



Board of Trustees - Study Session

Tuesday, April 11, 2023 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/82969043900>

Meeting ID: 829 6904 3900

Passcode: 166365

One tap mobile

+13462487799

2. Utility Department Update

Ricky Martinez, Utility Director

Attachments:

- **Utility Department Update** (Utilities_Department_Update.pdf)

3. Proposed Ordinance Amending Chapter 10 Bennett Municipal Code Concerning the Possession, Sale, and Consumption of Tobacco and Nicotine Products and Marijuana by Minors

Draft Ordinance No. XXX-23 - An Ordinance Amending Chapter 10 of the Bennett Municipal Code Concerning the Possession, Sale, and Consumption of Tobacco and Nicotine Products and Marijuana by Minors

Trish Stiles, Town Manager

Attachments:

- **Staff Report Proposed Ordinance Amending Chapter 10 Bennett Municipal Code Concerning the Possession, Sale, and Consumption of Tobacco and Nicotine Products and Marijuana by Minors** (Vaping_Staff_Report_4_11_23.pdf)
- **Draft Ordinance No. XXX-23 - An Ordinance Amending Chapter 10 of the Bennett Municipi**

pal Code Concerning the Possession, Sale, and Consumption of Tobacco and Nicotine Products and Marijuana by Minors (Minor_in_Possess_-_Tobacco__MJ.ord.pdf)

Contact: Christina Hart (chart@bennett.co.us 303-644-3249 x1001) | Agenda published on 04/06/2023 at 3:28 PM

DEPARTMENT PROGRESS REPORT



TO: Mayor and Town of Bennett Board of Trustees
FROM: Ricky Martinez, Utilities Director
DATE: April 11, 2023
SUBJECT: Utility Department Update

Management Summary

Major Utility Projects:

- Purple Pipe Beltway
 - Segment one of the pipe installation is completed to Trupp Park.
 - Pump House is completed.
 - The second segment of pipe installation to Civic Center Park is in progress. The Town has been working diligently with the railroad to get final approval tentative boring schedule is April 24, 2023.
 - The third phase of the purple pipe beltway is currently in design from Civic. This will go out to RFP in the next couple months.
- East Pond Renovation and Expansion
 - Grading, wet well and expansion have been completed.
 - Liner installation and additional piping to tie the west and east pond together is completed.
 - Final clean up and start up will be scheduled in the next month.
- Pond Evaporation Project Reuse Water
 - Researching comparative costs to purchase the cover "hex balls."
- Pressure System Project
 - Obtaining pricing from plumbers to replace a PRV valve in Old Town, Brothers Four, Cordella and Centennial.
 - Working on the plan of implementation, timeline and public relations.
- Custer Street Bypass/Water Line Addition
 - Funding secured.
 - RFP process is underway.
- Antelope Hills Wellhouse
 - Purchased replacement parts.
 - Scheduling to install replacement valves, heater, and pipe manifold.

Projects Status & Milestones

Project	Status	Costs (Estimate)	Expenditures	Completion Date (Estimate)
Purple Pipe Second Phase	In Progress	\$1,600,000	\$646,373.75	5/30/23
East Pond Renovation and Expansion	In Construction	\$455,000	\$446,600	4/30/23
Pond Evaporation Project Reuse Water	In Progress	\$400,000	\$0.00	6/30/23
Pressure System Project	In Progress	\$284,000	\$1,596	12/31/24
Custer Street Bypass & Water Line Addition	In Progress	\$2,163,765	\$0.00	12/31/23
Antelope Hills Wellhouse	In Progress	\$245,000	\$49,336	4/30/23

Along with the above projects, the Utility Department will focus first-quarter maintenance on the following areas:

- Troubleshooting and meter maintenance.
- Sewer jetting.
- Oil changes on pumps and blowers.
- Hydrant painting, repairs and replacement.
- Grease pumps and maintenance.
- Valve exercising.
- Well house cleaning and repairs.
- Backflow testing letters.
- Meter replacements or new installations.
- Lift station cleaning.
- Developmental review and infrastructure inspections.
- Tank Inspections.

STAFF REPORT



welcome neighbors.

TO: Mayor and Town of Bennett Board of Trustees
FROM: Trish Stiles, Town Manager
DATE: April 11, 2023
SUBJECT: Proposed Ordinance Amending Chapter 10 Bennett Municipal Code Concerning the Possession, Sale, and Consumption of Tobacco and Nicotine Products and Marijuana by Minors

Background

This winter, Staff held a meeting with the Adams County Sheriff's office regarding issues with vaping and possession of marijuana at the school. This included the Commander, Detective and the School Resource Officer.

We discussed at length the issues with vaping in both the high school and middle school as well as some issues surrounding possession of marijuana. The Adams County Sherriff staff offered some sample ordinances from other communities to review.

