



## **Board of Trustees - Study Session**

**Tuesday, February 8, 2022 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:

The information for the Town's virtual meeting can be found below:

<https://us02web.zoom.us/j/85063056869>

Meeting ID: 850 6305 6869

Passcode: 440873

One tap mobile

+13462487799

### **2. Town Attorney Department Update**

Melinda Culley, Town Attorney

#### **Attachments:**

- **Town Attorney Department Update** (Town\_Attorney\_Department\_Report\_-\_Feb\_2022.pdf)

### **3. Building Fee Reduction Month**

Steve King, Special Projects Coordinator

#### **Attachments:**

- **Staff Report Building Fee Reduction Month** (0\_-\_Final\_Reduced\_Permitting\_Fees\_Staff\_Report.pdf)
- **PowerPoint Presentation Building Fee Reduction Month** (1\_-\_Final\_Reduced\_Permit\_Fees\_Staff\_Report\_Presentation\_\_1\_.pdf)
- **Dacono "Almost Free Building Permit" Month Marketing Material** (2\_-\_Almost\_Free\_Building\_Permit\_Month-\_2017.pdf)



# DEPARTMENT PROGRESS REPORT



TO: Mayor and Town of Bennett Board of Trustees  
FROM: Melinda Culley, Town Attorney  
DATE: February 8, 2022  
SUBJECT: Town Attorney's Office Progress Report

## Management Summary

The following is brief summary of some recent cases impacting municipal governments –

- **First Amendment challenge to panhandling ordinance.** The Tenth Circuit struck down an Albuquerque ordinance that prohibited pedestrians from (1) congregating near a highway entrance or exit ramp, (2) occupying certain medians, and (3) engaging in any kind of exchange with occupants of a vehicle in a travel lane. The court found that the ordinance violated the First Amendment because the city was unable to show a sufficient fit between the purported public safety reasons for the ordinance and the degree to which the ordinance impaired the speech rights of panhandlers and solicitors. The city also failed to show that they considered less restrictive measures. *Brewer v. City of Albuquerque*, 18 F.4th 1205 (10<sup>th</sup> Cir. 2021).
- **Effect of felony conviction on candidates.** A candidate for Aurora's City Council sued the city for a provision in its home rule charter that prohibits anyone with a felony conviction from running for or holding public office. Aurora agreed it would not enforce the charter provision and that the reference to "felony" in the charter would be replaced with the list of disqualifying crimes set forth in the Colorado Constitution, which include embezzlement of public money, bribery, perjury, solicitation of bribery or subornation of perjury. *Bailey v. City of Aurora*, Case No. 2021CV30919.
- **Campaign contributions may disqualify official from quasi-judicial matter.** The Court of Appeals held that certain campaign contributions may disqualify an elected official from serving as a decisionmaker in quasi-judicial proceedings. The court explained that the amount and timing of the contributions must be considered. *No Laporte v. Larimer County BCC*, Case No. 2022COA6 (Jan. 6, 2022).
- **Public official's personal and campaign Facebook pages not subject to First Amendment restrictions.** A Magistrate Judge in the US District Court for Colorado recommended granting a motion to dismiss a case filed against Colorado Attorney General Phil Weiser by a citizen claiming Weiser violated his First Amendment rights by deleting derogatory comments posted by the citizen on Weiser's personal and campaign Facebook pages and blocking the citizen from the pages. The Magistrate found that Weiser's status as a public official did not transform his personal and campaign pages into a public forum and were not subject to First Amendment's restrictions. *Sgaggio v. Weiser*, Case No. 21-cv-00830.

## Projects Status & Milestones

Since our last report, we have assisted with the following projects:

- Fair Contributions for Public School Sites IGA
- Chapter 16 Amendments on Fair Contributions for Public School Sites

- Third Amendment to Comfort Inn PIRA
- Amendment to Food Bank Lease
- Design Build Contract for Booster Station Pump Upgrades
- Easements for Purple Pipe Project
- Various Professional Services and Independent Contractor Contracts
- Opioid Settlement Participation Documents
- Bennett North Annexation and Zoning Resolutions, Notices and Ordinances
- Various land development projects

# STAFF REPORT



welcome neighbors.

