

TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
August 10, 2021

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, August 10, 2021 via hybrid meeting. Mayor Royce D. Pindell called the meeting to order at 7:02 p.m. The following persons were present upon the call of the roll:

Mayor: Royce D. Pindell

Trustees Present: Darvin Harrell
Whitney Oakley
Denice Smith
Donna Sus - *excused*
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*
Adam Meis, *Finance and Technology Coordinator*
Steve King, *Special Projects Coordinator*
Dan Giroux, *Town Engineer*
Melinda Culley, *Town Attorney*
Gabrielle Renner, *Town Traffic Engineer*
Christina Hart, *Town Clerk*

Public Present: Kathy Smiley, Bob Frachetti, Nick Graue, Ed Voltolina, Jennifer Foster,
Mason Oakley, Tim H., Justin Whittaker, Forrest Charlesworth, Kevin Barden,
Steve Dambroski, Larry Traylor

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 SMITH SECONDED to approve the agenda as amended by adding a rendering of the Well Site 6 Phase II to the agenda item. The voting was as follows:

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

Mayor Royce D. 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, Smith Vittum, Harrell, Oakley
NO: None
EXCUSED: Sus

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

A. Action: Approval of July 27, 2021 Regular Meeting Minutes

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments presented.

5. REGULAR BUSINESS

A. Public Hearing

1. Shops at Bennett – Case No. 21.13

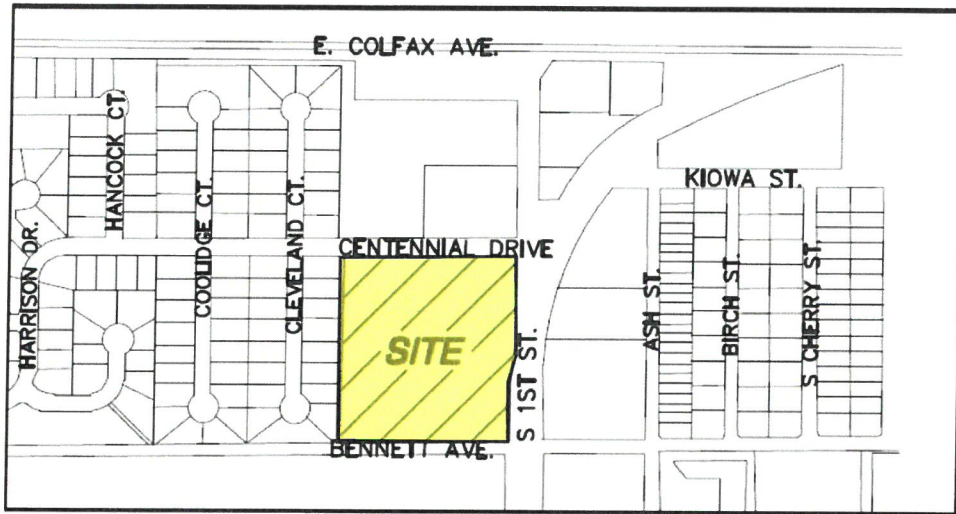
Resolution No. 878-21 – A Resolution Approving a Final Plat for the Shops at Bennett Subdivision

Mayor Royce D. Pindell called the matter of Case No. 21.13 Shops at Bennett Subdivision to order. The public hearing was opened at 7:06 p.m.

Christina Hart, Town Clerk, stated that in accordance with Colorado State Statute, notice of the public hearing was properly posted and published in the Eastern Colorado News on July 2, 2021. Legal #2496.

Steve Hebert, Planning and Economic Development Manager reported to the Trustees the Case No. 21.13 is a proposed final plat to subdivide approximately 5.9 acres at the southwest corner of Centennial Drive and 1st Street/CO Highway 79. See the vicinity map below. The subdivision plat will create one 1.075-acre lot (Lot 1) for commercial development and two separate Tracts - A and B. Tract A is 4.524 acres and intended for future commercial development and may be further subdivided. Tract B is 0.328 acres and is intended to accommodate a shared stormwater detention pond.

Vicinity Map



Note: Bennett Avenue does not currently extend west of 1st Street. Such an extension may be required in the future to serve additional commercial development; however, it is not expected to continue along the south side of the Centennial subdivision.

Below is an aerial image showing the property lies immediately north of Town Hall, the Adams County Shared Services building and the Corridor of Honor Military Memorial.

