p.m.

Trustee Oakley attended the Engage.Shape.Build lighting code update event with Mr. Hebert specifically to find a consensus of public input regarding the lighting code update. The public feedback she received was mostly supportive of the update by the desire to preserve the night sky

while avoiding light pollution. Additional feedback she received from the public was their concern that with growth crime could be increased in Bennett with the lighting code update. Trustee voiced concerns of overreaching with the proposed ordinance.

Trustee Sus reported she had been in the electrical industry for many years and part of that was lighting. Trustee Sus stated it's difficult to find incandescent and/or CFL light bulbs. LED light bulbs have become the source lighting pushing out the incandescent and/or CFL light bulbs. The industry standard is providing more cut-off lighting fixtures for residential as well as commercial lighting.

Trustee Vittum expressed he believes one of the factors of people choosing to live in a rural environment is the beauty of the night sky. Trustee Vittum stated he supports the night sky initiative.

Mayor Royce D. Pindell explained in 2014 discussions began regarding the night sky initiative. The proposed ordinance, if passed, will amend the current code. The proposed update will not affect those residents and businesses unless they were to update their lighting. At that time if the lighting change would require an electrical permit, the residents and/or businesses would have to comply with the new code. Mayor Pindell stated his support of the initiative for all future development. He shared with the Trustees that downward lighting creates shadows helping with security where lighting that projects everywhere isn't as effective.

TRUSTEE SUS MOVED, TRUSTEE VITTUM SECONDED to approve Ordinance No. 728-21 – An Ordinance Amending Chapter 16 of the Bennett Municipal Code Regarding Lighting Standards. The voting was as follows:

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

Mayor Royce D. Pindell declared the motion passes 5 to 1.

3. Single Family Equivalent (SFE)/Water Service Agreement

Ordinance No. 729-21 – An Ordinance Amending Chapter 13 of the Bennett Municipal Code Regarding Initiation of Water Service and Water Service Agreements

Rachel Summers, Deputy Town Administrator reported to the Board of Trustees, On November 12, 2019, the Board of Trustees approved amendments to Chapter 13 of the Bennett Municipal Code. At the time, the Town had recently completed a Capital Asset Inventory Master Plan (CAIMP), that reviewed and analyzed the costs of operating and maintaining the Town's water and sewer system, and identified long-range planning for the costs of improving such systems.

The CAIMP process identified that the Town would move towards a Single Family Equivalent (SFE) system demand. An SFE is a numerical value calculated for a specific property based upon the demand placed on the water and sewer systems of the Town by an average single-family residential unit. This model sizes taps based on multiple factors and is much different than the three previous catch-all categories. Additionally, the amendment changed the separate cash-in-

lieu and tap fee requirement and created an all-encompassing water development fee. This fee now calculates the water infrastructure impacts and raw water rights as one fee. Confusion surrounding collection and market inflation of water purchases were the driving factors for this change. The amendment concluded with the requirement of a Water Service Agreement, which ratifies the water development fee and SFE calculations at the time of building permit.

Over the last year, Staff witnessed confusion with the transition from the developer to new homeowners at the time of their application for water service. For this reason, Staff created a welcome packet regarding utilities in Bennett to help mitigate this confusion. This packet was created for consumer education of the water system, our rates and the Water Service Agreement assigned tier purchased with their original tap. The packet is given to all new Town water service customers.

Below is a depiction of the water tier structure within the SFE calculator. As you can see from the estimated gallons per year tier allocations, the cost of the water development fee is adjusted accordingly. Therefore, it is essential to educate homeowners on the tier water use as this is the reserved capacity on the system at the time of tap. If homeowners drastically overuse water, we would not have enough financial support in our system to offset the cost for additional water rights and infrastructure.