TO: Mayor and Town of Bennett Board of Trustees  
FROM: Steve King, Special Projects Coordinator  
DATE: February 8, 2022  
SUBJECT: Reduced Building Permit Program Options

---

## Background

---

The Town of Bennett mission statement includes the safety of our residents and having building codes is one such policy that keeps our community safe. Building codes are designed to protect buildings and the people and property inside them from fire, earthquakes, windstorms and other extreme events. They also ensure structural integrity; electrical, plumbing and mechanical system safety, as well as accessibility and practical and achievable levels of energy efficiency. Building plans need engineering, electrical, plumbing, HVAC, insulation and planning boxes checked. They need to be recorded and passed on to the county assessor for property taxes and other various agencies. A typical set of building plans passes through the hands of many different staff, consultants and other various agency stakeholders.

To ensure review and enforcement of these building codes, the Town of Bennett requires building permits, plan review and inspection. The Town requires these permits and the fees associated to cover costs for these essential government services.

During the 2022 Town of Bennett Budget discussions, additional discussion took place specific to building permit and plan review fees. Some members of the board expressed concerns regarding building permit fees and impacts on residents, including specifically to low or fixed income residents.

As a follow up to these concerns, staff reviewed other potential programs and options to lessen this burden on residents, provide more incentive to make improvements to buildings in the community and foster collaboration to community improvements and the Town's annual cleanup day. Town Staff reviewed options for the building permit fee only and the usage tax associated with permits is not included in this review.

---

## Program Options

---

### Option #1: Community Clean Up Month and Reduced Building Permit

The first option staff proposes is to tie our Clean Up month in June with a reduced building permit fee month. This approach temporarily reduces building permit fees up to 50% for the month of June. To target essential repairs, the types of projects generally included are alteration, repair, or improvement of existing residential structures such as roofs, windows, fences, and furnaces. In some instances, residents may also apply to the construction, alteration, or repairs, of accessory structures associated with existing homes such as garages and carports, sheds and new patios. The benefit of this approach is that it supports our long standing program with Clean Up Day, is a prime season for home improvement projects for residents, as well as confines the reductions to a single month, which helps to mitigate cash flow impacts.

## Option #2: Building Permit Grant Program

The second option staff believes could be successful is a reduced permit grant program similar to the successful REVIVE Grant, which would provide residents with an opportunity to apply for assistance to reduce permit fees for specific project types. A broad range of assistance may be provided under this kind of approach with grants potentially in the amount of \$100-\$1000. Additionally, these programs can be tailored to serve a specific resident population or neighborhood. The limitations to this approach is that they generally operate on a first come first serve basis and funds are generally exhausted before the end of the calendar year. Grant programs also take additional staff time and resources to manage and could be more cumbersome than a single month approach.

Town staff reviewed the financial impact of these two options, as shown below.

Permit Type	Average Building Permit Fee	Estimated Permits in June	Total Building Permit Fee	50% Reduction
Siding	200	5	1,000	500
Windows	250	5	1,250	625
Fence	75	10	750	375
Reroof	250	10	2,500	1,250
AC	150	10	1,500	750
Furnace	150	5	750	375
Water/Sewer Repairs	150	3	450	225
Water Heater	100	5	500	250
		<b>Total</b>	<b>\$8,700</b>	<b>\$4,350</b>

Based on this analysis we anticipate a reduced permit month program would carry a fiscal impact of \$4,500-\$5,000 annually. Additionally, a similar allocation of \$5000 in grant awards could be utilized to create a program that could support approximately 50 residents based on current projections of anticipated permits.

## Staff Recommendation

---

Based on our analysis of the two proposed options, Town staff would recommend the establishment of a reduced permitting fee month in the month of June. The program would apply for projects that include siding, windows, fences, reroofing, AC improvements, furnace replacements, water/sewer repairs and water heaters. This option would allow the Town to provide relief to residents while minimizing the administrative burden associated with operating a grant program. This approach would also align with the Town's annual Community Clean Up Day which could help to incentives residents to make essential repairs and beautify the community. Additionally, this option would not require support of a new grant program that could be potentially expensive if usage exceeds current projections and utilize staff capacity that we do not currently have.

