

**TOWN OF BENNETT, COLORADO  
BOARD OF TRUSTEES  
Regular Meeting  
May 26, 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 26, 2020 on a webinar via Zoom Link. Mayor Royce Pindell called the meeting to order at 7:01 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 - *excused*  
Donna Sus  
Phyllis Webb

Staff Present: Trish Stiles, *Town Administrator*  
Taeler Houlberg, *Assistant to the Town Administrator*  
Danette Ruvalcaba, *Director of Finance and Technology*  
Sara Aragon, *Community Development Coordinator*  
Dan Giroux, *Town Engineer*  
Daymon Johnson, *Public Works Director*  
Jerry Weller, *Utility Billing Specialist*  
Mike Rocha, *SM Rocha, Town Traffic Engineer*  
Melinda Culley, *Kelly P.C., Town Attorney*  
Christina Hart, *Town Clerk*

Public Present: Martin Metsker, Caleb Connor, Jon Larson, Steven Vetter

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Royce Pindell.

**3. APPROVAL OF AGENDA**

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

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

The Mayor declared the motion carried by unanimous vote.

**4. CONSENT AGENDA**

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

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

NO: None

EXCUSED: Smith

The Mayor declared the motion carried by unanimous vote

**A. Approval of Minutes**

Action: Approval of May 5, 2020 Special Meeting Minutes.

Action: Approval of May 12, 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. Board of Adjustment Appointments**

Christina Hart, Town Clerk, reported to the board they recently passed an amendment to the Bennett Municipal Code requiring five board members to sit on the Board of Adjustment instead of the current seven-member board. The Town of Bennett has received two applications to fill the two vacant seats on the Board of Adjustment.

Caleb Connor, Battalion Chief for the Bennett Watkins Fire Rescue since 2005 has also served as a committee member of the Development Review Committee for the last 7 years. Caleb, his wife Rachel, and son moved to Cordella Estates in 2007. Caleb stated he feels it is an honor to serve the community in any aspect. Caleb works closely with the Town of Bennett, and the public in his role as the Battalion Chief for Bennett Watkins Fire Rescue. The opportunity to serve on the Board of Adjustment provides another premier opportunity to serve the community.

Martin Metsker, employed with CORE Consultants as a Civil Engineer, has resided in Bennett since 2004. Martin is also a commissioner with the Planning and Zoning Commission and has served as a Bennett Trustee in the past. His family have been ranching in the area for 105 years. Martin believes it is important to give back to the community and serving on the Board of Adjustment provides another great opportunity.

Staff recommends the Trustees appoint Caleb Connor and Martin Metsker to sit on the Board of Adjustment.

Staff recommends the Trustees re-appoint Larry Henderson, Ron Halverson, and Lance Grothe to the Board of Adjustment.

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED, to appoint Caleb Connor, Martin Metsker, Larry Henderson, Ron Halverson and Lance Grothe as board members to the Board of Adjustment for a term of three years each. Voting was as follows:

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

The Mayor declared the motion carried by unanimous vote

Christina Hart, Town Clerk, administered the oath of office to the Board of Adjustment, to Caleb Connor and Martin Metsker.

**2. RFP 20-004 – Marketplace Drive Intersection and Signal Design**

**Resolution No. 826-20 – A Resolution Approving a Contract with Short Elliott Hendrickson (SEH) for the Marketplace Drive Intersection and Signal Design.**

Trish Stiles, Town Administrator, presented the Trustees a recommendation for a contract with Short Elliott Hendrickson (SEH) for the design of the improvements to both Marketplace Drive as well as the signalization of the intersection of Marketplace Drive and Highway 79.

The improvements have been outlined in the Town’s Comprehensive Asset Inventory Master Plan also known as CAIMP, in 2019. The process will include the engineering and design for the intersection. Additional improvements are needed at Marketplace Drive as well as designing the signalization at the intersection.

Two proposals were received during the RFP bidding process. The first proposal came from SM Rocha, the Town’s current Traffic Engineer and the second proposal was received from SEH, a large Architectural and Engineering firm.

Some of the specific issues at hand are IREA pole location, and additional lane expansion for the intersection signalization improvement, CDOT will not allow span wire. Allocation for both improvements were approved for the 2020 budget. The design will be implemented in 2020 with construction slated for 2021. The Town will continue to work with CDOT for permitting and dedication of certain improvements.

SM Rocha submitted a proposal for the project for \$121,250.00 while the SEH proposal submitted has a value of \$116,242.33. Although the values are close, the assessment to the Town of Bennett is the added value of the Geotechnical Report and the Pavement Design. By contracting with SEH, it allows the Town to keep the project under one management firm. In the past, the Geotechnical Report and Pavement Design would be contracted out to Kumar and Associates.

Jon Larson, SEH Project Manager for the design work. He will work with CDOT and the Town of Bennett for proper permitting and design.