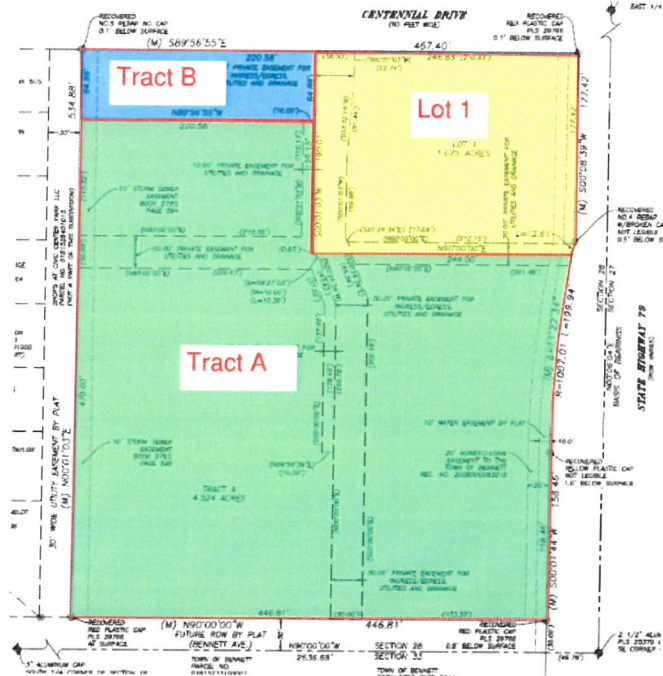
Aerial Image of Subject Property



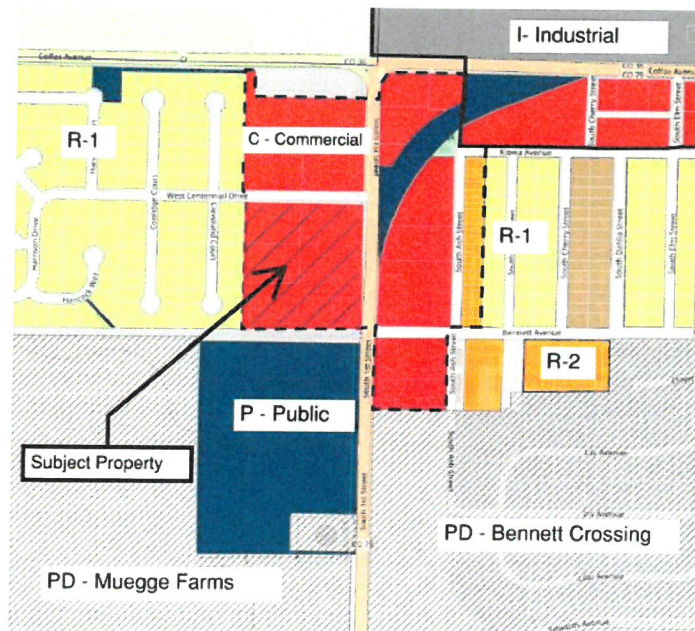
The property owner previously proposed a 7,900-square foot retail building on the subject property. The Town approved the Shops at Civic Center Site Plan in September 2019. That site

plan will be replaced with a new site plan, intended to accommodate a Dollar General. A site plan is approved administratively and is not a part of this subdivision plat review.

The illustration below shows the proposed lot layout, creating Lot 1 and Tracts A and B.



The subject property is currently zoned C - General Commercial District. The map below shows the zoning of the property and the surrounding area, including a mix of residential, commercial, planned development and public zone districts.



The table below summarizes the zoning and land use on properties immediately adjacent to the subject property.

Direction	Adjacent Zone District	Land Use
North	C- General Commercial District	Bank and Vacant Lot
East	C- General Commercial District	Bank, Church, U.S. Post Office
South	P – Public District	Town Hall, County Shared Services Building
West	R-1 - Low Density Residential District	Residential –Centennial Subdivision

The property also lies within the Main Street Downtown overlay district. The eventual site plan will be reviewed for compliance with the Main Street elements of the Bennett Development Design Guidelines.

The subject property is served by the following:

Water

Water will be provided by the Town of Bennett. Extension of the Town’s water system is proposed as part of this development.

Sanitary Sewer

Sanitary sewer will be provided by the Town of Bennett. Extension of the sanitary sewer system is proposed as part of this development.

Stormwater Management

Stormwater will be collected and conveyed in accordance with Town standards to prevent any on-site or off-site flooding. Tract B will accommodate a detention pond intended to serve the 5.9 acres.

Access, Traffic and Streets

Local access is provided by Centennial Avenue. The Town is requiring the property owner to dedicate additional right-of-way (ROW) along the east side of the subject property and along the west side of CO Highway 79 consistent with a future 100-foot highway ROW profile for that section of the highway. That additional ROW will be shown on the final plat.

Fire and Rescue

Bennett-Watkins Fire Rescue will provide fire protection service. Development will be subject to the International Fire Code (IFC).

Gas, Electricity and Telecommunications

Natural gas will be provided by Colorado Natural Gas, electricity by IREA and telecommunications by Eastern Slope Technologies (ESRTA) or Comcast. Appropriate easements for these providers are identified on the final plat.

A subdivision agreement (SA) that identifies and guarantees public improvements, including but not limited to streets, sidewalks/trails, water, sanitary sewer and stormwater management is

required prior to the issuance of an infrastructure permit. A note to that effect will be added to the final plat.

No public land dedication is required at this time given no additional buildable lots are being created. However, when the remainder of Tract A is subdivided, land dedication for park land and public facilities will be required. Land dedication for schools is not required.

