

TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
March 24, 2020

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, March 24, 2020 on a webinar via WebX Link. Mayor Royce Pindell called the meeting to order at 7:02 pm. The following persons were present upon the call of the roll:

Mayor: Royce Pindell

Trustees Present: Darvin Harrell
Neal Mancuso
Charles Bayley
Rich Pulliam
Larry Vittum
Phyllis Webb

Staff Present: Trish Stiles, *Town Administrator*
Rachel Summers, *Deputy Town Administrator*
Daymon Johnson, *Public Works Director*
Melinda Culley – *Kelly P.C. – Town Attorney*
Steve Hebert – *Town Planning and Economic Development Manager*
Taeler Houlberg – *Assistant to the Town Administrator*
Dan Giroux – *Town Engineer*
Deb Merkle – *Community Development Manager*
Johanna Vincent – *Code Enforcement Officer, Animal Control*
Christina Hart – *Town Clerk Pro Tem*

Public Present: John Vitella, Whitney Oakley, Nichole Harrell, Suzanne Meintzer, Dee Wisor

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Royce Pindell.

3. APPROVAL OF AGENDA

MAYOR PRO TEM PULLIAM MOVED, TRUSTEE MANCUSO SECONDED to approve the agenda as amended by removing #5, Item C, Bennett Public Works Facility Core & Construction, from the agenda. Voting was as follows:

YES: Bayley, Harrell, Pindell, Pulliam, Vittum, Webb, Mancuso

NO: None

The Mayor declared the motion carried by unanimous vote.

4. CONSENT AGENDA

MAYOR PRO TEM PULLIAM MOVED, TRUSTEE BAYLEY SECONDED to approve the consent agenda as amended by removing #4, Item A, Ordinance No. 706-20 – An Ordinance Amending the Bennett Municipal Code to Adopt an Updated Animal Code from the consent agenda. Voting was as follows:

YES: Bayley, Harrell, Pindell, Pulliam, Vittum, Webb, Mancuso
NO: None

The Mayor declared the motion carried by unanimous vote

A. **Approval of Minutes**

1. Action: Approval of March 10, 2020 Regular Meeting Minutes

5. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no comments made by the public of items not on the agenda.

6. REGULAR BUSINESS

A. **Action/Discussion**

1. **Town of Bennett Declaration of Emergency Related to Novel Coronavirus (COVID-19)**

Trish Stiles, Town Administrator, reported to the Board of Trustees, that Mayor Pindell signed a local disaster emergency declaration on Tuesday, March 17, 2020. The declaration was only in effect for 7 days. The continuation of the emergency declaration requires a Resolution approved by the Board of Trustees. A date has not been set, for the continuation of the disaster declaration at this time, but staff is recommending moving forward. Ms. Stiles filed the initial disaster declaration with both Adams and Arapahoe Counties along with all State Emergency Management offices. Should Resolution No. 797-20 be approved, the Resolution will be filed with the same agencies.

All expenses and needs for the Town of Bennett, that have incurred, as a result of COVID-19, are being tracked. The approval of Resolution No. 797-20 could assist with the Town of Bennett being eligible to possibly receiving future funding due to added expenses incurred by the COVID-19 virus.

Resolution No. 815-20 – A Resolution Providing for the Continuation of the Declaration of Local Disaster Emergency in and for the Town of Bennett

MAYOR PRO TEM PULLIAM MOVED, TRUSTEE MANCUSO SECONDED to Approve Resolution No. 815-20. A Resolution Providing for the Continuation of the Declaration of Local Disaster Emergency in and for the Town of Bennett. Voting was as follows;

YES: Pindell, Pulliam, Vittum, Webb, Bayley, Harrell, Mancuso
NO: None

The Mayor declared the motion carried by unanimous vote.

2. **Updated Electronic Participation in Public Meetings Policy**

Melinda Culley, Town Attorney, provided the Trustees a background of the current policy adopted by the Board of Trustees in 2017. The policy primarily focuses on allowing a Board member to participate in a meeting, electronically, due to a personal emergency, family obligation or unavoidable work obligation.

Due to the novel coronavirus 2019 (COVID-19) pandemic, staff has prepared the proposed recommendation for the updated Electronic Participation Policy to address emergency situations affecting the entire Town.

