



## Town Board of Trustees

Tuesday, August 22, 2023 at 7:00 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/84285000718>

Meeting ID: 842 8500 0718

Passcode: 677682

One tap mobile

+16699006833

### 2. Call to Order

Royce D. Pindell, Mayor

#### a. Roll Call

### 3. Pledge of Allegiance

Royce D. Pindell, Mayor

### 4. Approval of Agenda

Royce D. Pindell, Mayor

### 5. Consent Agenda

Royce D. Pindell, Mayor

#### a. August 8, 2023 - Regular Meeting Minutes

##### Attachments:

- **August 8, 2023 - Regular Meeting Minutes** (08-08-2023\_-\_Draft\_Minutes.pdf)

#### b. "Opt-In" to Proposition 123

Resolution No. 983-23 - A Resolution Expressing the Town of Bennett's Commitment to Affordable Housing Under Proposition 123

Greg Thompson, Community and Economic Development Director

Denise Taylor, Assistant to the Town Manager

**Attachments:**

- **Staff Report "Opt-In" to Proposition 123** (0\_-\_Staff\_Report\_Prop\_123\_Opt\_In\_Aug\_22.2023\_thredline.pdf)
- **PowerPoint Presentation** (1\_-\_Prop\_123\_Board\_Meeting\_8.22.2023\_thedits.pdf)
- **Resolution No. 983-23 - A Resolution Expressing the Town of Bennett's Commitment to Affordable Housing Under Proposition 123** (2\_-\_RESOLUTION\_PROP\_123\_Opt\_In\_clean\_\_1\_.pdf)

**Public Comments on Items Not Scheduled for Public Hearing**

The Board of Trustees welcomes you. Thank you for joining us for our Town of Bennett Board of Trustees Meeting. If you are not speaking, we ask that you please mute your microphone. For public comment please sign up on the provided sheet or in the chat box. If you are on the phone, once we get through the sign-up sheet and chat box we will call for any other comments for items not on the agenda.

Your comments will be limited to three (3) minutes. The Board may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and provide direction to the appropriate member of Town staff for follow-up. Thank you.

**Regular Business**

**6. Action/Discussion Items**

**a. First Amendment to Service Plan to Intergovernmental Agreement Between the Town of Bennett, Colorado and Section 27 Metropolitan District**

Resolution No. 982-23 - A Resolution of the Town of Bennett Approving the First Amendment to Service Plan for Section 27 Metropolitan District

Trish Stiles, Town Manager

Dalton Kelley, Butler Snow LLP

**Attachments:**

- **First Amendment to Service Plan to Intergovernmental Agreement Between the Town of Bennett, Colorado and Section 27 Metropolitan District** (0\_-\_2023-08-10\_First\_Amendment\_to\_Town\_IGA\_\_draft\_.pdf)
- **Resolution No. 982-23 - A Resolution of the Town of Bennett Approving the First Amendment to Service Plan for Section 27 Metropolitan District** (1\_-\_2023-08-22\_Administrative\_First\_Amend\_to\_Service\_Plan\_-\_Section\_27\_\_Final\_.pdf)
- **Suggested Motion** (2\_-\_suggested\_motion.pdf)

**b. Acknowledgement of Town Staff**

Greg Thompson, Community and Economic Development Director

**Attachments:**

- **Acknowledgement of Town Staff** (SonyaZimmerman\_CommunitySupportCertificate\_\_8\_.pdf)

**c. Phase 1 Recycled Water Pipeline - Segment 3 Change Order Request**

Robin Price, Public Works Director

**Attachments:**

- **Staff Report Phase 1 Recycled Water Pipeline - Segment 3 Change Order Request** (0\_-\_Staff\_Report\_Change\_Order\_Phase\_1\_Recycled\_\_Water\_Pipeline-\_Segment\_3\_Project\_Final.pdf)
- **Dan's Custom Construction, Inc. Construction Proposal** (1\_-\_Dan\_s\_Custom\_Proposal.pdf)
- **Phase 1 Recycled Water Pipeline - Segment 3 Construction Plans** (2\_-\_Construction\_Plans.pdf)
- **Suggested Motion** (3\_-\_suggested\_motion.pdf)

