

**TOWN OF BENNETT, COLORADO  
BOARD OF TRUSTEES  
Regular Meeting  
May 12, 2020**

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**1. CALL TO ORDER**

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, May 12, 2020 on a webinar via Zoom Link. Mayor Royce Pindell called the meeting to order at 7:00 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell

Trustees Present: Darvin Harrell  
Whitney Oakley  
Rich Pulliam  
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*  
Robin Price, *Assistant Public Works Director*  
Mike Rocha, *SM Rocha, Town Traffic Engineer*  
Melinda Culley, *Kelly P.C., Town Attorney*  
Christina Hart, *Town Clerk*

Public Present: Kathy Smiley, Jeremy Nesvold, Karl Smalley, John Vitella, Nicole Harrell, Eric Brunner, David Stockman

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Royce Pindell.

**3. APPROVAL OF AGENDA**

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

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

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

NO: None

The Mayor declared the motion carried by unanimous vote

**A. Approval of Minutes**

Action: Approval of April 28, 2020 Special Meeting Minutes.

Action: Approval of April 28, 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. Public Hearing**

**1. Brunner Property Annexation**

**Resolution No. 819-20 – A Resolution Concerning a Petition for the Annexation of Property to the Town of Bennett, Colorado, Known as the Brunner Annexation and Finding the Area Proposed to be Eligible for Annexation.**

**Ordinance No. 708-20 – An Ordinance Approving an Annexation Known as the Brunner Annexation to the Town of Bennett, Colorado.**

**Resolution No. 818-20 – A Resolution Approving an Annexation Agreement for the Brunner Annexation.**

Mayor Royce D. Pindell called the matter of the Brunner Property Annexation to the Town of Bennett and Initial Zoning for the Property, Mid-Density Residential (R-2) to order. The public hearing was opened at 7:06 p.m.

Christina Hart, Town Clerk, stated that in accordance with Colorado State Statue, notice of the public hearing was properly posted and published in the Eastern Colorado News, on April 3, April 10, April 17 and April 24, 2020. Legal #2345.

Steve Hebert, Planning and Economic Development Manager, reported that the petitioner’s representative, John Vitella, MGV Investments, is present. Mr. Hebert explained to the Trustees the Brunner Property is currently located in unincorporated Adams County and is zoned A-3. The applicant has petitioned the Town of Bennett to annex a 20-acre parcel. The Board of Trustees adopted Resolution No. 808-20 on March 24, 2020 determining the application was in substantial compliance with the state law and set this public hearing.

The approximate location of the property is 1600 feet east of the intersection of Colfax Avenue and Penrith Road, on the south side of Colfax Avenue.

Town water, sanitary sewer and storm water infrastructure can be extended to serve the property. The Bennett-Watkins Fire Rescue will provide service to the property. IREA, Colorado Natural Gas, Eastern Slope Rural Telephone Association and Bennett Park and Recreation District will provide additional utility services. Law enforcement provided by Adams County Sheriff’s Office.

The annexation of the subject property is consistent with the Town’s Comprehensive Plan. The proposed zoning will allow land uses consistent with that plan. All future development will be subject to the Town’s various subdivision and land development regulations.

Staff recommends the Town Board of Trustees approve Ordinance No. 708-20 and the annexation of the Brunner Property, Resolution No. 819-20 concerning a petition for the Brunner Property Annexation, and approval of Resolution No. 818-20 approval of the annexation agreement for the Brunner Annexation.

John Vitella, MGV Investments, expressed his gratitude to present at the board meeting. MGV Investments have been working, with the Town of Bennett, since 2016, on multiple projects. Some of those projects include Penrith Park/Sky View and DR Horton, Muegge Farms and Oakwood Homes.

**PUBLIC COMMENTS**

There were no public comments presented.

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED, to adopt Resolution No. 819-20, A Resolution Concerning a Petition for the Annexation of Property to the Town of Bennett, Colorado, Known as the Brunner Annexation and Finding the Area Proposed to be Annexed Eligible for Annexation. Voting was as follows:

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

The Mayor declared the motion carried by unanimous vote

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED, to adopt Ordinance No. 708-20, An Ordinance Approving an Annexation Known as the Brunner Annexation to the Town of Bennett, Colorado. Voting was as follows:

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

The Mayor declared the motion carried by unanimous vote.

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED, to adopt Resolution No. 818-20, A Resolution Approving an Annexation Agreement for the Brunner Annexation.

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

The Mayor declared the motion carried by unanimous vote.

