

**TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
April 28, 2020**

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, April 28, 2020 on a webinar via Zoom Link. Mayor Royce Pindell called the meeting to order at 7:08 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell

Trustees Present: Darvin Harrell
Rich Pulliam
Whitney Oakley
Denice Smith
Donna Sus
Phyllis Webb

Staff Present: Trish Stiles, *Town Administrator*
Rachel Summers, *Deputy Town Administrator*
Taeler Houlberg, *Assistant to the Town Administrator*
Deb Merkle, *Community Development Manager*
Steve Hebert, *Town Planning and Economic Development Manager*
Dan Giroux, *Town Engineer*
Daymon Johnson, *Public Works Director*
Gina Burke, *Jehn Water Consultants, Inc.*
Danette Ruvalcaba, *Finance and Technology Director*
Mike Rocha, *SM Rocha, Town Traffic Engineer*
Melinda Culley, *Kelly P.C., Town Attorney*
Christina Hart, *Town Clerk*

Public Present: Steven Vetter

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Royce Pindell.

3. APPROVAL OF AGENDA

TRUSTEE PULLIAM MOVED, TRUSTEE SUS SECONDED to approve the agenda as amended by adding an Executive Session, Muegge Farms Incentive, to the Agenda, after Town Staff Reports. The voting was as follows:

YES: Harrell, Oakley, Pindell, Webb, Sus, Pulliam, Smith

NO: None

The Mayor declared the motion carried by unanimous vote.

4. CONSENT AGENDA

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

YES: Oakley, Pindell, Webb, Sus, Pulliam, Smith, Harrell

NO: None

The Mayor declared the motion carried by unanimous vote

A. Approval of Minutes

Action: Approval of April 14, 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. Resolution No. 816-20 – A Resolution Approving a Contract Between the Town of Bennett and Hydro Resources-Rocky Mountain, Inc. for the Construction of a Laramie-Fox Hills Aquifer Well Bennett LFH-6

Daymon Johnson, Public Works Director, presented the Trustees a report of the issuance and background of RFP 20-004. The Town of Bennett received two bids for the construction, completion, development, and pump testing of a vertically drilled water well suitable to provide municipal water to the Town. Layne and Hydro Resources Rocky Mountain, Inc. are the two contractors who bid the project. Both companies are Colorado based and have the capabilities to complete the project.

Based on the working history with Town Staff and Jehn Water Consultants, Inc., it was determined that Hydro Resources-Rocky Mountain, Inc. should be awarded the contract. Hydro Resources-Rocky Mountain, Inc. have completed the replacement wells at DE-6, A-6, and LFH-3 in 2015. The Notice of Award was submitted to Hydro Resources-Rocky Mountain, Inc. on April 21, 2020.

Hydro Resources-Rocky Mountain, Inc. have communicated with Jehn Water Consultants, Inc. that they are available immediately, once Notice to Proceed is provided. The contract time is 60 days from the Notice to Proceed. The project budget is \$462,760.00. Danette Ruvalcaba, Town Treasurer, confirmed the project has been budgeted for 2020.

Dan Giroux, Town Engineer, presently, the Town of Bennett does not have a firm yield of water resources in the event wells were to become inoperative, the LFH-6 well would provide assurity of the water supply. Gina Burke, Jehn Water Consultants, Inc. shared with the Trustees that the Town's water supply needs to be bolstered. The Laramie-Fox Hills wells are the biggest producing wells for the Town of Bennett resulting in a higher yield of a 300 GPM providing a comfortable margin and addition to the Town's water supply chain.

The location of the LFH-6 well is east of the large water tower within the fenced in area, adding extra protection to the wells.

Based on the previous working history with Hydro Resources-Rocky Mountain, Inc. Staff recommends that the Town of Bennett proceed with a final contract award for the Laramie-Fox Hills Aquifer Well LFH-6 to Hydro Resources-Rocky Mountain, Inc.