The proposed updates are:

- Makes the Policy applicable to the Planning Commission in addition to the Town Board

- Sets forth rules for electronic participation in public meetings during an Emergency Situation, which is defined to include a health epidemic or pandemic or other emergency affecting the Town
- Requires that when meetings are conducted electronically that the public can hear the proceedings and are afforded opportunities to participate in public comment
- Allows public body members to participate in executive sessions to participate in executive sessions during Emergency Situations
- Allows quasi-judicial hearings to be conducted electronically during Emergency Situations in situations where due process requirements are satisfied
- Allows public body members to vote during Emergency Situations and requires that all votes be conducted by roll call vote.

Trustee Mancuso asked the following question:

- What is the procedure for electronic Executive Session and protecting the Executive session from being recorded from an outside source?

Trustee Harrell asked the following question:

- What concludes or voids the Emergency Declaration when any Emergency Declaration has been entered into?

Resolution No. 814-20 – A Resolution Adopting an Updated Policy for Electronic Participation in Public Meetings to Address Emergency Situations

MAYOR PRO TEM PULLIAM MOVED, TRUSTEE VITTUM SECONDED to Approve Resolution No. 814-20. A Resolution Adopting an Updated Policy for Electronic Participation in Public Meetings to Address Emergency Situations. Voting was as follows;

YES: Pindell, Pulliam, Vittum, Webb, Bayley, Harrell, Mancuso

NO: None

The Mayor declared the motion carried by unanimous vote.

3.Brunner Annexation – Substantial Compliance Resolution and Set Public Hearing

Steve Hebert, Town Planner and Economic Development Manager, reported to the Board of Trustees, that the Town of Bennett has received a petition for annexation of property from Eric and Debra Brunner. The property is approximately 20 acres and is located in unincorporated Adams County on Highway 36. The property is directly east of the Penrith Park; aka Sky View, property and north of the Muegge Farms property.

Melinda Culley, Town Attorney, provided an explanation of the annexation process to the Board of Trustees. Ms. Culley reported that The Town is in the first step in the annexation process. The Steps are as follows:

- Step 1:** The Board of Trustees makes a determination as to whether the petition for annexation is in substantial compliance with State law and set a public hearing on the annexation.
- Step 2:** Notice of the hearing on the proposed annexation is published in the newspaper for four consecutive weeks and mailed to the County, School District and special districts.
- Step 3:** Town prepares or directs the applicant to prepare an annexation impact report.
- Step 4:** Town Board holds a public hearing on the annexation at which it will decide whether the property is eligible for annexation, whether or not to approve the annexation, and approve zoning for the property.
- Step 5:** Town Board acts on an Annexation Agreement between the Town and property owner.

Town staff and the Town Attorney have reviewed the annexation petition and find that it substantially complies with State law. Staff recommends the Board of Trustees adopt the attached substantial compliance resolution. The resolution also sets the public hearing on the annexation for May 12, 2020.

Resolution No. 808-20 – A Resolution Finding Substantial Compliance for an Annexation Petition Filed with the Town of Bennett, Colorado Known as the Brunner Annexation to the Town of Bennett, Setting a Public Hearing.

TRUSTEE BAYLEY MOVED, TRUSTEE MANCUSO SECONDED to Approve Resolution No. 808-20. A Resolution Finding Substantial Compliance for an Annexation Petition Filed with the Town of Bennett, Colorado Known as the Brunner Annexation to the Town of Bennett, and Setting a Public Hearing. Voting was as follows;

YES: Pindell, Pulliam, Vittum, Webb, Bayley, Harrell, Mancuso

NO: None

The Mayor declared the motion carried by unanimous vote.

7. PUBLIC HEARING

A. Amended & Restated Service Plan for Muegge Farms Metropolitan District

Mayor Royce Pindell called the matter of the Muegge Farms Metropolitan District of (1) An Amended and Restated Service Plan for the Muegge Farms Metropolitan District Nos. 1, 2, 3, and 4; and (2) A Service Plan for Muegge Farms Metropolitan District Nos. 5, 6, 7, and 8. The public hearing was opened at 6:33 p.m.

