Board of Trustees - Study Session

Tuesday, June 22, 2021 at 5:45 pm

PLEASE SILENCE ALL CELL PHONE AND ELECTRONIC DEVICES. THANK YOU

1. **Meeting Information**
   207 Muegge Way, Bennett, CO 80102
   For a live stream of the meeting, use the information below:

   https://us02web.zoom.us/j/82773784921

   Meeting ID: 827 7378 4921

   Passcode: 410223

   One tap mobile
   +16699006833

2. **Capital Projects Progress Report**
   Daymon Johnson, Capital Projects Director

   Attachments:

   - **Capital Projects Progress Report** (Capital_Improvement_Department_Progress_Report.pdf)

3. **Dynamic Breaking Devices**
   Trish Stiles, Town Administrator

   Attachments:

   - **Staff Report - Dynamic Breaking Devices** (0_-_Staff_Report.pdf)
   - **Draft Ordinance - An Ordinance Amending Chapter 10 of the Bennett Municipal Code to Prohibit the Use of Dynamic Braking Devices in the Town** (1_-_Draft_Ordinance.pdf)

4. **Board of Trustees Walk About**
   Trustee Whitney Oakley

Trustee Donna Sus

Attachments:

- **Email Correspondence Board of Trustees Walk About** (Town_of_Bennett_Mail_-_Fwd__FW__Board_of_Trustees_Walk_About.pdf)

Contact: Christina Hart (chart@bennett.co.us 303-644-3249 x1001) | Agenda published on 06/17/2021 at 2:58 PM

DEPARTMENT PROGRESS REPORT

TO: Mayor and Board of Trustees

FROM: Daymon Johnson – Capital Projects Director

DATE: June 22, 2021

SUBJECT: Capital Project Improvement Department Progress Report

Management Summary

Of the Board established capital projects, the following projects are currently underway included in this Capital Project Improvement Department Progress Report:

- Highway 79 Transportation Improvements
- Public Works Facility
- Well 6 Lariame Fox Hills Well

Highway 79 Transportation Improvements

Signalization at Marketplace

Short Elliott Hendrickson (SEH) has reached the 100% design drawing milestone. The final drainage report is the only pending item for Final submission to the Colorado Department of Transportation (CDOT). This report is being delivered by SEH no later than Thursday, 6/24/21.

- Right Of Way Acquisition: (100% complete) SEH completed the ROW acquisition from Love's on 5/17/21 and was filed with the county.

- Mast Arms: Purchase Order agreement was sent to Illumination Systems, Inc., and the production process (shop drawings, approvals and fabrication) has commenced for our materials.

Highway 79 & I-70 Overpass

Staff has reached the Field Inspection Review (FIR) design drawing milestone. The formal submittal and two-week review and comment process has occurred to all shareholders, including the Colorado Department Of Transportation (CDOT) and Federal Highway Administration (FHWA).

- FIR Review - Internal: (100% complete) Dan Giroux and I completed the Town's review on Tuesday, 6/1/21. Our comments were delivered to SEH on Friday, 6/4/2021, ahead of the 6/11/21 due date. These comments will be taken into account for the Final Officer Review (FOR) level drawings. FOR level drawings become the construction documents by which we solicit bids.

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- FIR Review – Final: (100% complete) Town staff discussed with CDOT, FHWA and SEH on Monday, 6/14/21 in the final FIR Review Meeting. The process for taking the FIR level drawings to FOR level documents is underway. FOR drawings are due by Tuesday, 8/3/2021.

Public Works Facility (NOMCOM)

As the board will recall, NOMCOM is a project we've been working on for several months. We've contracted with Lefever Building Systems (LBS), and work is set to commence imminently.

I met with LBS representatives on Tuesday, 6/1/21 to discuss the project, approach and familiarize myself with their team. A formal project kick-off meeting is scheduled for later in June. This meeting will be the one that officially signals the start of the project.