Per Section 16-4-380 of the Bennett Municipal Code, the Town shall use the following criteria to evaluate the applicant's final plat application:

- A. The final plat incorporates recommended changes, modifications and conditions attached to the sketch plan unless otherwise approved by the Planning Commission.

Staff Finding: A Sketch Plan is not required for a minor subdivision that creates fewer than four lots.

- B. All applicable technical standards in accordance with this Chapter and adopted Town documents have been met.
 1. To establish appropriate standards for subdivision design that will:
 - a. Encourage the development of sound, economical and stable neighborhoods and healthy living environments, in conformance with the goals and policies of the Comprehensive Plan.
 - b. Provide lots of adequate size, configuration and design for the purpose for which they are intended to be used.
 - c. Promote superior design and design flexibility.
 - d. Preserve the significant natural features and environmental quality of the Town.
 - e. Guide the physical development of the Town in ways that complement the Town's character and culture.
 - f. Promote a cohesive sense of community among new and current residents, precluding neighborhood design or restrictions that in any way isolate any neighborhood from the rest of the community.
 - g. Provide complete and accurate public land records.

Staff Finding: The proposed minor subdivision will accommodate new development that meets the standards of good subdivision design.

1. To establish standards for utilities and other public services that will:
 - a. Provide an efficient, adequate and economical supply of utilities and services to land proposed for development without adverse effects to property that is currently served.
 - b. Ensure that adequate stormwater drainage, sewage disposal, water supply and other utilities, services and improvements needed as a consequence of the subdivision of the land are provided.
 - c. Provide for the reasonable extension of utilities and services to other lands that may be developed in the future.
 - d. Provide the equitable distribution of the cost of new and expanded public services needed to support new land development.

Staff Finding: The proposed minor subdivision will accommodate extension of utilities and public services to serve the property.

1. To ensure the provision of adequate and safe traffic circulation that will:
 - a. Minimize traffic hazards through appropriate street design, providing safe and convenient vehicular and pedestrian traffic circulation systems.
 - b. Provide adequate vehicular access to abutting properties.
 - c. Provide streets of adequate capacity and appropriate design and function.

Staff Finding: Centennial Avenue provides adequate and appropriate access to the property.

1. To ensure adequate public facilities that will:
 - a. Provide for the recreational, cultural, educational and other public facility needs of the community.
 - b. Facilitate effective law enforcement and fire protection.

Staff Finding: Adequate public facilities are available to the property.

1. To contribute to the proper development of the community in accordance with the goals and policies of the Comprehensive Plan as it may be updated from time to time.

Staff Finding: The proposed plat is consistent with the principles in the 2015 Town of Bennett Comprehensive Plan related to:

- Mixed land uses
- Diversity of housing types
- Access to open space, trails and parks
- Contiguous development
- A variety of transportation choices

C. Compliance with Zoning Regulations

Staff Finding: The final plat is consistent with the C- General Commercial zone district. Future development will be subject to the lot standards in the zone district, including but not limited to building setbacks, building height, parking, landscaping and lighting.

Notice of the Planning and Zoning Commission and Board of Trustees public hearings was published in the Eastern Colorado News, posted on the subject property and sent to all property owners within 300 feet of the property. No public comment has been received as of this date.

Staff finds the proposed final plat is in compliance with the Subdivision Regulations in Chapter 16, Article IV of the Bennett Municipal Code. Staff also finds the plat has been processed according to Section 16-4-360 and meets the approval criteria in 16-4-380. Based upon these findings, Staff recommends the Board of Trustees approve Case No. 21.13 – Shops at Bennett Subdivision Final Plat, with the following conditions:

Before recording the final plat, the applicant shall:

1. Update plat notes related to easements and maintenance in a manner directed by Town Staff and the Town Engineer
2. Make other minor modifications as directed by Town Staff, the Town Engineer and Town Attorney

Gabrielle Renner, Town Traffic Engineer, addressed the Board regarding traffic flow concerns. Ms. Renner reported traffic studies are being conducted including entry and exit targets of the proposed Dollar General as well as the volume of potential traffic on Centennial Drive.

APPLICANT PRESENTATION

Ed Voltolina, representative for the applicant, reported the Dollar General is not a "destination" store, but rather a quick and convenient way to shop. The applicant also performs a traffic study regarding traffic volume. The applicant is committed to meeting all of the Town's building standards and code.

PUBLIC COMMENTS

Steve Dambroski, 140 Cleveland Court, Bennett, Co., conveyed his disapproval to approval of Dollar General. Mr. Dambroski is also concerned about the detention pond not being able to support heavy rainfall occurrences. He is also concerned with the increase of traffic on Centennial Drive and the safety of the residents in the Centennial Subdivision.

Mayor Royce D. Pindell closed the public hearing on Case No. 21.13 a Final Plat for the Shops at Bennett Subdivision at 7:55 p.m.

TRUSTEE COMMENTS

Trustee Vittum stated the property of the proposed development is a commercial development and meets the Town's zoning codes and is appropriate for the zoning. All future development on the property must be presented to the Board for approval. Trustee Vittum reported the case before them tonight be developed for commercial purposes. Trustee Vittum is in support of Case No. 21.13.