**7. Town Manager Report**

Trish Stiles, Town Manager

**8. Trustee Comments and Committee Reports**

Mayor and Trustees

**9. Adjournment**

Individuals with disabilities who need auxiliary aids in attending the meeting may request assistance by contacting the Town Hall at 207 Muegge Way, Bennett, CO 80102-7806, (303) 644-3249. Please give notice at least 48 hours in advance of the meeting to allow for enough time in making the necessary arrangements.

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Contact: Christina Hart (chart@bennett.co.us 1303-644-3249 X1001) | Agenda published on 08/17/2023 at 2:19 PM



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## Town Board of Trustees

### Minutes

Tuesday, August 8, 2023 at 7:00 pm

**PLEASE SILENCE ALL CELL PHONE AND ELECTRONIC DEVICES.  
THANK YOU.**

#### 1. Meeting Information

207 Muegge Way, Bennett, CO 80102

#### 2. Call to Order

Royce D. Pindell, Mayor

##### a. Roll Call

###### **Minutes:**

###### **Present:**

Royce D. Pindell, Mayor  
Whitney Oakley, Mayor Pro Tem  
Kevin Barden, Trustee  
Steve Dambroski, Trustee - *excused*  
Denice Smith, Trustee  
Donna Sus, Trustee  
Larry Vittum, Trustee

###### **Staff Present:**

Trish Stiles, Town Manager  
Danette Ruvalcaba, Director of Finance  
Denise Taylor, Assistant to the Town Manager  
Adam Meis, IT and Communications Manager  
Tiffany Chaput, Communications Coordinator  
Daymon Johnson, Capital Projects Director  
Dan Giroux, Town Engineer  
Melinda Culley, Town Attorney  
Christina Hart, Town Clerk

###### **Public Present:**

Kathy Smiley  
Pat Siegman  
Irma Ronquillo

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Mason Oakley  
Angie Lingenfelter

### 3. Pledge of Allegiance

Royce D. Pindell, Mayor

**Minutes:**

The Pledge of Allegiance was led by Royce D. Pindell, Mayor.

### 4. Approval of Agenda

Royce D. Pindell, Mayor

**Minutes:**

**TRUSTEE VITTUM MOVED, MAYOR PRO TEM OAKLEY SECONDED** to approve the agenda as presented. The voting was as follows:

Ayes: Oakley, Pindell, Smith, Sus, Vittum, Barden

Nays: None

Excused: Dambroski

Royce D. Pindell, Mayor, declared the motion carried by unanimous vote.

### 5. Consent Agenda

Royce D. Pindell, Mayor

**Minutes:**

**MAYOR PRO TEM OAKLEY MOVED, TRUSTEE VITTUM SECONDED** to approve the consent agenda as presented. The voting was as follows:

Ayes: Pindell, Smith, Sus, Vittum, Barden, Oakley

Nays: None

Excused: Dambroski

Royce D. Pindell, Mayor, declared the motion carried by unanimous vote. **1. Action:** Approval of July 25, 2023, Regular Meeting Minutes

**PUBLIC COMMENTS NOT ON THE AGENDA**

Irma Ronquillo, 440 Second Street, expressed her gratitude to Town Staff for cleaning up the alley.

**a. July 25, 2023 - Regular Meeting Minutes**

**Public Comments on Items Not Scheduled for Public Hearing**

The Board of Trustees welcomes you. Thank you for joining us for our Town of Bennett Board of Trustees Meeting. If you are not speaking, we ask that you please mute your microphone. For public comment please sign up on the provided sheet or in the chat box. If you are on the phone, once we get through the sign-up sheet and chat box we will call for any other comments for items not on the agenda.

Your comments will be limited to three (3) minutes. The Board may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and provide direction to the appropriate member of Town staff for follow-up. Thank you.