A preliminary schedule has been issued to the Town and the dates are as follows:

- Mobilization 8/15/21
- Dirt Work & Grading 8/29/21
- Underground Utilities 9/19/21
- Stem Walls 9/26/21
- Plumbing Rough 10/17/21
- Dirt Work Final Grading 10/24/21
- Asphalt 10/31/21
- Building Slab Pour 11/7/21
- Pre-Engineered Metal Bldg. 1/23/22
- Interior Construction 4/3/22
- Final Int. & Ext. construction 4/17/22
- Punch List 5/6/22
- Final Completion & CO 5/31/22

Well 6 - Lariame Fox Hills

This project continues to move forward, albeit with some delays from material suppliers. As with most construction projects right now, supplier and supply chain issues are a major part of project delays. This project is no different.

We are currently proceeding through submittals and those reviews to release all materials for ordering and installation of early project priorities including, but not limited to:

- Duct Bank, Transformer and Underground electrical installation
- Underground utility installation
- Rough Site grading
- Vault installation

Mobilization will occur in late June, and final completion is currently slated by or before Monday, 9/27/2021.

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Board Priority Project Status & Milestones

Project	Status	Costs (* Estimate)	Completion Date
Hwy 79 Signal Design	Underway	$129,090	11/20/2020
Hwy 79 & I-70 Design	Underway	$238,396	Q4 2021
Public Works Facility	Prelim. Phases	$2,820,154	Late Q2 2022
At Grade Storage Tank	Underway	$2,500,000	Late Q4 2021
WWTF Expansion	Not started	$16m - $19m	Q3 - RFP for Engineer

Budget Status

Project	Contract Amount	Expenditures	Remaining Budget
Hwy 79 Signalization Design	$129,091	$70,277	$58,813.83
At Grade Tank Design	$165,000	$77,074	$87,926.26
Hwy 79 & I-70 Design	$238,396	$116,043	$122,353.01
Public Works Facility	$2,820,154	-	$2,820,154.00

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STAFF REPORT

TO:	Mayor and Town of Bennett Board of Trustees
FROM:	Trish Stiles, Town Administrator
	Melinda Culley, Town Attorney
DATE:	June 22, 2021
SUBJECT:	An Ordinance Prohibiting the Use of Dynamic Braking Devices

Background and Discussion

Staff and Board members have received noise complaints about trucks using dynamic braking devices in Town limits. A dynamic braking device is a device used primarily by large trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. They are sometimes referred to as Jake Brakes although that term is a trademark of the Jacobs Vehicle Systems, which is just one manufacturer of these types of devices.

Currently, the Model Traffic Code (Section 225) requires commercial vehicles equipped with engine compression brake devices to have a proper muffler. The Town has adopted the Model Traffic Code and a violation of Section 225 is currently treated as a non-criminal traffic infraction under the Town Code. As such, one option for regulating engine brake noise would be to increase education and enforcement efforts on this requirement under the Model Traffic Code. The Board should also consider whether it wants to amend the Town Code to make it a criminal offense to violate Section 225.

Alternatively, the Town could choose to prohibit the use of dynamic braking devices within Town limits altogether. This can be done under the Town's authority to regulate noise and disturbances. If this is the preferred approach, we have prepared a draft ordinance for your consideration.

Staff Recommendation

Staff recommends the Board discuss its options for regulating braking noise and provide direction on its preferred approach.

Attachments

1. Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10 OF THE BENNETT MUNICIPAL CODE TO PROHIBIT THE USE OF DYNAMIC BRAKING DEVICES IN THE TOWN

WHEREAS, pursuant to C.R.S. § 31-15-401, the Town may prevent and suppress noises and disturbances in any public or private place; and

WHEREAS, the Board of Trustees finds that the creation of excessive noise by large trucks in particular is a detriment to public health, comfort, convenience, safety and welfare; and

WHEREAS, the Board of Trustees desires to prohibit the use of dynamic braking devices in order to secure and promote the public health, comfort, convenience, safety and welfare of the Town and its inhabitants.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO:

Section 1. Chapter 10, Article V of the Bennett Municipal Code is hereby amended by the addition of a new Section 8-5-190 to read as follows:

Sec. 8-5-190 - Dynamic braking devices.