	PER BUILDING STRUCTURE UTILITY TIER (GALLONS PER YEAR):							(0)
	Gold - Tier	Wise - Tier I	Typical SFE - Tier II	Residential Estate SFE - Tier III	Small Office Retail - Tier IV	Commercial/ Other- Tier V	Above Tier V	
SFE's Allocation:	.6 SFE's	.8 SFE's	1 SFE's	1.67 SFE's	3.34 SFE'S	5.34 SFE'S	0.00	
Min Gallons Per Year:	0 GPY	70,000 GPY	90,000 GPY	140,000 GPY	240,000 GPY	500,000 GPY	SFE's	
Max Gallons Per Year:	<69,999 GPY	<89,999 GPY	139,999 GPY	239,999 GPY	499,999 GPY	680,000 GPY		
Water Development Fee:	\$14,671	\$19,560	\$24,451	\$40,833	\$81,666	\$130,568	\$	(0)
Sewer Development Fee:	\$3,433	\$4,578	\$5,722	\$9,556	\$19,111	\$30,555	\$	(0)

During this time of transition, from the previous dedication cash-in-lieu model to the new water development fee, Staff identified inconsistencies in the Code and discrepancies when homes are transitioned to new owners that do not have an SFE count established. The attached draft Ordinance 729-21 identifies the proposed cleanup of Chapter 13 of the Bennett Municipal Code. These changes are proposed for both Staff and consumer clarity.

PROPOSED UPDATES:

Article III – Water Regulations

Current Code Language

Sec. 13-3-10. - Application.

- (a) Application for the use of water shall be made to the Town Clerk by the owner or the agent of the property to be served, designating the location of the property and stating the purpose for which the water may be required.

Proposed Code Language

Sec. 13-3-10. – Initiation of water service; service agreement.

- a) The owner of any property seeking water service from the Town shall execute a water service agreement that sets forth the parameters of water service to 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 for residential properties. For non-residential properties without a developer allocation pursuant to Section 13-1-10, the SFE allocation will be determined using the SFE calculator adopted by the Town Water Engineer.
- b) 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 to make up for the shortfall as provided in Section 13-1-10 of this Code.

As you can see in Section 13-3-10 (b), the property owner **may** be responsible for paying additional water development fees according to **Section 13-1-10 of the Code**, which was established in 2019. More specifically, Section 13-1-10 (d) Expansion of use; adjustment of SFE.

In the event of any change or expansion of use which expands the demand on the water utility system, an additional water development fee shall be paid to the Town for the additional SFEs created by such change or expansion. Additionally, if the annual water usage of a property exceeds the projected usage, the then-current owner shall be responsible for paying an additional water development fee to make up for the shortfall. Such payment of the additional water development fee shall be required as a condition precedent to the approval of any permit for, and to the provision of any water service to, such changed or expanded use. No such permit or provision of water service shall receive final approval or be deemed authorized until all requirements of this Article have been satisfied. Failure to comply with this requirement may result in the imposition of a moratorium on the issuance of new water taps for the development, the discontinuation of nonessential water service to the affected area, or both.

Once water infrastructure cost and demands were identified in CAIMP, water conservation became a Board policy directive. The primary goal with the proposed Section 13-3-10 amendments is for public education of water consumption and use. Understanding how much water they use and where they are within the range of their SFE tier at the time of tap is vital to this policy direction and the future of our water system. Staff believes that consumers who understand the water service agreement and their tiered use limits are more likely to know when possible leaks or waste happen in their landscape and indoor water use. Today more and more developers advocate for xeriscape landscaping for the master-planned communities to abide by this water conservation policy, and Staff is encouraging the discussion. The requirement for water service agreements by each homeowner will provide upfront communication at the point of sale.

Furthermore, this section allows flexibility for homeowners who want to purchase additional water rights to expand their use limits if they so choose. If a homeowner wants additional sod in their backyard with more than the original limits, it is possible, but they may or may not need to purchase additional water rights to do that.

Staff recommends the Board of Trustees approve Ordinance 729-21 amending Chapter 13 of the Bennett Municipal Code regarding initiation of water service and water service agreements.

Trustee Oakley expressed her concern that a new homeowner could be “blindsided” with the water service agreement and the cost of water usage because of a lack of understanding the agreement.

Trustee Vittum does not support the retroactive impact fee.