Melinda Culley, Town Attorney, explained to the Trustees, the construction contract is a standard Town construction contract.

MAYOR PRO TEM HARRELL MOVED, TRUSTEE OAKLEY SECONDED, to approve Resolution No. 826-20, A Resolution Approving a Contract with Short Elliott Hendrickson, Inc. (SEH) for the Marketplace Drive Intersection and Signal Design in an amount not to exceed \$116,242.33. Voting was as follows.

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

The Mayor declared the motion carried by unanimous vote.

**3. RFP 20-006 – Western Lagoon Pond Relining Project**

**Resolution No. 824-20 – A Resolution Approving a Contract with Raven CLI Construction, Inc. to Reline the Western Lagoon Project.**

Daymon Johnson, Public Works Director, reported to the Trustees that the Town solicited written proposals for the Western Lagoon Relining Project. This project is in conjunction with the Reuse Construction Water Project.

The first phase of the project includes the removal of the existing liner (approximately 40 years old), grading and subgrade preparation and subsequent installation of the new liner.

The project was identified in 2019 and the Town applied for permitting under CDPHE Regulation 22 in conjunction with Regulation 84 & 88. This allows Category 1 reuse water. Staff has identified a way to ease the burden on the Town’s potable water supplies (water from the Town’s wells).

This will allow the Town to take treated effluent water from the Waste Water Treatment Facility (WWTF) to utilize for construction, dust control and other uses as opposed to the water from the wells. The current discharge of water is 130,000 – 145,000 gallons per day sent into the Lost Creek Basin once the water leaves the WWTF. By retaking some of the resource back it allows the Town to sell the resource for construction water. The capacity of the lagoon is 2.2 – 2.5 million gallons of water.

The permit was approved by CDPHE on January 27, 2020 as permit number COG589069. This permit allows the Town to keep the majority of the water and use it under Category 1 regulations.

The Town received one bid during the bidding process from Raven CLI Construction, Inc. Bob Frchetti, the Town’s Water/Waste Water Engineer highly recommends the contractor.

The lead time on the project materials is four to six weeks.

Town Staff recommends the Trustees approve a contract not to exceed \$86,414.40 to Raven Construction CLI, Inc. for the Western Lagoon Relining Project.

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to Approve Resolution No. 824-20, A Resolution Approving a Contract with Raven CLI Construction, Inc. to Reline the Western Lagoon in an amount not to exceed \$86,414.40. Voting was as follows;

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

NO: None

EXCUSED: Smith

The Mayor declared the motion carried by unanimous vote.

**4. Intergovernmental Agreement Between Arapahoe County and the Town of Bennett Addressing CARES Act Local Government Distributions.**

**Resolution No. 825-20 – A Resolution Approving an Intergovernmental Agreement Between Arapahoe County and the Town of Bennett Addressing CARES Act Local Government Distributions.**

Trish Stiles, Town Administrator, reported to the Trustees than an agreement and resolution has been reached this past week as to how to distribute the CARES Act funds to the Arapahoe County municipalities and participants in the program.

Ms. Stiles presented the board with a final IGA. Melinda Culley, Town Attorney, reviewed the IGA with other municipal attorney’s. During the review of the IGA it was noted there were several concerns with the IGA. Those concerns are thought to be worked out in the first draft. Additional requirements from Arapahoe County will be required for reporting and the how funds are distributed back to the Town of Bennett from the CARES Act funds.

The allocation of funds will be a 45% / 55% split. The Town of Bennett will receive \$35,750.00 from the CARES Act distribution.

The total amount of funding from Adams County and Arapahoe County, to the Town of Bennett, from the CARES Act Funds will be approximately \$203,000.00.

MAYOR PRO TEM HARRELL MOVED, TRUSTEE PULLIAM SECONDED to approve Resolution No. 825-20, A Resolution Approving an Intergovernmental Agreement Between Arapahoe County and the Town of Bennett Addressing CARES Act Local Government Distributions. Voting was as follows;

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

NO: None

EXCUSED: Smith

The Mayor declared the motion carried by unanimous vote.

**5. Authorizing Changes to the Authorized Signers for the Town of Bennett’s Accounts**

Danette Ruvalcaba, Director of Finance and Technology, reported to the Trustees that the Town of Bennett’s banking institutions policy and practices requires that the Town Board make certain authorizations following a municipal election or when a change of positions on the Board or in staff warrant. The bank is requesting a resolution with updated authorized signers to the Town’s Bank Accounts.

Staff recommends the authorized signers to the Town of Bennett's Accounts be:

- Mayor Royce Pindell
- Mayor Pro Tem Darvin Harrell
- Town Administrator, Trish Stiles
- Deputy Town Administrator, Rachel Summers
- Town Treasurer, Danette Ruvalcaba.

Former Mayor Pro Tem, Rich Pulliam, be removed from the Town of Bennett's Bank Account's.