No person shall operate within the limits of the Town any motor vehicle with a dynamic braking device engaged. For purposes of this section, a *dynamic braking device* is a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

Section 2. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED BY TITLE ONLY THIS _____ DAY OF _____, 2021.

TOWN OF BENNETT, COLORADO

_____
Royce D. Pindell, Mayor

ATTEST:

_____
Christina Hart, Town Clerk

Gmail

Christina Hart <chart@bennett.co.us>

Fwd: FW: Board of Trustees Walk About

2 messages

Trish Stiles, Town Administrator <tstiles@bennett.co.us> Thu, Jun 10, 2021 at 11:20 AM
To: Christina Hart <chart@bennett.co.us>, Taeler Houlberg <thoulberg@bennett.co.us>

Next study session please.
---------- Forwarded message ---------
From: <dsus@bennett.co.us>
Date: Thu, Jun 10, 2021 at 9:59 AM
Subject: FW: Board of Trustees Walk About
To: Trish Stiles, Town Administrator <tstiles@bennett.co.us>
CC: Whitney Oakley <woakley@bennett.co.us>

Good Morning Trish,

Please review the email stream below. This is the communication between Trustee Oakley and myself concerning Neighborhood Walk A-Bout's. We think this is a good board project and would like to put on the appropriate work study agenda to see if the entire board would support it. Please let us know if you have any questions.

Regards,

town of Bennett
welcome neighbors.

Donna Sus | Trustee, Town of Bennett
207 Muegge Way | Bennett CO, 80102
dsus@bennett.co.us
townofbennett.colorado.gov

From: Whitney Oakley
Sent: Wednesday, June 2, 2021 2:56 PM
To: dsus@bennett.co.us
Subject: Re: Board of Trustees Walk About

Hi Donna!

Sorry at my delay in getting back to you, these first few weeks of summer are our busy time at the library.

I think our next strategy would be to split up the neighborhoods into teams of 2.

Such as:

LGI - Whitney & Mayor

Centennial - Whitney & Larry

Old Town - Donna & Denise

DR Horton - Mayor & Darvin

Cordella - Donna & Mayor

Brother's Four - Whitney & Denise

Antelope Hills - Donna & Darvin

This is just suggestions for an example!! But I think we would need to come up with a plan and then find a way to disseminate the information to the others.

On Wed, May 26, 2021 at 11:23 AM <dsus@bennett.co.us> wrote:

I am very impressed with your ingenuity concerning The Mayor and your Walk About in the LGI Neighborhood. I would be interested in teaming with you and the rest of the board in laying out a plan to cover all of our neighborhoods. I suggest we go to each area in teams of 2 on Saturday Mornings for the summer. I can meet anytime at your convenience with a few exceptions. Give me a call or return email with what works for you.

Thanks!

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Whitney Oakley | Trustee, Town of Bennett
207 Muegge Way | Bennett CO, 80102
woakley@bennett.co.us
townofbennett.colorado.gov

welcome neighbors.

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Email sent from a small keyboard. Please excuse any grammatical errors.

Christina Hart <chart@bennett.co.us> Thu, Jun 10, 2021 at 11:22 AM
To: "Trish Stiles, Town Administrator" <tstiles@bennett.co.us>
Cc: Taeler Houlberg <thoulberg@bennett.co.us>

I will add to the June 22 study session agenda.
Thank you.

Christina Hart | Town Clerk
207 Muegge Way | Bennett CO, 80102
(303)644-3249 ext. 1001 | chart@bennett.co.us
townofbennett.colorado.gov

welcome neighbors.

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