MAYOR PRO TEM HARRELL MOVED, TRUSTEE SUS SECONDED to approve Ordinance No. 729-21 – An Ordinance Amending Chapter 13 of the Bennett Municipal Code Regarding Initiation of Water Service and Water Service Agreements. The voting was as follows:

YES: Sus, Harrell, Pindell, Smith

NO: Vittum, Oakley

Mayor Royce D. Pindell declared the motion passes 4 to 2.

4. Dynamic Braking System

Ordinance No. 730-21 – An Ordinance Amending Chapter 10 of the Bennett Municipal Code to Prohibit the use of Dynamic Braking Devices in the Town of Bennett

Trish Stiles, Town Administrator, reported to the Board of Trustees, staff and Board members have received noise complaints about trucks using dynamic braking devices in Town limits. A dynamic braking device is a device used primarily by large trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. They are sometimes referred to as Jake Brakes although that term is a trademark of the Jacobs Vehicle Systems, which is just one manufacturer of these types of devices.

Currently, the Model Traffic Code (Section 225) requires commercial vehicles equipped with engine compression brake devices to have a proper muffler. The Town has adopted the Model Traffic Code and a violation of Section 225 is currently treated as a non-criminal traffic infraction under the Town Code. As such, one option for regulating engine brake noise would be to increase education and enforcement efforts on this requirement under the Model Traffic Code. The Board should also consider whether it wants to amend the Town Code to make it a criminal offense to violate Section 225.

Mayor Royce D. Pindell explained to the Trustees if the ordinance passes the enforcement is a three step process:

1. Passage of the ordinance
2. Sign will be installed
3. Adams County Sheriff Department would enforce the ordinance

Melinda Culley, Town Attorney, reported to the Trustees other municipalities have written similar ordinances.

TRUSTEE OAKLEY MOVED, TRUSTEE VITTUM SECONDED to approve Ordinance No. 730-21 – An Ordinance Amending Chapter 10 of the Bennett Municipal Code to Prohibit the use of Dynamic Braking Devices in the Town of Bennett. The voting was as follows:

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

NO: None

Mayor Royce D. Pindell declared the motion passed unanimously.

5. Muegge House Phase II

Taeler Houlberg, Assistant to the Town Administrator, reported to the Board of Trustees, in 2018, the Town received a \$13,000 grant from the State Historical Fund for a Historical Structure Assessment of the Muegge House.

The assessment report was compiled by Scheuber & Darden Architects. This team performed field inspections, measured the building, and assessed and photographed the exterior, interior and site conditions to identify deficiencies. The final report also included preliminary recommendations with specific treatment options intended to conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties.

In 2019, the Town received a grant for \$350,000 from Adams County Open Space to rehabilitate the Muegge House into a living museum. This grant award has provided the Town with secured funding to improve the Muegge House structure, exterior and interior.

In January 2021, the Board of Trustees approved a not to exceed contract for \$150,000 with Davis Construction for Phase I of the Muegge House restoration.

The goal of Phase I was two-fold. First, it was to perform the assessment to adequately identify all of the hidden challenges in the house, which the report may not have taken into account. Second, it was to incrementally and as efficiently as possible, work through the needed repairs and restoration construction.

Phase I was a resounding success. Upon initial demolition, Staff discovered the “bones” of the house were in much better shape than was expected. This allowed a substantial amount of new work to be completed, and more was done than what was initially expected. The following items were completed in Phase I:

- Foundational assessment, engineering and restoration construction
- Demolition of porch and framing of new porch
- Exterior framing assessment and restoration construction
- Exterior casement windows installation
- New exterior doors

Closing out Phase I with this level of progress sets the Town up nicely for a successful Phase II of restoration. Phase I consisted of mostly exterior work; Phase II will complete the minor exterior

items left a Guided by what the Town accomplished in Phase I, Staff are now looking to Phase II. Like Phase I, the scope of work for Phase II will be based on a time and materials budget allotment, totaling an additional \$150,000. The items for the Phase II scope of work are as follows:

- Remainder of Siding & Trim
- Decking installation
- Paint, gutters and roofing
- Concrete walks and pads
- Interior assessment and reconstruction (electrical, plumbing, etc.)