**2. Brunner Property Zoning**  
**Ordinance No. 709-20 – An Ordinance Zoning Property Annexed to the Town of Bennett and Known as the Brunner Annexation.**

The Planning Commission recommended approval of the zoning of the Brunner property to R-2 Mid-Density Residential upon annexation into the Town of Bennett. The property is currently unincorporated and zoned A-3 in Adams County. Located just east of Penrith Park/Sky View Development.

Staff finds the proposed zoning is consistent with the purpose of the Bennett Land Use Code. The rezoning is also consistent with or will promote the goals and policies of the Town of Bennett 2016 Comprehensive Plan. The property is contiguous on all four sides with the Town’s incorporated area and existing utility networks are adjacent to the property.

The concept plan suggests a small area of commercial development along the Highway 36 frontage, staff believes that would be inconsistent with the residential nature of the south side of the highway. The majority of the subject property is consistent with the low density residential uses recommended in the Concept Plan, which is intended to provide housing to accommodate a wide range of price ranges, from affordable starter homes to upscale planned neighborhoods managed by homeowner associations.

**PUBLIC COMMENTS**

There were no public comments presented

Mayor Pindell closed the matter of the Brunner property annexation and zoning at 7:52 p.m.

MAYOR PRO TEM HARRELL MOVED, TRUSTEE WEBB SECONDED, to adopt Ordinance No. 709-20, An Ordinance Zoning Property Annexed to the Town of Bennett and Known as the Brunner Annexation. Voting was as follows.

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

NO: None

The Mayor declared the motion carried by unanimous vote.

**B. Action/Discussion**

**1. Resolution No. 820-20 – A Resolution Finding Substantial Compliance for an Annexation Petition Filed with the Town of Bennett, Colorado Known as the 300 Bennett Avenue Annexation to the Town of Bennett, and Setting a Public Hearing.**

Steve Hebert, Planning and Economic Development Manager, reported to the Trustees the Town of Bennett has received a petition for annexation from DATO Investments, LLC. The subject property is 1.5 acres and is located in unincorporated Adams County on the south side of Bennett Avenue, between Cherry and Dahlia Streets and just east of the Horizon Condominiums.

The action requested from the Trustees to find that the annexation petition is in substantial compliance with State law and to set a public hearing on the proposed annexation.

Town staff and the Town Attorney have reviewed the annexation petition and find that it substantially complies with State law. Town Staff recommends the Board adopt the attached substantial compliance resolution. The resolution also sets the public hearing on the annexation for June 23, 2020.

TRUSTEE PULLIAM MOVED, TRUSTEE SMITH SECONDED to Approve Resolution No. 820-20 – A Resolution Finding Substantial Compliance for an Annexation Petition Filed with the Town of Bennett, Colorado Known as the 300 Bennett Avenue Annexation to the Town of Bennett, and Setting a Public Hearing. Voting was as follows;

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

NO: None

The Mayor declared the motion carried by unanimous vote.

**2. Highway 79 Widening Trail Project**

**Resolution No. 821-20 – A Resolution Approving a Construction Contract with Kuhn Construction, Inc. for the Highway 79 Widening Trail Project.**

**Resolution No. 822-20 – A Resolution Approving a Contract with BrightView Landscape Services for the Highway 79 Widening Trail Project.**

Daymon Johnson, Public Works Director, reported that the Town of Bennett solicited written proposals for construction/landscape improvements from qualified consultants and firms for the Highway 79 Widening Trail Project. RFP 20-005 was issued on April 13, 2020 and remained open until May 4, 2020.

Sunlit Designs, LLC Landscape Architect and Terramax, Inc. provided plans for the construction services for the Highway 79 Widening Trail Project. The plans include demolition, site plan, grading plan, drainage plan,

layout plan, site details, landscape plan, landscape details, irrigation demolition, irrigation plan, and irrigation details. This project is Phase I of II. Phase I will prepare for the road expansion which is Phase II.

During the bidding process, the Town of Bennett received two bids for the project. Kuhn Construction, Inc. for the earthwork, trail and drainage piece of the scope of work. The landscaping portion of the scope of work was bid by BrightView Landscape Services.

BrightView Landscape Services provided the landscaping for both the front and back of Town Hall, Future Park and the Pavilion at Antelope Hills. Kuhn Construction, Inc. has been a trusted contractor for the Town of Bennett for several years.

Staff recommends that the board approve Kuhn Construction, Inc. for a contract in the amount of and not to exceed \$111,972.15 for the dirt work/and trail construction portions of the scope of work.