Christina Hart, Town Clerk Pro-Tem, stated that in accordance with State Statute, notice of the public hearing was properly posted and published in the Eastern Colorado News, on February 28, 2020.

Trish Stiles, Town Administrator, summarized for the Trustees that the proposed Amended & Restated document before them has gone through the Town application process. The documents have been reviewed by Trish Stiles, Town Administrator and Dee Wisor, Butler Snow, LLP, council for the Muegge Farms Metropolitan Districts. Dee Wisor, Butler Snow, LLP., reported that Service Plans before the Board are in substantial compliance with the Town's Model Service Plan.

Suzanne Meintzer, McGeady Becher P.C., representative of applicant, thanked the Board of Trustees and Staff for organizing tonight's electronic public hearing. In August 2018, the Board of Trustees approved the Service Plan Nos. 1, 2, 3, and 4. Since that time the district boundaries have changed therefore the request tonight is to create four new districts No. 5, 6, 7, and 8. Ms. Meintzer, stated the Metro Districts will now provide proposed debt documents to the Town of Bennett in advance of proposed debt issuance. This allows the Town to review the debt and/or object the debt. The original aggregate debt limit of the original 4 Districts will remain the same as will the cost of improvements. The proposed changes are to allow for flexibility as the development moves forward. The proponents believe the additional Metropolitan Districts will allow future residents and property owners opportunities to sit on one of the future Metro Districts boards.

The Debt Service Mill Levy for Districts 5, 6, 7, and 8 is being respectfully requested to the Trustees for approval a debt service mill levy adjustment of 55.277 (Gallagher adjustment) from 50 mills for new District Plan Nos. 5, 6, 7, and 8. The property was already part of Districts 1, 2, 3, and 4. The idea is to have the same mill levy for both Metropolitan Districts.

PUBLIC COMMENTS

There were no public comments presents.

Mayor Pindell closed the matter of Amended & Restated Service Plan for Muegge Farms Metropolitan District at 7:43 p.m.

MAYOR PRO TEM PULLIAM MOVED, TRUSTEE BAYLEY SECONDED Mayor Pro Tem Pulliam to adopt Resolution 809-20 A Resolution of the Town of Bennett Approving the Amended and Restated Service Plan for Muegge Farms Metropolitan District Nos. 1, 2, 3, and 4. Voting was as follows;

YES: Webb, Bayley, Harrell, Mancuso, Pindell, Pulliam

NO: Vittum

The Mayor declared the motion carried by with 6 ayes and 1 nay

MAYOR PRO TEM PULLIAM MOVED, TRUSTEE BAYLEY SECONDED Mayor Pro Tem Pulliam to adopt Resolution 813-20 A Resolution of the Town of Bennett Approving the Amended and Restated Service Plan for Muegge Farms Metropolitan District Nos. 5, 6, 7, and 8. Voting was as follows;

YES: Webb, Bayley, Harrell, Mancuso, Pindell, Pulliam

NO: Vittum

The Mayor declared the motion carried by with 6 ayes and 1 nay

B. Case No. 20.02 – North Municipal Complex Final Plat

Mayor Royce Pindell called the matter of the proposed Case No. 20.02 a Final Plat and Rezoning for the North Municipal Complex Property. The public hearing was opened at 8:02 p.m.

MAYOR PRO TEM PULLIAM MOVED, TRUSTEE HARRELL SECONDED to continue the public hearing on the proposed final plat and rezoning for the North Municipal Complex property until April 28, 2020 at 7:00 p.m. at Bennett Town Hall. Voting was as follows;

YES: Webb, Bayley, Harrell, Mancuso, Pindell, Pulliam, Vittum

NO: None

The Mayor declared the motion carried by unanimous vote.

C. Case No. 20.05 – North Municipal Complex Rezoning

Mayor Royce Pindell called the matter of the proposed Case No. 20.05 a Rezoning for the North Municipal Complex Property. The public hearing was opened at 7:07 p.m.

MAYOR PRO TEM PULLIAM MOVED, TRUSTEE MANCUSO SECONDED to continue the public hearing on the proposed final plat and rezoning for the North Municipal Complex property until April 28, 2020 at 7:00 p.m. at Bennett Town Hall. Voting was as follows;

YES: Webb, Bayley, Harrell, Mancuso, Pindell, Pulliam, Vittum

NO: None

The Mayor declared the motion carried by unanimous vote.