Trustee Oakley echoed Trustee Vittum's comments. The final plat report presented by Staff was thorough and meets all final plat and Town commercial zoning requirements. Trustee Oakley is in support of Case No. 21.13.

Trustee Smith thanked Staff for their presentation. Trustee Smith lives in the Centennial Subdivision and is concerned with the width of Centennial Drive and an increase in traffic and the size of the vehicles driving on Centennial Drive to access Dollar General. Trustee Smith expressed her support of the proposed lots, but doesn't support the specific location of Dollar General within the property.

Mayor Royce D. Pindell expressed his concerns regarding traffic. In the matter of the final plat, the application meets the Town's standards. The Mayor stated the Board will have an opportunity to address concerns when the site plan comes before them.

TRUSTEE VITTUM MOVED, TRUSTEE OAKLEY SECONDED, to approve Resolution No. 878-21 – A Resolution Approving a Final Plat for the Shops at Bennett Subdivision. Voting was as follows:

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

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

2. Browning Minor Subdivision, Amendment No. 1 – Case No. 21.18

Resolution No. 879-21 – A Resolution Approving a Final Plat for the Browning Minor Subdivision, Amendment No. 1

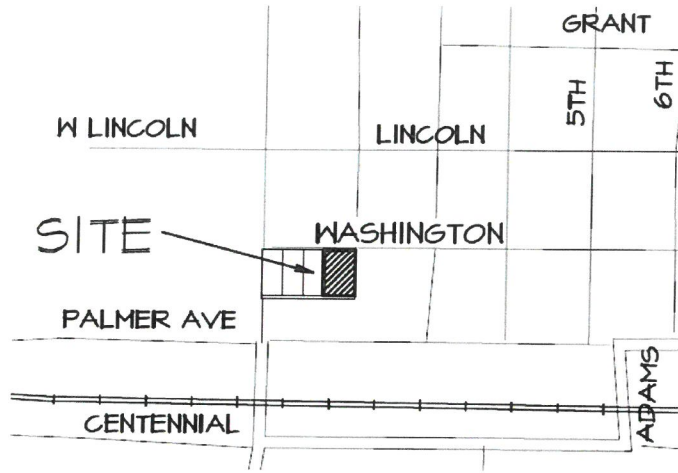
Mayor Royce D. Pindell called the matter of Case No. 21.18 a Final Plat for the Browning Minor Subdivision, Amendment No. 1 to order. The public hearing was opened at 8:05 p.m.

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 July 2, 2021. Legal #2495.

Steve Hebert, Planning and Economic Development Manager, reported to the Board of Trustees Case No. 21.18 is a proposed amendment of the Browning Minor Subdivision Final Plat that would subdivide Lot 4 of the subdivision into two lots. Lot 4 is currently 11,469 square feet. The amended plat would divide Lot 4, vacate 30 feet of Town street right-of-way (ROW) and create two new lots of 7,779 square feet each.

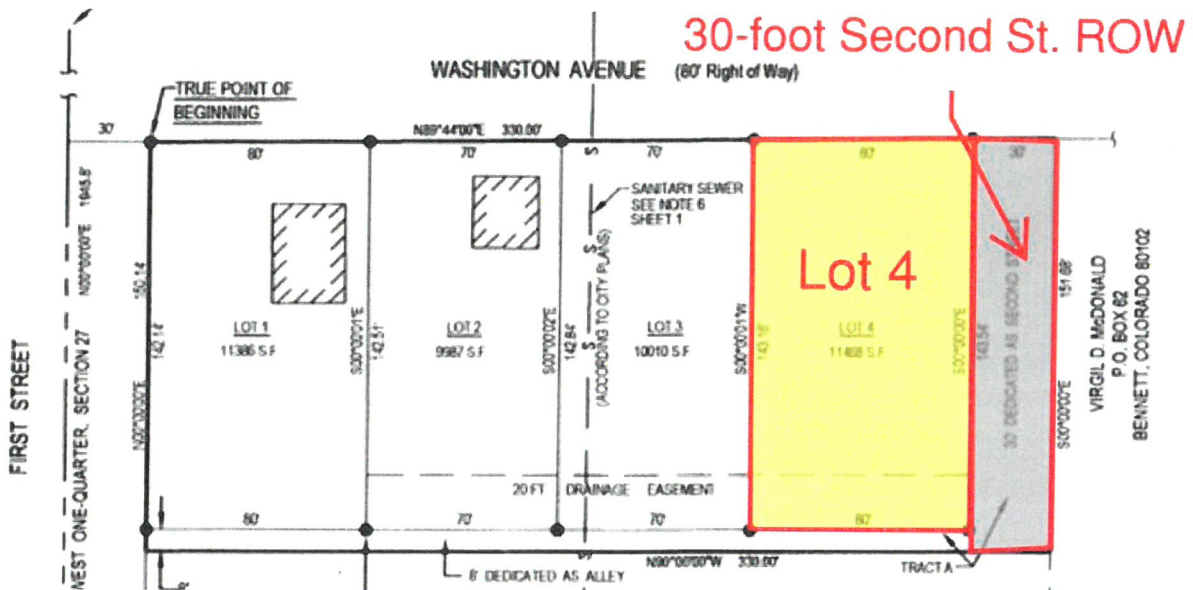
The property is located at the southwest corner of 2nd Street and Washington Avenue. See the vicinity map below. As discussed later, 2nd Street has never been improved as a public street south of Washington Avenue. Note: Different mapping sources, including Adams County GIS, Google Maps, etc. abbreviate Bennett's north-south streets, e.g. 2nd or 3rd Street. Others, including recorded plats, use Second and Third.