Staff recommends a contract be issued to BrightView Landscape Services in the amount of and not to exceed \$96,921.47 for landscape repair and improvements.

**Mayor Pindell called a recess at 8:06 p.m. The regular meeting came back into session at 8:16 p.m.**

Robin Price, Assistant Public Works Director, reported to the Board the trail widening project was awarded a grant through Adams County. Robin shared with the Trustees that there are some landscaping challenges in Bennett such as the soil. The maple trees will remain in their location, however there are a few unhealthy trees near the sidewalk on Muegge Way which is recommended not to relocate. It is the Town’s intention to minimize the relocation of trees. The landscaping plans will be amended and updated based on upcoming conversations with Bill Kuhn.

Trish Stiles, Town Administrator, addressed the Mayor’s question regarding installation of a street lamp at the Muegge Way and Highway 79 intersection. Ms. Stiles reported that the Town and IREA would have to collaborate regarding the street lamp and/or additional lighting.

MAYOR PRO TEM HARRELL MOVED, TRUSTEE PULLIAM SECONDED to approve Resolution No. 821-20, A Resolution Approving a Construction Contract with Kuhn Construction, Inc. for the Highway 79 Widening Trail Project, not to exceed \$111,972.15. Voting was as follows:

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

NO: None

The Mayor declared the motion carried by unanimous vote.

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to approve Resolution No. 822-20, A Resolution Approving a Contract with BrightView Landscape Services for the Highway 79 Widening Trail Project, not to exceed \$96,921.47. Voting was as follows:

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

NO: None

The Mayor declared the motion carried by unanimous vote.

**3. Board Responsibilities**

Mayor, Royce Pindell, provided information to the Trustees of Town Board responsibilities regarding ethics, liability and best practices for elected officials. Emails sent from one Trustee to another does not create an open meeting, however when the correspondence includes others it violates the Sunshine Law also known as the Open Meetings Law. When three or more Trustees meet, it becomes an open meeting.

Melinda Culley, Town Attorney, reminded the Trustees to be aware when discussing public business in an email as it could invoke the open meetings law, and the Town is responsible to post those meetings by law.

Trustee Webb, explained she was trying to be transparent with the email correspondence regarding cleaning practices recommended by Tri-County Health.

Mayor Pindell recommended the Trustees review Chapter 1 of the CIRSA Ethics, Liability and Best Practices for Elected Officials Handbook.

## **7. TOWN STAFF REPORTS**

### **Town Administrator**

Trish Stiles, Town Administrator, provided the following report;

- CIRSA provides an on-line training class for new Trustees
- Take Out Tuesday
- Arapahoe County CARES Act Fund to award the Town of Bennett \$35,750.00. Arapahoe County is working on an IGA.
- CDBG (Community Development Block Grants); Adams County residents can apply with Adams County for assistance with mortgage payments, rent payments, and utility assistance programs. Arapahoe County are also utilizing CDBG programs for Arapahoe County residents.
- Bennett High School parade for 2020 graduating seniors; Sunday May 17. Arapahoe County Commissioner Baker will be participating in the parade along with four of the five Adams County Commissioners. Daymon Johnson will announce the seniors during the parade procession. The parade will begin at 1:00 p.m.
- The names of the Bennett High School graduates will be displayed on the electronic message board.

## **8. TRUSTEE COMMENTS AND COMMITTEE REPORTS**

### **Phyllis Webb**

Trustee Webb provided the following report:

- Trustee Webb gave her resignation as Trustee, effective July 28, 2020. She is getting married and relocating out of the Town of Bennett.

### **Rich Pulliam**

Trustee Pulliam reported on the following:

- The BennT Creek Water Authority met virtually on May 11.
- Gave congratulations to Trustee Webb.

### **Whitney Oakley**

Trustee Oakley reported on the following:

- Expressed her well wishes and congratulations to Trustee Webb.
- The I-70 Corridor Chamber of Commerce is going through a transition period, but is set to begin attending virtual meetings on May 20.

### **Darvin Harrell**

Mayor Pro Tem Harrell provided the following;

- Congratulations to Trustee Webb.
- Attended the Arapahoe County Mayors and Commissioners virtual meeting.
- Asked about the skate bowl at Trupp Park.
- Inquired about the status of current construction and foundation progress.
- What is the status of the community garden?

**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 9:19 p.m. Voting was as follows:

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

NO: None

The Mayor declared the motion carried by unanimous vote.



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Royce D. Pindell, Mayor

*Christina Hart*

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Christina Hart  
Town Clerk