8. TOWN STAFF COMMUNICATION

Public Works Director

Daymon Johnson, Public Works Director presented the following updates;

- Public Works is still prepared to get the snow plow out if needed.
- Preparing for the spring and summer season; mower and equipment repair and maintenance. Staff has been training to prepare for the warmer months.
- Priority projects include: Cordella Lift Station, Public Works Phase I, Muegge House Rebuild, Marketplace Stop Light, Antelope Hills Upper Warehouse Rebuild, Cemetery Entrance Rebuild and Upgrades, Crack Seal and Patching, Muegge Way Widening
- Public Works has PPE (protective personal equipment)

Town Administrator

Trish Stiles, Town Administrator, provided the following report;

- Staff is adjusting to the “new” normal. Staff is working together to “get it done”. Ms. Stiles gave sincere gratitude to staff for all their hard work.
- Public Works and Building Inspections are still providing essential services.
- Communicating with Tri-County Health; working on a stay in place order; will resemble Denver order. Scheduled to be put in place until April 17, 2020.
- Essential workers and functions; Bennett King Soopers, construction on new subdivisions, IREA facility, Love’s Travel Shop
- Town in compliance with working at home; daily staff check-in’s
- Utilities; providing information to residents. There will be no utility shut off; no disconnections during this time.
- Animal Control is essential as needed; North facility can house animals on emergency basis.
- 912 positive cases in Colorado; 84 are hospitalized, 35 counties and 11 deaths
- Exit 304 still working with CDOT on repair, and repair at 7th Street and Highway 79. Conversations will continue.

Town Court Clerk

Christina Hart, Court Clerk, provided the following report;

- Ms. Hart reported she has been in contact with Judge Shawn Day regarding upcoming Bennett Municipal Court hearings during the COVID-19 emergency declaration. Judge Day recommended the Bennett Municipal Court follow the same process the Aurora Municipal Court is following. That all court hearings be postponed until the July 22nd court date. The Sheriff’s Offices have been contacted about the change along with all defendants.

Assistant to the Town Administrator

Taeler Houlberg, Assistant to the Town Administrator reported on the following:

- Ms. Houlberg provided a gentle reminder to the board that the Town of Bennett new website will go live on April 26, 2020. Alison will continue to monitor the glitches before the website goes live to the public.

9. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Royce Pindell

Mayor Pindell provided the following report:

- The Mayor thanked Ms. Stiles for her dedication, communication and hours to all agencies during the coronavirus to keep us all safe and informed.
- Mayor Pindell thanked Public Works

Neal Mancuso

Trustee Mancuso provided the following report;

- Volunteers have coordinated efforts with the Parks and Recreation District for a program to make masks for donations.

Larry Vittum

Trustee Vittum provided the following report;

- Arapahoe County Transportation forum meeting was canceled
- March 18 DRCOG meeting was canceled; Trustee Vittum has attended these meetings for the last 5 years. This would have been his final meeting. Mayor Pindell will attend the April meeting and bring Trustee Vittum as his guest.
- Trustee Vittum expressed frustration of not being recognized to ask questions during the WebX meeting.

Rich Pulliam

Mayor Pro Tem Pulliam provided the following report;

- Mayor Pro Tem Pulliam thanked Staff for coordinating the electronic board meeting and everything to continue Town business in light of the coronavirus.

Darvin Harrell

Trustee Harrell provided the following report;

- Ms. Stiles and Trustee Harrell met with the Adams County Sheriff's Office in regards to the No Parking on Marketplace Drive. The vehicles violating the No Parking signs will not receive a warning, but will receive a summons.

ADJOURNMENT

MAYOR PRO TEM PULLIAM MOVED, TRUSTEE MANCUSO SECONDED to adjourn the meeting. The Mayor declared the motion carried by unanimous vote. The meeting was adjourned at 8:32 p.m.



Royce D. Pindell, Mayor

Christina Hart

Christina Hart
Town Clerk Pro Tem
Town of Bennett