

TOWN OF BENNETT, COLORADO  
BOARD OF TRUSTEES  
Regular Meeting  
November 9, 2021

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1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, November 9, 2021 via hybrid meeting. Mayor Royce D. Pindell called the meeting to order at 7:03 p.m. The following persons were present upon the call of the roll:

Mayor: Royce D. Pindell

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

Staff Present: Trish Stiles, *Town Administrator*  
Rachel Summers, *Deputy Town Administrator*  
Alison Belcher, *Assistant Communications Director*  
Danette Ruvalcaba, *Finance and Technology Director*  
Sara Aragon, *Community Development Manager*  
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*  
Christina Hart, *Town Clerk*

Public Present: Kathy Smiley, Dr. Gary Vance, Debbie Vance

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: Harrell, Pindell, Smith, Sus, Vittum

NO: None

EXCUSED: Barden, Oakley

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

NO: None

EXCUSED: Barden, Oakley

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

A. **Action:** Approval of October 26, 2021 Regular Meeting Minutes

B. **Action:** 2022 Arapahoe County Sheriff Law Enforcement IGA

C. **Action:** Resolution No. 891-21

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Dr. Gary Vance, 2545 Haskell Place, Watkins, Colorado 80137, expressed frustration with the Building Department regarding the Tymanike Apartment decks replacement. Dr. Vance presented the engineering drawings to the Building Department on October 13, 2021 after the public hearing on October 12, 2021. The Board of Trustees acted as the Board of Appeals during the October 12, 2021 public hearing. The Board of Appeals moved to table the motion in order for Dr. Vance and Town staff to work together to achieve a resolution regarding the deck repairs. A resolution has not been reached as of November 9, 2021. Dr. Vance feels he has a positive attachment to the building. Dr. Vance is requesting to appeal the Building Department’s decision and come back before the Board of Appeals regarding Section 1604.8.3 of the Building Code.

Melinda Culley, Town Attorney, reported to the Board, public hearings are required, per State Statute, to be properly posted and published before the public hearing. This process is to protect both the Town and the applicant. Ms. Culley stated a new public hearing is acceptable, but discourages any discussion before the public hearing.

TRUSTEE SUS MOVED, TRUSTEE SMITH SECONDED to add the public hearing appeal to the November 23, 2021 regular meeting agenda and properly posting and publishing in the November 12, 2021 Eastern Colorado News. The voting was as follows:

YES: Smith, Sus, Vittum, Harrell

NO: None

EXCUSED: Barden, Oakley

RECUSED: Pindell

Mayor Royce D. Pindell declared the motion passed unanimously.

5. REGULAR BUSINESS

A. Action/Discussion

1. 2022 Town of Bennett Budget Second Draft

Danette Ruvalcaba, Finance and Technology Director, presented the 2022 Town of Bennett second draft of the 2022 schedule of fees and building permit fee comparison to the Trustees.

2. RFP 21-012 – Engineering Services Related to Kiowa-Bennett Road (KBR) Culvert Replacement

Safety Improvements

Dan Giroux, Town Engineer, reported to the Trustees, the Town of Bennett was awarded a \$450,000 grant for safety improvements on Kiowa-Bennett Road (KBR) from the Federal Highway Administration as a part of their High Risk Rural Roads (HRRR) Highway Safety Improvement Program (HSIP). The Town proposed that the grant money be used to replace two compromised major stormwater drainage culverts.

Following significant collaborative concept development work, Arapahoe County Open Space agreed to pay an additional \$248,500 to upgrade the south or “Copeland” culvert crossing to a KBR Trail underpass. This underpass will provide a safe, grade-separated crossing for KBR Trail users to access the County’s Kiowa North Open Space (KNOS), with future connection to Kiowa Creek and ultimately the Town’s existing and planned trail system.

Towards delivery of this project, the Town posted a Request for Proposals (RFP 21-012) for engineering services on the Town RFP web site as of September 13, 2021, and Town Staff approached and recruited multiple qualified engineering firms to respond and propose.

Town Staff interacted with four highly qualified engineering firms through the RFP process, beginning with the RFP posting and through the October 11, 2021, submittal deadline. All four firms submitted questions, which were addressed in an Addendum 1 and posted on October 6, 2021. Two firms ultimately submitted proposals, and Town Staff conducted interviews with the two proposing firms. The proposal fees are summarized below.

Company	Proposal Price
ICON Engineering, Inc.	\$139,757.00
Bohannan Huston Inc.	\$158,699.60
Ayres Associates Inc.	Submitted project questions, formally declined to propose, citing workload status
Short Elliott Hendrickson Inc. (SEH)	Submitted project questions, formally declined to propose, citing workload status

Through the RFP, proposal review and interview process, Town Staff unanimously felt ICON Engineering, Inc. provided the best proposal based on project team, schedule, approach, fee and directly similar and applicable experience.

Town Staff recommends the Bennett Board of Trustees authorize the Mayor to sign and enter into a standard Town contract for engineering services with ICON Engineering, Inc., for an amount not to exceed \$139,757 towards engineering of specific major stormwater drainage culvert replacement safety improvements at Kiowa-Bennett Road.

MAYOR PRO TEM HARRELL MOVED, TRUSTEE SUS SECONDED to authorize the Mayor and the Town of Bennett to enter into a standard Town contract agreement for engineering services with ICON Engineering, Inc., for an amount not to exceed \$139,757 towards engineering of specific major stormwater drainage culvert replacement safety improvements at Kiowa-Bennett Road. The voting was as follows:

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

Mayor Royce D. Pindell declared the motion passed unanimously.