In Phase II of this project, Staff expects to start remodeling the interior of the Muegge House in the main areas of the first floor. Those areas include the main living area, main dining area, kitchen and back living area. No work is schedule to take place upstairs during this phase.

Additional interior work to be done includes removal of pine paneling, drywall, electrical and plumbing assessments, repair and installation, flooring and painting. Once the Phase II scope or work is completed, Staff will begin preparations for Phase III of restoration, performing the same assessment to see what others items can be restored with the remaining funding.

Staff recommends that the Board approve a not to exceed construction contract to Davis Construction for \$150,000 for the Muegge House Restoration Phase II.

Upon issuance of this contract, Davis Construction will work through this budget allotment. Throughout Phase II and upon exhaustion of this budget, the Town will assess progress and determine final programming. These findings will be presented to the Board for the recommendation of further funding releases for Davis Construction or a possible new contract for a specialty remediation contractor if the need should arise.

TRUSTEE OAKLEY MOVED, TRUSTEE VITTUM SECONDED to I move to approve a not to exceed construction contract to Davis Construction for \$150,000 for the Muegge House Restoration Phase II. The voting was as follows:

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

Mayor Royce D. Pindell declared the motion passed unanimously.

6. Bennett Regional Parks and Open Space (BRPOS) Trail and Upper Pond Request for Proposal (RFP)

Robin Price, Public Works Director, reported to the Trustees, the project site for RFP 21-004 is at the Bennett Regional Park and Open Space (BRPOS) property, formerly the Antelope Hills Golf Course, located within the Antelope Hills residential subdivision.

Through a series of grants, the Town has received funding support to go towards the improvement of approximately 110, 300 square feet of open space trail at BRPOS. For this reason, Staff published

RFP 21-004 that solicited bids for trail construction. The trail construction is laid out in accordance with the information shown on the accompanying construction plan set for this project.

The project at BRPOS also includes the repurposing of the Upper Pond. Construction for this project item includes fill and grading, connection of water pipes to the pond and refreshing materials of existing trails.

RFP 21-004 was published on June 21, 2021, and bids were due by July 6, 2021, at 4:00 p.m.

The Town received the following qualified response:

- **Kuhn Construction, Inc.:** The contractor outlined a construction plan that followed the BRPOS Property Project Site Plan and Typical Sections dated June 21, 2021, by Terramax, Inc.
 - Proposed cost for services: **\$259,960.50**

Staff received one response to the RFP from Kuhn Construction, Inc. This company has performed numerous projects throughout the Town including the initial 2016 BRPOS trail system. After receiving the submittal, Staff reviewed and investigated the initial proposal for \$259,960.50.

The proposal provided all items necessary to complete the project while also providing competitive pricing that was under budget for what is committed to the project in the 2021 Town of Bennett Budget. For this reason, and understanding that funding committed to a specific grant project must be allocated to that project, Staff contacted Kuhn Construction to have the company submit a revised bid that quoted an additional 4,730 linear feet of trails to the original RFP bid. This would allow the Town to do more trail work at BRPOS than was originally expected with the funding that was received from the BRPOS Trails Expansion Grant Award. Below is a comparison of the original and revised bids from Kuhn Construction.

Company	Bid
Kuhn Construction, Inc. Original Bid	\$259,960.50
Kuhn Construction, Inc. Revised Bid	\$348,796.95

In total, funding for the project will come from four designated areas in the 2021 Budget that are earmarked specifically for work at BRPOS. The four designated budget areas are:

- BRPOS Trails Maintenance
- BRPOS Trails Expansion Grant Award
- BRPOS Upper Pond Repurposing
- BRPOS Lower Pond- Fishing Amenity Grant

Staff recommends the Board authorize the Mayor and the Town of Bennett to enter into a standard Town contract agreement with **Kuhn Construction Inc.** in an amount not to exceed **\$348,796.95** for the BRPOS Trail Construction and Upper Pond Repurposing project.

