

TOWN OF BENNETT, COLORADO  
BOARD OF TRUSTEES  
Regular Meeting  
October 26, 2021

---

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, October 26, 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 D. Pindell

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

Staff Present: Trish Stiles, *Town Administrator*  
Rachel Summers, *Deputy Town Administrator*  
Alison Belcher, *Assistant Communications Director*  
Sara Aragon, *Community Development Manager*  
Daymon Johnson, *Capital Projects Director*  
Robin Price, *Public Works Director*  
Ricky Martinez, *Assistant Public Works Director*  
Adam Meis, *Finance and Technology Coordinator*  
Steve King, *Special Projects Coordinator*  
Dan Giroux, *Town Engineer*  
Melinda Culley, *Town Attorney*

Public Present: Kathy Smiley

2. PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF AGENDA

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

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

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

4. CONSENT AGENDA

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

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

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

- A. Action: Approval of October 12, 2021 Regular Meeting Minutes

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments presented.

5. REGULAR BUSINESS

A. Action/Discussion

1. RFP 20-011 – CO Hwy 79 and Marketplace Drive Intersection

Daymon Johnson, Capital Projects Director, reported to the Trustees the Town issued RFP 21-011 on August 26, 2021, to solicit qualified bids on the Hwy. 79 and Marketplace Signalization and Intersection Improvements project. This solicitation was open for roughly four (4) weeks and bids were due on September 22, 2021. Below is the bidding firm information.

Bidding Firm	Bid
Morton Electric, Inc.	\$1,158,245.10

The Town received one qualifying bid from Morton Electric, Inc. Since there was only one bid, Staff discussed the matter with the Town’s third party inspection firm (Rock-Sol) and Town consultants (Dan Giroux from Terramax and Peter Kozinski from Jacobs Engineering) about reopening the bid to try to solicit more numbers.

Ultimately, Staff opted against that approach for a myriad of reasons. Firstly, the reference check Staff performed internally and through our consultants was overwhelmingly positive. Out of 15 different contacts that were called, there was not a single “bad” reference. Secondly, Staff worried that the Town may lose a qualified bidder and had no assurance of generating additional bids by initiating a new bid period. Finally, because this is a quick project with a duration of roughly 40 days, Staff

wanted to start as expeditiously as possible to ensure a finish by years' end or close to it. Morton has confirmed their ability to meet our desired schedule and is ready to mobilize quickly.

Funding for this project will come from the Sales Tax Capital Improvement Fund and is within the budgeted appropriations for 2021.

TRUSTEE SUS MOVED, TRUSTEE OAKLEY SECONDED to authorize the Mayor and the Town Bennett to enter into a standard Town contract agreement with Morton Electric, Inc. in amount not to exceed \$1,158,246 for the construction and improvements of the Colorado Highway 79 and Marketplace Drive intersection. The voting was as follows:

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

Mayor Royce D. Pindell declared the motion passed unanimously.

**2. RFP 21-013 – 3<sup>rd</sup> Street Sanitary Sewer Replacement Project**

Robin Price, Public Works Director, reported to the Trustees, as town growth has increased, Bennett has determined a need to upgrade the size and capacity of certain sections of the sanitary sewer lines on the north side of town. The Town began this project in 2018 by installing a 12" sanitary sewer line north of Lincoln to Roosevelt.

The current portion of the Bennett Sanitary Sewer Replacement Project is located in the Lincoln Avenue and 3<sup>rd</sup> Street alley. This specific project includes tying the existing 12" on Lincoln to the existing line on 3<sup>rd</sup> Street and installing a new 12" sanitary sewer line west of the existing 8" sewer line that will be left in place as a local collector.

The Town received multiple inquiries about bidding this RFP project but due to the unique challenges and the timeline that was presented, only one bid was submitted. The qualified RFP response is below:

- **Dan's Custom Construction (DCC):** DCC is located in Brighton Colorado. They specialize in the construction modification and maintenance of water and wastewater treatment facilities. The Town has worked with DCC in the past and has been impressed with their quality of work.