### 3. Participation in Opioid Settlement

#### Resolution No. 892-21 – A Resolution Approving the Colorado Opioids Settlement Memorandum Of Understanding and Other Documents Necessary for the Town’s Participation in Pending Opioids Settlements

Trish Stiles, Town Administrator, reported to the Trustees, the proposed settlement is the first step in the process in order to participate in the settlement. Town of Bennett calculated approximately \$4,000 to be received by the Town. The funds will be turned back to the respective Counties partners to support their services and programs.

Melinda Culley, Town Attorney, the State of Colorado has been part of multiple class action lawsuits relating to the opioid settlement resulting in up to approximately \$400 million in settlement proceeds for the State and Colorado local governments to abate the opioid crisis. The settlement will be distributed over a number of years. The memorandum of understanding sets the framework for distributing and sharing settlement proceeds throughout Colorado.

TRUSTEE VITTUM MOVED, TRUSTEE SMITH SECONDED to approve Resolution No. 892-21 – A resolution approving the Colorado opioids settlement memorandum of understanding and other documents necessary for the Town’s participation in pending opioids settlements. The voting was as follows:

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

Mayor Royce D. Pindell declared the motion passed unanimously.

### 4. Municipal Judges and Prosecuting Attorney Compensation

#### Ordinance No. 732-21 – An Ordinance Establishing the Salary for the Municipal Judge

Christina Hart, Court Clerk, reported to the Trustees, During the October 26, 2021, study session, Staff reported to the Board that the Town’s municipal judges had not seen an increase in compensation for

over 10 years. In that same meeting, Staff provided a municipal judge and prosecuting attorney salary survey so the Board could see salary comparisons for those positions.

Upon reviewing the information provided, the Board directed Staff to increase the municipal judges' compensation from \$325 per month to \$450 per month and the prosecuting attorney's compensation from \$250 to \$350 per month.

Per the Bennett Municipal Code, any update to the judges' salaries must be done through an ordinance. Staff has prepared a draft ordinance supporting those changes (see attachments).

Staff is in the process of executing a contract for the prosecuting attorney with an increase of the monthly salary to from \$250 per month to \$350 a month per the direction of the Board during the October 26, 2021 study session.

The salary increases will take effect on January 1, 2022.

TRUSTEE VITTUM MOVED, TRUSTEE SMITH SECONDED to approve Ordinance No. 732-21 – An ordinance establishing the salary for the municipal judge. The voting was as follows:

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

Mayor Royce D. Pindell declared the motion passed unanimously.

#### 5. Veterans Day Proclamation

Royce D. Pindell, Mayor, has set his and caused the seal of the Town of Bennett, Colorado to be affixed this 9<sup>th</sup> day of November, 2021, along with the Town of Bennett Board of Trustees to call upon all citizens to observe Thursday, November 11, 2021 with appropriate ceremonies in honor of those who have served to preserve the principles of justice, freedom, and democracy.

Trish Stiles, Town Administrator, reported a free meal would be once again be provided to all veterans who dine at the High Plains Diner. The Town is sponsoring the meals.

Alison Belcher, Assistant Communications Director, reported there will be no ceremony on November 11, 2021, but rather will have the ceremony and chili cook-off beginning at 5:00 p.m. at the VFW.

TRUSTEE VITTUM MOVED, TRUSTEE SMITH SECONDED that the standard cut-off time of 10:00 p.m. be void and to authorize the meeting to go on past 10:00 p.m. The voting was as follows:

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

Mayor Royce D. Pindell declared the motion passed unanimously.

#### 6. TOWN ADMINISTRATOR REPORT

Trish Stiles, Town Administrator, reported on the following:

- An application for the expansion of the Love's Truck stop parking area has been received by Staff. Town staff is working on a P3 (public private partnership) with CDOT to look at opportunities for a partnership for the design work with the parking area expansion.
- The ribbon cutting at SUM Financial is scheduled on November 10, 2021 at 5:00 p.m.
- Shout out to Blue Squad, Antelope Hills haunted house, who raised \$535 for the Bennett Arts Council for youth programming.
- Two full-time Community Service Officers (CSO's) have joined the Town staff. Coverage will be seven (7) days a week with alternating times. The CSO's are authorized to issue parking tickets.
- The Staff retreat was very successful.
- The Holiday Help Program is in full swing. There have been 19 families that have signed up for the program. Sponsorship for seven (7) families are still needed. Cash donations will be accepted and staff will do the shopping. Distribution for the holiday help program is scheduled on December 11, 2021. There is a link to the program on the Town of Bennett website.
- The annual Breakfast with Santa is scheduled on December 4, 2021 from 8:00 a.m. – 12:00 p.m. at the Bennett Community Center. The money raised will be used towards the Holiday Help Program.

## 7. TRUSTEE COMMENTS AND COMMITTEE REPORTS

### Larry Vittum

Trustee Vittum reported on the following:

- Attended DRCOG on October 20.

### Darvin Harrell

Mayor Pro Tem Harrell reported on the following:

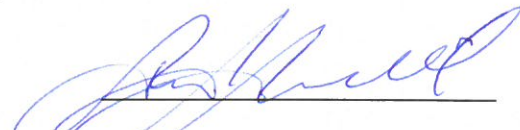
- Thanked Staff for the flowers and condolences following the passing of his mother.

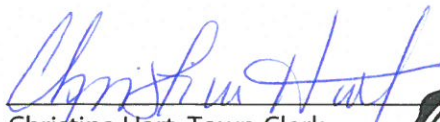
## 8. ADJOURNMENT

TRUSTEE SMITH MOVED, MAYOR PRO TEM HARRELL SECONDED to adjourn the meeting. The meeting was adjourned at 10:08 p.m. Voting was as follows:

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

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

  
 Royce D. Pindell, Mayor

  
 Christina Hart, Town Clerk