Resolution No. 816-20 – A Resolution Approving a Contract Agreement Between the Town of Bennett and Hydro Resources-Rocky Mountain, Inc. for the Construction of a Laramie-Fox Hills Aquifer Well Bennett LFH-6 not to exceed a base price of \$462,760.00.

MAYOR PRO TEM HARRELL MOVED, TRUSTEE PULLIAM SECONDED to Approve Resolution No. 816-20, A Resolution Approving a Contract Agreement Between the Town of Bennett and Hydro-Resources-Rocky Mountain, Inc. for the Construction of a Laramie-Fox Hills Aquifer Well Bennett LFH-6 not to exceed a base price of \$462,760.00: Voting was as follows;

YES: Pindell, Webb, Sus, Pulliam, Smith, Harrell, Oakley

NO: None

The Mayor declared the motion carried by unanimous vote.

2. Ordinance No. 707-20 – An Ordinance Amending the Bennett Municipal Code Regarding the Board of Adjustment

Deb Merkle, Community Development Manager, advised the board the amendment before them tonight is regarding the Board of Adjustment. The Bennett Municipal Code, Chapter 2, Article 14 states the Board of Adjustment shall have seven (7) members. A quorum shall be four (4) members. Currently there are three (3) board members on the Board of Adjustment. In addition, the current code states a board of Adjustment member cannot hold any other elected or appointed position with the Town.

The Board of Adjustment meets on a very rare occasion however as history shows it has been a challenge to have a full board on the Board of Adjustment.

Staff is recommending the Board of Trustees amend the number of board members to five (5), and to appoint a member of the Planning Commission, to sit on the Board of Adjustment, as an alternate to constitute a quorum.

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to adopt Ordinance 707-20, An Ordinance Amending the Bennett Municipal Code Regarding the Board of Adjustment. Voting was as follows;

YES: Webb, Sus, Pulliam, Smith, Harrell, Oakley, Pindell

NO: None

The Mayor declared the motion carried by unanimous vote.

3. Bennett Community Food Bank Box Truck Request

Rachel Summers, Deputy Town Administrator, reported that the Bennett Stronger Together programed recently rolled out. The Town recently received a letter request from Flora Goodnight, Administrator of the Bennett Community Food Bank. Dan and Flora Goodnight have used their personal vehicle, for over ten (10) years picking up deliveries for the Bennett Community Food Bank. The request is for the purchase of a box truck for the pick-up of products for the Bennett Community Food Bank.

Town Staff is asking for allocation of funds from the Bennett Stronger Together fund not to exceed \$15,000. Taeler Houlberg, Assistant to the Town Administrator, advised the Trustees that the Adams County IGA for the 2020 Census Funding Grant from DOLA provides the Town of Bennett with \$30,000.00, with approximately \$18,000.00 remaining. Due to the Coronavirus (COVID-19) pandemic, DOLA is allowing for some flexibility in the funding. Approval, from DOLA, has been received for a donation to the Bennett Community Food Bank to be allocated as part of 2020 Census advertising.

Advertising suggestions made are:

- 2020 Census banner displayed during the food bank distribution.
- 2020 Census fliers to be distributed in the prepared food boxes.
- 2020 Census car wrap be applied to the box truck.

TRUSTEE PULLIAM MOVED, TRUSTEE SUS SECONDED to approve the allocation and not to exceed the amount of \$15,000 to the Bennett Community Food Bank for the purchase of a box truck. Voting was as follows:

YES: Sus, Pulliam, Smith, Harrell, Oakley, Pindell, Webb

NO: None

The Mayor declared the motion carried by unanimous vote.

2. Muegge Farms, Filing No. 4 – Storm water Impact Fee Waiver Request

Dan Giroux, Town Engineer, has reviewed the application for the Storm water Impact Fee waiver request application for Muegge Farms, Filing 4.