## Regular Business

### 6. Action/Discussion Items

#### a. Report from Front Range Waste Diversion and Technical Assistance Service Provider (TASP)

**Minutes:**

Denise Taylor, Assistant to the Town Manager, introduced Laura Levesque from the Front Range Waste Diversion and Technical Assistance Service Provider (TASP) to the Board. Ms. Levesque, TASP, presented information on the newly created, no-cost, program.

No action was required.

#### b. Acknowledgement of Town Staff

**Minutes:**

Royce D. Pindell, Mayor, presented a Town of Bennett Proclamation to Christina Hart, Town Clerk, who recently received her certified municipal clerk designation from the International Institute of Municipal Clerks (IIMC).

### 7. Town Manager Report

**Minutes:**

- A street light survey was completed and submitted to CORE Electric Cooperative.
- No Parking signs have been installed on Palmer Avenue.
- August 10th - Community Night Out from 5:00 pm - 7:00 p.m.
- August 11th - Party in the Park
- An RFP (Request for Proposal) will go out for a new Town Auditor.

### 8. Trustee Comments and Committee Reports

Mayor and Trustees

**Minutes:**

**Whitney Oakley, Mayor Pro Tem, reported on the following:**

- Emailed the Trustees the Bennett Days schedule for their review.
- Trish Stiles, Town Manager and Mayor Pro Tem Oakley met with the firm that is assisting with the Town Centre Project.

Royce D. Pindell, Mayor, called for a recess at 8:07 p.m.

The meeting resumed at 8:13 p.m.

### 9. Executive Session

- #### a. For the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. Section 24-6-402(4)(e) regarding (1) Town Attorney Proposals and Contract; and (2) Potential Contract Claim

**Minutes:**

**MAYOR PRO TEM OAKLEY MOVED, TRUSTEE SMITH SECONDED** to go into executive session for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. 24-6-402(4)(e) regarding (1) Town Attorney Proposals and Contract; and (2) Potential Contract Claim. Voting was as follows:

Ayes: Smith, Sus, Vittum, Barden, Oakley, Pindell

Nays: None

Excused: Dambroski

Royce D. Pindell, Mayor, declared the motion carried by unanimous vote.

The Board went into executive session at 8:15 pm.

#### **b. Return to Open Meeting**

**Minutes:**

The Board came out of the executive session at 9:32 pm.

Royce D. Pindell, Mayor, announced that the Board has been in executive session and the following persons participated: Trustee Barden, Trustee Vittum, Christina Hart, Rachel Summers, Trish Stiles, Trustee Smith, Trustee Sus, Mayor Pro Tem Oakley, Mayor Pindell and Melinda Culley. Royce D. Pindell, Mayor, asked if there were any matters not included in the motion for an executive session or violations of the Open Meetings Law, and if so, that these concerns be stated for the record.

There were no concerns presented.

#### **c. Report from Executive Session**

**Minutes:**

Direction was provided to Town Staff to proceed accordingly for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. Section 24-6-402(4)(e) regarding (1) Town Attorney Proposals and Contract; and (2) Potential Contract Claim.

### **10. Adjournment**

**Minutes:**

**TRUSTEE SMITH MOVED, TRUSTEE VITTUM SECONDED** to adjourn the meeting. The meeting was adjourned at 9:35 p.m. Voting was as follows:

Ayes: Sus, Vittum, Barden, Oakley, Pindell, Smith

Nays: None

Excused: Dambroski

Royce D. Pindell, Mayor, declared the motion carried by unanimous vote.

**Minutes Approved:**

Royce D. Pindell, Mayor

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Christina Hart, Town Clerk CMC

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Contact: Christina Hart ([chart@bennett.co.us](mailto:chart@bennett.co.us) 1303-644-3249 X1001) | Minutes published on 08/15/2023 at 3:25 PM



# STAFF REPORT



welcome neighbors.