TRUSTEE VITTUM MOVED, MAYOR PRO TEM HARRELL SECONDED to authorize the Mayor and the Town of Bennett to enter into a standard Town contract agreement with Kuhn Construction Inc. in an amount not to exceed \$348,796.95 for the BRPOS Trail Construction and Upper Pond Repurposing project. The voting was as follows:

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

Mayor Royce D. Pindell declared the motion passed unanimously.

7. Board of Trustees Vacancy

Trish Stiles, Town Administrator, reported to the Board of Trustees, Trustee Rich Pulliam tendered his resignation during the June 22nd, 2021 regular board meeting. As a result of the resignation there is a vacant seat on the Board of Trustees. Ms. Stiles advised the Trustees of a couple of options to fill the Trustee position.

- A special election can be called within 60 days of the date of resignation
- An appointment can be made by the Board of Trustees; should the seat be appointed by the Trustees the term for the vacant seat would be up for election or re-appointment during the elections on April 5th, 2022. Three positions will be up for election resulting in a four-year term.

The Trustees provided staff direction to move forward with new applications. A special election can cost upwards of \$10,000.

Staff is prepared to publish the vacancy in the local newspaper as well as through the Town's social media platforms.

Melinda Culley, Town Attorney, reported to the Trustees Colorado State Statute requires the Board to take action within 60 days by either appointment or special election the Board would be required to order an election to be held as soon as possible. Ms. Culley also explained that any resident who is interested in the vacant must be a resident of the Town of Bennett for 12 months/one year.

8. TOWN ADMINISTRATOR REPORT

Town Administrator

Trish Stiles, Town Administrator reported on the following:

- Ms. Stiles is attending the Riverdale Regional Park Dinner scheduled for July 21, 2021.
- State of the Town is July 23, 2021 at the Bennett Community Center. Practice run is scheduled for Thursday July 22, 2021. State of the Town starts at 11:00 a.m.
- Steve King, DOLA's Best and Brightest joined the Town as an intern on July 6th, 2021. Staff is excited to have him as part of the team.
- Staff celebrated today with accomplishments they have made during 2021. 1,355 tasks are logged in Smartsheet with 42% of those tasks completed.

9. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Donna Sus

Trustee Sus reported on the following;

- Reached out to a local church to assist with a resident who is in poor health and unable to perform yard work such as pulling weeds. The church assisted the resident as a community service project. Trustee Sus would like to tap into additional resources to help residents who may require assistance with yard work.

Darvin Harrell

Mayor Pro Tem Harrell reported on the following;

- Will not be in attendance at State of the Town due to scheduling conflicts
- Attending the Arapahoe County Fair
- Inquired about the Community Service Officers interview status

Whitney Oakley

Trustee Oakley reported on the following;

- Has noticed the Adams County Sheriff has not been as active and visible in the Town lately

Royce D. Pindell

Mayor Royce D. Pindell reported on the following;

- Will be out of Town during the next Board of Trustees meeting on July 27, 2021
- Did not attend the latest Arapahoe County meeting
- Metro Mayors Caucus is requesting my signature on a request from Congress for helping with homeless veterans Mayor Pindell will support the bill
- Thank staff for all their hard work. Public Works is doing a fantastic job
- Appreciates the patriotic flag banners installed around town

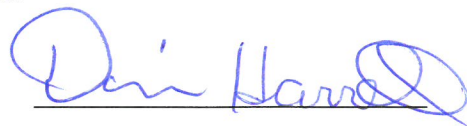
10. ADJOURNMENT

MAYOR PRO TEM HARRELL MOVED, TRUSTEE SMITH SECONDED to adjourn the meeting. The meeting was adjourned at 9:15 p.m. Voting was as follows:

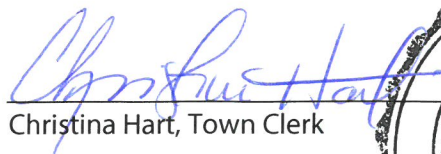
YES: Pindell, Smith, Sus, Vittum, Harrell, Oakley

NO: None

The Mayor declared the motion carried by unanimous vote.



Darvin Harrell, Mayor Pro Tem



Christina Hart, Town Clerk