This waiver request is specifically for the storm water impact fee. All other impact fees will stay in place. The evaluation is based on oversizing of storm water facilities beyond what would normally be required by the Town. The developments storm water improvements accomplish the requirements.

The amount of the storm water impact fee building permits in Muegge Farms Filing 4, amount to \$452.80 per permit, for a total of \$452.80 x 366 permits = \$165,724.80.

Dan Giroux, Town Engineer, recommends that Town staff continue to work with the applicants towards an agreement on the additional eligible Impact Fee Waiver amount, to be acknowledged, and finalized formally, as Final Plats and Development Agreements are ratified.

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to waive the Storm water Impact Fee building permits in Muegge Farms, Filing No. 4, amounting to \$452.80 per permit, for a total of \$452.80 x 366 permits equaling \$165,724.80. Voting was as follows:

YES: Pulliam, Smith, Harrell, Oakley, Pindell, Webb, Sus

NO: None

The Mayor declared the motion carried by unanimous vote.

7. PUBLIC HEARING

a. Case No. 20.02 - North Municipal Complex Final Plat

Resolution 810-20 – A Resolution Approving the Final Plat for the North Municipal Complex

Mayor Royce Pindell called the matter of Case No. 20.02, a public hearing for the North Municipal Complex Final Plat. The public hearings were opened at 8:07 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 February 28, 2020 as Legal No. 2328.

Steve Hebert, Town Planning & Economic Development Manager, reported that the applicant tonight is the Town of Bennett. The Town purchased 21 acres at 905 4th Street in 2019 for the purchase of constructing a new Public Works facility. The property is currently zoned I – Industrial District and is comprised of 21 individual lots per the O.B.C. Subdivision. The Town would like to rezone the property to P – Public District combining all lots into a single lot.

The property is bounded on the north by the Simon Concrete Plant and the Town’s North Wastewater System. To the east of the property sits the Damron property, and on the south is an existing single-family residential subdivision. The west, by 1st St. /Converse Rd. is an agricultural property in unincorporated Adams County.

The Planning & Zoning Commission recommended approval of Case 20.02 on April 20, 2020.

Staff finds the proposed final plat in in compliance with the overall Subdivision Regulations in Chapter 16 Article 4 of the Bennett Municipal Code. Staff also finds the plat has been processed in accordance to Section 16-4-360 and meets the approval criteria in 16-4-380. Staff recommends the Board of Trustees approve Case No. 20.02 – North Municipal Complex Final Plat, with the following conditions:

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

b. Case No. 20.05 - North Municipal Complex Rezoning
Resolution 812-20 – A Resolution Approving the Rezoning for the North Municipal Complex Property

Steve Hebert, Town Planning & Economic Development Manager, reported that the applicant tonight is the Town of Bennett. The Town purchased 21 acres at 905 4th Street in 2019 for the purchase of constructing a new Public Works facility. The property is currently zoned I – Industrial District and is comprised of 21 individual lots per the O.B.C. Subdivision. The Town would like to rezone the property to P – Public District combining all lots into a single lot.

The rezoning of the property from I – Industrial to P – Public will allow for the construction of a new Public Works facility, which will include a building with administrative offices, a shop area and wash bay, outdoor storage of equipment, fuel, ice slicer and other materials. Construction is anticipated to begin later in 2020. Although the zoning of P – Public allows for a variety of education and institutional uses, the use of the property will be limited to public-oriented facilities and activities.

On April 20, 2020, the Planning and Zoning Commission recommend approval of rezoning the North Municipal Complex from I-Industrial District to P-Public District.

Staff finds the proposed rezoning application is consistent with the Town of Bennett Comprehensive Plan as required by Section 16-2-360 of the Bennett Municipal Code. The rezoning and subsequent development will allow the Town of Bennett to continue to provide high quality, cost-effective public services to the community.

PUBLIC COMMENTS

There were no public comment presented.

Mayor Pindell closed the matter of Case No. 20.02 – North Municipal Complex Final Plat and Case No. 20.05 – North Municipal Complex Rezoning at 8:21 pm.