Vicinity Map



The original Browning Minor Subdivision was approved by the Town Board of Trustees in October 2005. The subdivision created four lots fronting on Washington Avenue between 1st Street and the 2nd Street alignment and dedicated a 30-foot wide parcel along the east side of Lot 4 for the extension of 2nd Street. Lot 4 of the subdivision was recently purchased by the applicants.

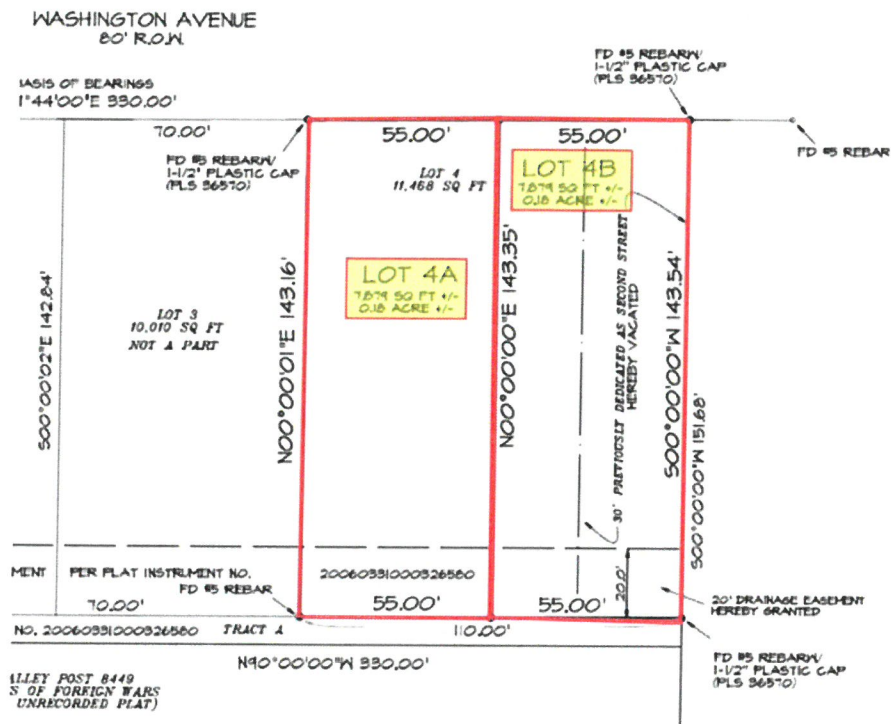
Below is a subsection of the Browning Minor Subdivision with Lot 4 highlighted in yellow and the 30-foot Town 2nd Street ROW highlighted in gray. Note: The street ROW east of Lot 4 and an 8-foot strip were dedicated to the Town via the plat, as Tract A.



The Town Board of Trustees vacated the 2nd Street ROW in September 2001 by Ordinance No. 447. The ordinance stated: "The Board of Trustees has determined that the Town does not ever intend to build the portion of Second Street between Washington Avenue and Palmer Avenue, and as such, that portion of Second Street between Washington Avenue and Palmer Avenue is no longer required for public use or convenience and that it is in the public interest to vacate the portion of Second Street between Washington Avenue and Palmer Avenue." See Ordinance No. 447 attached to this report. At the time of vacation, the eastern 30 feet of the 2nd Street ROW was conveyed to the McDonald property to the east. See the McDonald survey attached.

When the Browning Minor Subdivision Plat was approved in 2005, the west half (30 feet) of the 2nd Street ROW was inadvertently rededicated to the Town. Town Staff has confirmed the Town does not intend to build 2nd Street south of Washington and the ROW should be vacated once again. The proposed Browning Minor Subdivision, Amendment No. 1 vacates the 30-foot 2nd Street ROW.

The illustration below shows the proposed lot layout, creating two lots to be known as 4A and 4B. After vacating the 2nd Street ROW, each lot will be 7,789 sq. ft. in size.



The subject property is currently zoned R-1 – Low Density Residential District. The map below shows the zoning of the surrounding area, including a mix of residential, commercial and public zone districts and land uses.

Zoning of 170 Washington and Surrounding Area



The table below summarizes the zoning and land use on properties immediately adjacent to the subject property.

Direction	Adjacent Zone District	Land Use
North	R-1 - Low Density Residential District	Residential
East	MH- Mobile Home District	Residential (mobile home park)
South	C- General Commercial District	Commercial (VFW)
West	R-1 - Low Density Residential District	Residential

Below are the key lot standards for the R-1 District pertinent to this proposed plat.