The Town Attorney and I discussed those samples and determined that the best course of action was to revive the proposed ordinance from a few years past regarding vaping. This ordinance never went forward due to the change in the federal law raising the purchase and consumption age of tobacco products to 21. Additional changes for minors in possession were also added in this proposed draft.

Staff from the Sheriff's office and the Bennett School District 29J will be in attendance at the meeting to disucss further the issues facing the school and students and to answer questions for the Board of Trustees.

Proposed Amendments

The attached Amended Ordinance includes the following:

- The addition of new Sections 10-6-80 and 10-6-90
- Makes unlawful the consumption, possession or purchase or attempt to purchase any tobacco or nicotine product;
- Makes unlawful for any person to furnish to any person who is under the age of twenty-one (21) years any tobacco or nicotine product by gift, sale or any other means;
- Defines tobacco and nicotine products;
- Makes unlawful the consumption or possession marijuana;
- Immunity for an underage person to call 911 in good faith to report medical assistance due to marijuana consumption;
- Adds violation provisions;
- Adds definfitions of Marijuana and Registry Card.

Staff Recommendation

Staff recommends discussion of the proposed ordinance and seeks direction from the Board on further action.

Attachments

1. Draft Ordinance No. xxx-23

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10 OF THE BENNETT MUNICIPAL CODE CONCERNING THE POSSESSION, SALE, AND CONSUMPTION OF TOBACCO AND NICOTINE PRODUCTS AND MARIJUANA BY MINORS

WHEREAS, the Board of Trustees has determined that Chapter 10, Article VI of the Bennett Municipal Code should be amended to address the possession, sale and consumption of tobacco and nicotine products and marijuana by persons under the age of twenty-one; and

WHEREAS, the Board of Trustees has determined that this ordinance furthers and is necessary for the protection of the public health, safety and welfare.

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

Section 1. Chapter 10, Article VI is hereby amended by the addition of new Sections 10-6-80 and 10-6-90 to read as follows:

Sec. 10-6-80. Prohibited possession and sale of tobacco or nicotine products.

(a) It is unlawful for any person under the age of twenty-one (21) years of age to consume, possess or to purchase or attempt to purchase, either directly or through an intermediary, or in any other manner obtain any tobacco or nicotine product.

(b) It is unlawful for any person to furnish to any person who is under the age of twenty-one (21) years any tobacco or nicotine product by gift, sale or any other means.

(c) Any person who violates any provision of this Section shall be subject to the penalty provided in Sections 1-4-20 and 1-4-30 of this Code. Notwithstanding the foregoing, the Municipal Judge may order any person under the age of twenty-one (21) convicted of violating this section to complete an approved educational class in lieu of, or in addition to, other penalties.

(d) For purpose of this section, *tobacco or nicotine product* means:

(1) Any product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual; or

(2) Any device that can be used to deliver nicotine to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

(3) *Tobacco or nicotine product* does not mean any product that the food and drug administration of the United States Department of Health and Human Services has approved as a tobacco use cessation product.

Sec. 10-6-90. Possession and consumption of marijuana by minor.

(a) It is unlawful for any person under the age of twenty-one (21) years of age to consume or possess marijuana.

(b) It shall be an affirmative defense to a charged violation under this section that the person: (1) on the date of the alleged offense, lawfully possessed a current registry identification card issued by the State of Colorado; and (2) possessed no more marijuana than the amount permitted by Article XVIII, Section 14 of the Colorado Constitution. Such evidence shall be presented at an arraignment or at a pre-trial conference on the offense.

(c) An underage person will be immune from prosecution under this section if the person: (1) called 911 and reported in good faith that another underage person was in need of medical assistance due to marijuana consumption; (2) provided their own name to the 911 operator; (3) was the first person to make the 911 report; and (4) remained on the scene with the medical assistance or law enforcement personnel on the scene.

(d) Any person who violates any provision of this Section shall be subject to the penalty provided in Sections 1-4-20 and 1-4-30 of this Code. Notwithstanding the foregoing, the Municipal Judge may order any person under the age of twenty-one (21) convicted of violating this section to complete an approved educational class in lieu of, or in addition to, other penalties.

(e) For the purposes of this section, the following terms shall be defined as follows:

(1) *Marijuana* has the same meaning as in Article XVIII, Section 16(2)(f) of the Colorado Constitution.

(2) *Registry identification card* shall have the same meaning as in Article XVIII, Section 14(1)(g) of the Colorado Constitution.

Section 2. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 3. The repeal or modification of any provision of the Municipal Code of the Town of Bennett 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 and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as 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, AND ORDERED PUBLISHED BY TITLE
ONLY THIS ____ DAY OF _____ 2023.**

TOWN OF BENNETT, COLORADO

Royce D. Pindell, Mayor

ATTEST:

Christina Hart, Town Clerk