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to adopt Resolution No. 810-20, An Resolution Approving the North Municipal Complex Final Plat, Case No. 20.02. Voting was as follows;

- YES: Smith, Harrell, Oakley, Pindell, Webb, Sus, Pulliam
 NO: None

The Mayor declared the motion carried by unanimous vote.

TRUSTEE PULLIAM MOVED, TRUSTEE SMITH SECONDED to adopt Resolution No. 812-20, An Resolution Approving Rezoning of the North Municipal Complex Property, Case No. 20.05. Voting was as follows;

- YES: Harrell, Oakley, Pindell, Webb, Sus, Pulliam, Smith
 NO: None

The Mayor declared the motion carried by unanimous vote.

8. TOWN STAFF REPORTS

Deputy Town Administrator

Rachel Summers, Deputy Town Administrator, provided the following report;

- Capital Improvement Plan Smart Sheets update

Town Administrator

Trish Stiles, Town Administrator, provided the following report;

- The first quarter forecast will be provided during the May 12 board meeting.
- Town of Bennett in good position to collect sales tax
- Priority of maintaining staff moving forward in light of COVID-19
- COVID-19 updates; moving into a “Safer at Home” stage; opening businesses in the next weeks and months with restrictions during the recovery phase.
- Continued calls and updates from DOLA, Tri-County Health, Governor’s Office
- Economic Development continues to reach out communicating with local business.
- CARES Act; Town of Bennett a part of Adams County and Arapahoe County for CARES Act funding monies.
- Blood Drive May 25 from 12:30 – 5 pm. Town of Bennett working the Bennett Recreation District. The blood drive will take place in the gym at the Bennett Rec Center.
- Bennett Arts Council providing signs to residents and businesses. Share the Love Bennett.
- The month of May is recognized as National License you Pet month. Discounts will be offered.
- Bennett School District and the Town of Bennett are working together for the 2020 seniors. Banners have been ordered. The banners will be placed along trails and open space. A parade route through the community will be designed for the seniors on May 17 12 pm – 1pm. The route is still to be determined.

The Mayor declared a meeting recess at 8:53 p.m. The executive session was resumed at 9:00 p.m.

9. EXECUTIVE SESSION

A. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R. S. Section 24-6-402(4)(e) – Muegge Farms Incentive.

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to go into executive session for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R. S. Section 24-6-402(4)(e) – **Muegge Farms Incentive**. Voting was as follows:

- YES: Smith, Harrell, Oakley, Pindell, Webb, Sus, Pulliam
- NO: None

The Mayor declared the motion carried by unanimous vote. The Board went into executive session at 9:04 p.m.

The Board came out of executive session at 9:48 p.m. The Mayor announced that the Board had been in executive session and the following persons participated in that session: Rich Pulliam, Trish Stiles, Whitney Oakley, Taeler Houlberg, Donna Sus, Denice Smith, Darvin Harrell, Royce Pindell, Phyllis Webb, Rachel Summers, Melinda Culley, 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 Open Meeting was resumed at 9:48 p.m.

B. Report from Executive Session

Direction was provided to Town Staff to continue negotiations.

10. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Darvin Harrell

Mayor Pro Tem Harrell provided the following report;

- Reported that several semi-trucks were parked on Marketplace Drive.
- ATV's have been out in the open space area.

Royce Pindell

Mayor Pindell provided the following;

- Arapahoe County has cancelled fireworks for July 4, 2020.

ADJOURNMENT

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to adjourn the meeting. The Mayor declared the motion carried by unanimous vote. The meeting was adjourned at 9:57 p.m. Voting was as follows:

YES: Oakley, Pindell, Webb, Sus, Pulliam, Smith, Harrell
NO: None

The Mayor declared the motion carried by unanimous vote.



Royce D. Pindell, Mayor

Christina Hart

Christina Hart
Town Clerk