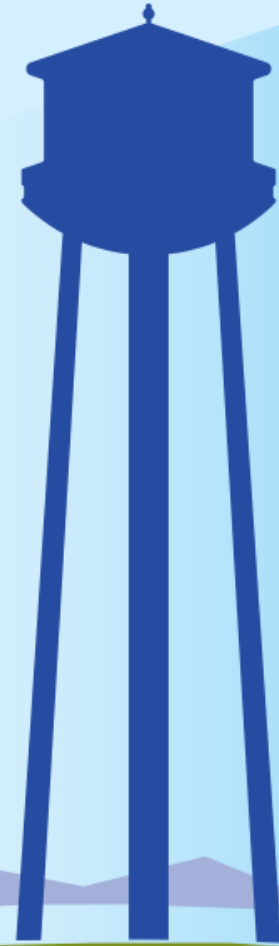
## Attachments

---

1. Staff PowerPoint Presentation
2. Dacono "Almost Free Building Permit" Month Marketing Material

# Reduced Building Permit Program Options

Steve King, Special Projects Coordinator



# BACKGROUND

- Building Codes and Permit Need
- Fee Concerns for Residents
  - Potential programs to lessen this burden
  - Provide more incentive to make improvements in the community
  - Foster collaboration to community improvements and the Town's annual cleanup day.

# Reduced Building Permit Program Options

- Option 1: Reduced Fee Month
- Option 2: Reduced Fee Grant Program

## Included Permits:

Siding, windows, fences, reroofing, AC improvements, furnace replacements, water/sewer repairs and water heaters.

- Building Permit Fee specific
  - \*Does not include reduction of Use Tax

# Option 1: Reduced Fee Month

- Building Permits
  - June
  - 50% reduction of permit fees
- Ties into Community Clean Up Month
- Simple to manage easing staff time
- Sample:
  - Fence Permit
    - Normally \$75 reduced to \$37.50
    - Total Estimated Program Cost: \$4,350

# Option 2: Reduced Fee Grant Program

- Grant program
  - \$4,500-\$5,000
  - Could be targeted
  - Seniors/Old Town
  - Requires more staff management/oversight
    - Staff capacity very limited

# RECOMMENDATION

- Town staff would recommend establishment of a Reduced Building Permit Fee month annually in June to align with the Town's annual Community Clean Up Day
- 50% Reduction for siding, windows, fences, reroofing, AC improvements, furnace replacements, water/sewer repairs and water heaters projects only
- Applies to all residents



Fences



Sheds

NOW'S  
THE TIME  
*to renovate  
in Dacono!*



June is

# Almost Free Building Permit Month



Additions

Making  
HOME  
IMPROVEMENT  
*easier!*

Page 14



**Dacono**  
*Colorado*



# Almost Free Building Permit Month

June is

---

**In June, the City of Dacono is helping make your home improvement projects easier! We are now providing almost free building permits. So if you are considering making home improvements, this is a great opportunity to receive a discounted permit.**

**Fees will be reduced for applications, plan reviews and inspection fees. This program does not apply to new construction.**

---

## **Reduced Fees**

These reduced fees can be applied toward the alteration, repair or improvement of existing residential structures. They can also be applied toward the erection, alteration, repair or improvement of structures associated with existing homes, typically this includes: garage, carport, shed and fence additions and improvements.

---

## **FOR INFORMATION**

Contact Donna Case  
303.833.2317 ext.128

---

---

## **Please Note**

- *Payment of use tax does still apply.*
- *Permits must be obtained prior to the start of any project.*
- *Any work completed without a permit is subject to double fees.*
- *Work authorized under this permit must be completed by Sept. 30, 2017.*
- *If work is completed after Sept. 30, 2017 all applicable fees, including the full building permit fee, plan review and inspection fees will be assessed.*