	R-1 Standard	Proposed
Minimum Lot Area	7,500 sq. ft.	7,789 sq. ft.
Minimum Lot Width	70 ft.	55 ft.

The subject property also lies within the RMU – Old Town Residential Mixed Use Overlay District. Section 16-2-485 of the Bennett Municipal Code established the RMU Overlay District to promote reinvestment in, and protect the existing character of, Bennett's original residential neighborhoods. A primary objective of the RMU District is *“to provide property owners flexibility for building renovation and redevelopment along with opportunity for relief from lot restrictions associated with underlying R-1 zoning.”*

Although the proposed lots meet the minimum lot area, at 55 feet wide, they do not meet the minimum lot width of 70 feet. However, the RMU Overlay District enables the Zoning Administrator to approve *“an administrative variance from the underlying R-1 zoning district development standards on non-conforming lots in the RMU Overlay District where development,*

redevelopment or renovations would otherwise not be feasible.” The Zoning Administrator has indicated her support of an administrative variance related to lot width.

Water

Water will be provided by the Town of Bennett.

Sanitary Sewer

Sanitary sewer will be provided by the Town of Bennett.

Stormwater Management

Stormwater will be collected and conveyed in accordance with Town standards to prevent any on-site or off-site flooding.

Access, Traffic and Streets

Local access is provided by Washington Avenue.

Fire and Rescue

Bennett-Watkins Fire Rescue will provide fire protection service. Development will be subject to the International Fire Code (IFC).

Gas, Electricity and Telecommunications

Natural gas will be provided by Colorado Natural Gas, electricity by IREA and telecommunications by Eastern Slope Technologies (ESRTA) or Comcast. Appropriate easements for these providers will be identified on the final plat.

Bennett School District 29J

The school district has asked for cash-in-lieu of land dedication in the amount of \$2,095.47.

Per Section 16-4-380 of the Bennett Municipal Code, the Town shall use the following criteria to evaluate the applicant's final plat application:

D. The final plat incorporates recommended changes, modifications and conditions attached to the sketch plan unless otherwise approved by the Planning Commission.

Staff Finding: A Sketch Plan is not required for a minor subdivision that creates fewer than four lots.

- D. All applicable technical standards in accordance with this Chapter and adopted Town documents have been met.
1. To establish appropriate standards for subdivision design that will:
 - h. Encourage the development of sound, economical and stable neighborhoods and healthy living environments, in conformance with the goals and policies of the Comprehensive Plan.
 - i. Provide lots of adequate size, configuration and design for the purpose for which they are intended to be used.
 - j. Promote superior design and design flexibility.
 - k. Preserve the significant natural features and environmental quality of the Town.

- l. Guide the physical development of the Town in ways that complement the Town's character and culture.
- m. Promote a cohesive sense of community among new and current residents, precluding neighborhood design or restrictions that in any way isolate any neighborhood from the rest of the community.
- n. Provide complete and accurate public land records.

Staff Finding: The proposed minor subdivision will accommodate new development that meets the standards of good subdivision design.

- 2. To establish standards for utilities and other public services that will:
 - e. Provide an efficient, adequate and economical supply of utilities and services to land proposed for development without adverse effects to property that is currently served.
 - f. Ensure that adequate stormwater drainage, sewage disposal, water supply and other utilities, services and improvements needed as a consequence of the subdivision of the land are provided.
 - g. Provide for the reasonable extension of utilities and services to other lands that may be developed in the future.
 - h. Provide the equitable distribution of the cost of new and expanded public services needed to support new land development.

Staff Finding: The proposed minor subdivision will accommodate extension of utilities and public services to serve both lots.

- 3. To ensure the provision of adequate and safe traffic circulation that will:
 - d. Minimize traffic hazards through appropriate street design, providing safe and convenient vehicular and pedestrian traffic circulation systems.
 - e. Provide adequate vehicular access to abutting properties.
 - f. Provide streets of adequate capacity and appropriate design and function.

Staff Finding: Washington Avenue provides adequate and appropriate access to the proposed lots.

- 4. To ensure adequate public facilities that will:
 - c. Provide for the recreational, cultural, educational and other public facility needs of the community.
 - d. Facilitate effective law enforcement and fire protection.

Staff Finding: Adequate public facilities are available to the proposed lots.

- 5. To contribute to the proper development of the community in accordance with the goals and policies of the Comprehensive Plan as it may be updated from time to time.

Staff Finding: The proposed plat is consistent with the principles in the 2015 Town of Bennett Comprehensive Plan related to:

- Mixed land uses
- Diversity of housing types

- Access to open space, trails and parks (Trupp Park is less than a block west of the proposed subdivision).
- Contiguous development
- A variety of transportation choices

E. Compliance with Zoning Regulations

Staff Finding: As noted earlier, with the Zoning Administrator’s administrative variance to the minimum lot size, the proposed plat will be in compliance with the Town of Bennett Zoning Regulations.