Company	Bid
Dan's Custom Construction	\$150,000

DCC's proposal fits into the existing budget and their company has the qualifications and experience to perform this work with the plan set that was included in the RFP.

Funding for this project will come from the Sales Tax Capital Improvement Fund and is within the budgeted appropriations for 2021.

Funding for this project will come from the Wastewater Fund and is within the budgeted appropriations for 2021.

MAYOR PRO TEM HARRELL MOVED, TRUSTEE OAKLEY SECONDED to authorize the Mayor and the Town Bennett to enter into a standard Town contract agreement with Dan's Custom Construction for the 3<sup>rd</sup> Street sanitary sewer replacement project in an amount not to exceed \$150,000. The voting was as follows:

YES: Sus, Barden, Harrell, Oakley, Pindell

NO: None

EXCUSED: Smith, Vittum

Mayor Royce D. Pindell declared the motion passed unanimously.

## 6. TOWN ADMINISTRATOR REPORT

Trish Stiles, Town Administrator, reported on the following:

- 4<sup>th</sup> Annual Trunk or Treat from 4:00 p.m. – 6:00 p.m. on October 28<sup>th</sup>.
- Town staff will be training from 8:30 a.m. – 2:30 p.m. on November 4<sup>th</sup> at Colorado Air and Space Port. A staff member will be at Town Hall answering phones and providing assistance to residents.
- Staff has received a request from a funeral home for a crematorium. A formal application has not been received. Staff is asking for feedback from the Trustees before the applicant would begin the application process.

## 7. TRUSTEE COMMENTS AND COMMITTEE REPORTS

### Royce D. Pindell

Mayor Royce D. Pindell reported on the following;

- Questions were presented to the Mayor in respect to the public hearing regarding the Building Code Appeal on October 12, 2021 at 215 Kiowa Avenue – Tymanike Apartment Decks. The Trustees took no action to allow the Building Department to review the material from Gary Vance. Melinda Culley, Town Attorney, reminded the Mayor and Trustees this is still a quasi-judicial matter. There is a specific procedure to follow quasi-judicial rules. The matter should only be discussed in a public forum. Discussion amongst the Board or with the public outside of a public hearing should be avoided.
- Thanked Staff for all of their hard work.

### Donna Sus

Trustee Sus reported on the following:

- Has commented on social media encouraging residents to attend Town Board meetings.

Mayor Royce D. Pindell called for a recess at 7:55 p.m.

The meeting resumed at 8:00 p.m.

## 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.



TRUSTEE OAKLEY 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: Barden, Harrell, Oakley, Pindell, Sus

NO: None

EXCUSED: Smith, Vittum

The Mayor declared the motion carried by unanimous vote.

The Board went into executive session at 8:05 p.m.

The Board came out of executive session at 9:27 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 Sus, Melinda Culley, Trustee Barden, 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 9:28 p.m.

#### 9. REPORT FROM EXECUTIVE SESSION

During the executive session the Board discussed the Intergovernmental Agreement (IGA) with the Bennett School District 29J and provided direction for negotiators on specific items on the IGA.

#### 10. ADJOURNMENT


TRUSTEE BARDEN MOVED, MAYOR PRO TEM HARRELL SECONDED to adjourn the meeting. The meeting was adjourned at 9:28 p.m. Voting was as follows:

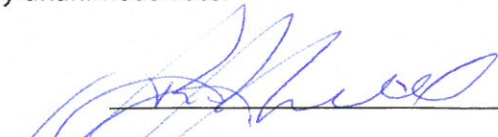
YES: Harrell, Oakley, Pindell, Sus, Barden

NO: None

EXCUSED: Smith, Vittum

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

  
Christina Hart, Town Clerk

  
Royce D. Pindell, Mayor