MAYOR PRO TEM HARRELL MOVED, TRUSTEE PULLIAM SECONDED to approve Resolution No. 823-20, A Resolution Authorizing Changes to the Authorized Signers for the Town of Bennett's Accounts. Authorized signers are Mayor Royce Pindell, Mayor Pro Tem Darvin Harrell, Town Administrator Trish Stiles, Deputy Town Administrator, Rachel Summers, and Town Treasurer Danette Ruvalcaba. Voting was as follows;

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

The Mayor declared the motion carried by unanimous vote.

## 6. Bennett Days Funding Proposal

Taeler Houlberg, Assistant to the Town Administrator, presented an updated status to Bennett Days 2020. Staff is continuing to discuss and plan for Bennett Days, scheduled during September 11, 12, and 13, 2020. There are many questions being asked due to the rise of the COVID-19 pandemic, which has created a unique situation for the annual celebration.

Staff is not actively seeking sponsorship for Bennett Days, however the Town would continue to accept any sponsorship that is offered. Because of the strain the COVID-19 virus has financially caused business' staff is coming before the Trustees is provide an alternate funding possibility with the Town of Bennett providing the majority of the financial support for Bennett Days.

Recommendation for Bennett Days are as follows (not an exhaustive list):

- For the year 2020 \$32,000.00 be transferred from the General Fund Balance. The Town will continue to work with vendors to reduce event costs. The Bennett Days committee and staff to provide creative new events at lower costs.
- For the year 2020, the Town sponsors the Bennett Days celebration minus any outside sponsorship. The funds used to cover the event would come from the same places listed in the staff report.
- The Mayor and Trustees select specific items that they would like to prioritize for funding in the Bennett Days budget and only fund those items. Any additional event activities would take place pending sponsorship funding.
- No changes are made to the way in which Bennett Days if funded.
- The Mayor and Trustees cancel or postpone the 2020 Bennett Days celebration.

Bennett Days budget was \$62,000.00 in 2019. Staff has worked with vendors to cut back on activities yet still creating a festive event. With the cutbacks and reduced activities staff has a Bennett Days 2020 proposed budget of \$31,837.00.

If the event were to be cancelled, Staff is requesting that a decision be made no later than August 1<sup>st</sup>, 2020. This allows Staff time to inform the vendors.

The Board of Trustees provided staff direction to bring this back before the board upon further discovery and State and Tri-County Health guidelines.

## **7. TOWN STAFF REPORTS**

### **Town Administrator**

Trish Stiles, Town Administrator provided the following report;

- Continues attending several COVID-19 calls and conferences with Tri-County Health, the Governor's Office, etc.
- As CCCMA President Ms. Stiles continues to set up a strategic plan for the organization, as well as being involved CCMA, CML, CCI, Special Districts Association.
- RFP's being submitted; Muegge House, 304 bridge, signalization, moving the off ramp, Muegge Way expansion.
- Bennett is in a good position as we move forward.
- Town Hall opening to public on June 1, 2020. Communications and Staff made a how to video as we reopen. Social distancing rules.
- Re-opening Court; policies and procedures during the COVID-19 virus are being put into place with coordination with Judge Day. He will work with the Town's procedure to form the Bennett Municipal Court policy.

### **Assistant to the Town Administrator**

Taeler Houlberg, Assistant to the Town Administrator; provided the following information;

- June 1<sup>st</sup>, 2020 – Dan and Flora Goodnight, Bennett Community Food Bank, invited the Trustees to participate in a photo opportunity with the newly purchased box truck for the Food Bank due to the monies awarded to the Bennett Community Food Bank.

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

### **Phyllis Webb**

Trustee Webb inquired about the following:

- When might the Young at Heart Seniors be able to congregate again at the Bennett Community Center?
- Inquired if the foundation has been poured for the Comfort Inn and Suites.
- Have any additional business licenses been issued?
- Status of fireworks applications.

### **Darvin Harrell**

Mayor Pro Tem Harrell asked the following;

- Are the parks still closed?
- Status of the "stagnant construction" of homes being built in Antelope Hills.
- Has the Bennett Watkins Fire Rescue responded to any specific COVID-19 calls?

### **Whitney Oakley**

Trustee Oakley provided the following;

- Attended the I-70 Corridor Chamber of Commerce Coffee and Conversation

**Rich Pulliam**

Trustee Pulliam provided the following:

- The Water Committee met and has some good information coming before the Trustees soon.

**Royce Pindell**

Mayor Royce Pindell provided the following:

- Woody's Wings is making noise on social media.
- The Mayor thanked Staff for all they are doing.
- Thanked Staff for putting on an amazing Graduation parade for the 2020 Bennett High School graduates.

**ADJOURNMENT**

TRUSTEE PULLIAM MOVED, TRUSTEE SUS SECONDED to adjourn the meeting. The meeting was adjourned at 8:54 p.m. Voting was as follows:

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

NO: None

EXCUSED: Smith

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