Notice of the August 10, 2021, Board of Trustees public hearing was published in the Eastern Colorado News, posted on the subject property and sent to all property owners within 300 feet of the property. One resident has inquired about the ROW vacation as well as the lot width. No official objection has been submitted.

The Planning and Zoning Commission reviewed Case No. 21.18 – Browning Minor Subdivision on July 19, 2021. The Commission recommends approval of the proposed final plat for the Browning Minor Subdivision, Amendment No. 1. See the attached Resolution No. 2021-09.

Staff finds the proposed final plat is in compliance with the Subdivision Regulations in Chapter 16, Article IV of the Bennett Municipal Code. Staff also finds the plat has been processed according to Section 16-4-360 and meets the approval criteria in 16-4-380. Based upon these findings, Staff recommends the Board of Trustees approve Case No. 21.18 – Browning Minor Subdivision, Amendment No. 1 with the following conditions:

Before recording the final plat, the applicant shall:

3. Update plat notes related to easements and maintenance in a manner directed by the Town Engineer
4. Make other minor modifications as directed by Town Staff, the Town Engineer and Town Attorney.

APPLICANT PRESENTATION

There was no presentation from the applicant.

PUBLIC COMMENTS

There were no public comments presented.

Mayor Royce D. Pindell closed the public hearing on Case No. 21.18 a final plat for Browning Minor Subdivision, Amendment No. 1 at 8:30 p.m.

TRUSTEE COMMENTS

Trustee Smith expressed her support for Case No. 21.18. It will improve the look of the lot.

Trustee Vittum reported he cannot support Case No. 21.18 with the proposed lots meeting the minimum lot area, at 55 feet wide, the lots do not meet the minimum lot width of 70 feet. Trustee

Vittum expressed the history of the property is very convoluted. The property is zoned R1, but lies within the district overlay. There is too much deviation from the R1 zoning code standard for his support.

Trustee Oakley is in support of Case No. 21.18. She doesn't feel there is too much deviation from the R1 zoning standard and fits within the R2 district overlay.

Mayor Pro Tem Harrell reported he cannot support Case No. 21.18 due to the convoluted history and deviation from the R1 zoning standard.

Mayor Royce D. Pindell expressed his support for the Browning Minor Subdivision, Amendment No. 1. The property has been under-utilized, the drainage has changed with previous street improvements. The 55' lots exceed the standards, but doesn't feel it's unreasonable.

TRUSTEE OAKLEY MOVED, TRUSTEE SMITH SECONDED to approve Resolution No. 879-21 – A resolution approving a final plat for Browning Minor Subdivision, Amendment No. 1. The voting was as follows:

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

Mayor Royce D. Pindell declared the motion passed 3 to 2.

Mayor Royce D. Pindell called for a five minute recess at 8:43 p.m. The meeting resumed at 8:51 p.m.

3. **Well Site 6 Phase II – Water Tank Construction Contract**

Daymon Johnson, Capital Projects Director, reported to the Board of Trustees AQUA Engineering has been working with the Town of Bennett to design and construct improvements to the Town's existing Well Site 6. The project is a continuation of the currently active Well Site 6 – Phase I work, which is the fitment and commissioning of the new Laramie-Fox Hills (LFH) Well 6 into the Town's source water portfolio.

The Well Site 6 Phase II – Water Tank Improvements include replacing the existing at-grade water storage tank and booster pump station with a new one-million-gallon water storage tank and booster pump station. The project is intended to address development and growth-related water demand increases throughout the Town.

At the March 9, 2021, Town Board meeting, Staff presented two agreements to the Board for approval. Those contracts are described below:

- Construction agreement for Well Site 6 Improvements Phase I to Filanc Construction in the amount of \$596,900. This contract was for the completion of the fitment and commissioning of the new LFH Well 6.
- Pre-construction services agreement for Well Site 6 Improvements Phase I.A to Filanc Construction in the amount of \$12,034. This contract was for the development of cost models and a final guaranteed maximum price (GMP) proposal for the construction of the new one-million-gallon water tank.

The Phase II portion of the project has been developed using the Construction Manager At-Risk or Construction Manager/General Contractor (CMAR/CMGC) project delivery approach, which was selected to promote a highly collaborative design and construction team and will ultimately provide value to the Town by increasing coordination between the designer, the contractor and the Town.

Furthermore, efficiency is the outcome of the CMAR process. Staff, after going through the value engineering process with Aqua and Filanc Construction, is confident that the Town is getting the best price possible.

The Phase II portion of the project has been designed by iteration with multiple design reviews performed collaboratively between Town Staff, Filanc Construction and AQUA Engineering. The design is now at approximately a 99% completion level and contract pricing negotiations have taken place over the past several weeks.

Filanc Construction provided an initial GMP proposal of \$3,486,320 to construct the Phase II portion of the project. With multiple material increases and unforeseen market drivers, that pricing rose as high as \$3,898,525.

Since the initial GMP and after subsequent iterations over the last month, Town Staff and AQUA Engineering have worked diligently, in conjunction with the contractor, to reduce project costs through a variety of value engineering design revisions to the project. The cost savings realized through design revisions, coupled with other costs included in the GMP, translates to an actual Phase II cost of 10-15% less than what was initially proposed. The final iteration proposal for the Phase II Well Site 6 Water Tank Improvements is \$3,186,796.

The tentative schedule is outlined below. The dates listed are completion dates.

Notice To Proceed to Filanc	Wednesday, August 11, 2021
Construction Commencement	Thursday, August 19, 2021
Site Prep and Layout	Monday, August 30, 2021
Tank Construction	Tuesday, November 30, 2021
Pump Start-Up	Friday, December 17, 2021
Final Tie-ins and Commissioning	Monday, January 24, 2022
Site Restoration	Thursday, February 17, 2022
Substantial Completion	Wednesday, February 28, 2022
Final Completion	Wednesday, March 30, 2022

Staff recommends that the Board authorize the Mayor and Town of Bennett to enter into a standard Town contract agreement with Filanc Construction with a guaranteed maximum price of \$3,186,796 for completion of the Well Site 6 Phase II – Water Tank Improvements.

TRUSTEE VITTUM MOVED, MAYOR PRO TEM HARRELL SECONDED to authorize the Mayor and the Town Bennett to enter into a standard Town contract agreement with Filanc Construction with a guaranteed maximum price of \$3,186,796 for completion of the Well Site 6 Phase II Water Tank Improvements. The voting was as follows:

YES: Harrell, Oakley, Pindell, Smith, Vittum

NO: None

EXCUSED: Sus

Mayor Royce Pindell declared the motion passed unanimously.

4. Proclamation – Rich Pulliam

Mayor Pindell recognized Rich Pulliam, with a proclamation acknowledging his dedication to the Town of Bennett as a respected leader for the last 17 years. Mr. Pulliam has served his community in many ways, including in his roles as Mayor Pro Tem, Trustee and a member of the Sales Tax Oversight Committee. Rich has been a visionary and instrumental on key policies for the Town of Bennett, including the dark sky initiative and creating a sustainable future for Bennett's water supply. Rich as continually worked toward creating a community that thrived and building a stronger Bennett

The Bennett Board of Trustees and Town Staff hereby thank and congratulate Rich Pulliam for his nearly two decades of dedication and leadership to the community.

6. TOWN ADMINISTRATOR REPORT

Trish Stiles, Town Administrator, reported on the following:

- The Trustee vacancy and appointment deadline has been extended to August 19, 2021. The Trustees will interview and appoint a new Trustee during the August 24, 2021 regular board meeting. Staff has received three applications.
- The 365 acre feet of Laramie Fox hills has been closed.
- Working on transportation opportunities with CDOT; signalization project as well as Exit 304.
- Town Staff is organizing the Holiday Help toy drive program again for 2021.
- Staff is working towards a Holiday Help program for the senior citizens during the holidays

7. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Royce D. Pindell

Mayor Pindell reported on the following;

- Did not attend the Arapahoe County dinner as he was on a family vacation.
- Bennett Days is coming!
- The white farm truck would be a welcome addition to the Bennett Days parade.
- The groundbreaking for the North Municipal Complex.(NOMCOM) was successful.

8. 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 School District 29J Intergovernmental Agreement.

MAYOR PRO TEM HARRELL 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 School District 29J Intergovernmental Agreement.

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

The Mayor declared the motion carried by unanimous vote.

The Board went into executive session at 9:40 p.m.

The Board came out of executive session at 10:18 p.m. The Mayor announced that the Board had been in executive session and the following persons participated via hybrid in that session: Mayor Royce D. Pindell, Trish Stiles, Trustee Oakley, Trustee Vittum, Melinda Culley, Trustee Smith, Mayor Pro Tem Harrell, Steve Hebert, Adam Meis, 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 10:19 p.m.

9. REPORT FROM EXECUTIVE SESSION

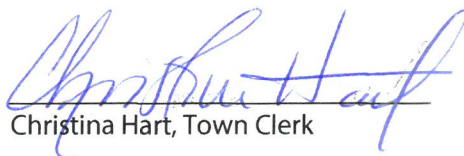
During the executive session the board discussed matters that are subject to negotiations and directed negotiators regarding specific aspects of the Bennett School District 29J Intergovernmental Agreement regarding public dedication for school sites.

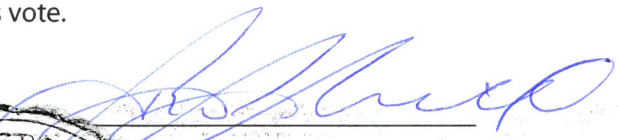
10. ADJOURNMENT

MAYOR PRO TEM HARRELL MOVED, TRUSTEE VITNUM SECONDED to adjourn the meeting. The meeting was adjourned at 10:20 p.m. Voting was as follows:

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

The Mayor declared the motion carried by unanimous vote.


Christina Hart, Town Clerk



Royce D. Pindell, Mayor