TO: Mayor and Town of Bennett Board of Trustees  
FROM: Greg Thompson, Community and Economic Development Director  
Denise Taylor, Assistant to the Town Manager  
DATE: August 22, 2023  
SUBJECT: "Opt-In" to Proposition 123

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## Background

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Proposition 123 was approved by Colorado's voters in November 2022, and allocated several hundred million dollars of already existing tax dollars for affordable housing. The monies will be managed by the Department of Local Affairs (DOLA) and the Governor's Office of Economic Development and International Trade. Organizations, such as the Town of Bennett, are eligible to receive this funding if the Town elects to "opt-in" through DOLA.

"Opt-In" means committing to increase affordable housing in the Town by a total of 9% over the course of three years, from an established baseline of affordable housing currently here. Bennett's requirement would be 17 units by the end of 2026. (Units that have received a building permit are eligible to be counted, even if construction is not complete.) Affordable housing can be increased in a variety of different ways, including new construction, land banking for future development and down payment assistance.

The deadline to "opt-in" for the current three-year cycle is November 1, 2023. Opting in earlier creates access to funding earlier, which would afford the opportunity to apply for technical assistance for a Housing Needs Assessment at the beginning of the process.

The creation of a range of housing has been stated as a desire by the Town and affordable housing has been identified as a need from the Bennett School District. Funding from Proposition 123 can be used to meet these goals.

On July 14, 2023, at the Board of Trustees yearly retreat, Proposition 123 and whether to "opt-in" was raised and discussed by the Board members that were present at that time. The topic was informational in nature and no decision by the Board was made.

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## Staff Recommendation

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Town Staff recommends the Board of Trustees "opt-in" to Proposition 123 to gain access to these affordable housing funds and technical assistance.

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## Attachments

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1. PowerPoint Presentation
2. Resolution No. 983-23

## References

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General Information from DOLA, frequently updated

<https://engagedola.org/prop-123>

Complete text in the Colorado Revised Statues

<https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2021-2022/108Final.pdf>

A dark blue silhouette of a water tower with a tiered top and three legs, standing on a green hill. The background features stylized blue and white curved shapes at the top and a landscape of green and yellow hills at the bottom.

# Proposition 123

## Affordable Housing Programs

Greg Thompson, Community and Economic Development Director  
Denise Taylor, Assistant to the Town Manager

# The ABCs of Proposition 123

- Approved in 2022 by Colorado voters
- Supports state wide efforts to address affordable housing
- Uses existing tax revenue, up to \$300 million (doesn't raise new taxes)
- Local governments must voluntarily "opt-in" to qualify for the available funds, resources and programs
- The "affordable housing" definition is based on incomes and prices of homes for sale and rent

# Opt-In Requirements and Responsibilities

- The increase will be net new units; new construction or conversion to affordable housing
- Baseline of available affordable housing and agree to increase number of affordable housing units by 9% in 3 years (17 Units for Bennett)
  - 84 housing units permitted first half of 2023
- If the 9% (17 Units) isn't met within 3 years, the Town would not be eligible for Proposition 123 funds for the following year (2027)

# Affordable Housing for Bennett

- Housing - Rental or Ownership - should cost no more than 30% of monthly income
- Average Home Price Currently \$440,000 – approx. \$2,400 monthly payment
  - A traditional mortgage requires a salary of \$98,400 to afford this price
- Average incomes for teachers and firefighters do not support homeownership in Bennett
  - Teachers starting salary - \$46,000 – can afford \$1,150 payment
  - Firefighter average - \$55,573 – can afford \$1,389 payment

# Benefits of Opting-In

- Access to technical support, which would include a Housing Needs Assessment to identify housing gaps in Bennett
- Affordable housing has been identified as a critical need of the Bennett School District
- Proposition 123 provides significant funds for the acquisition and development of affordable housing
- Without opting-in – Bennett cannot access the affordable housing funds for program development and providing affordable housing to residents

# Resources

- Bennett School District Salary Scale: <https://4.files.edl.io/62ad/05/25/23/214356-93777ee6-d10d-4598-8384-762289e8abad.pdf>
- Fire Department Salaries: <https://govsalaries.com/salaries/CO/bennett-fire-protection-district-7>
- Average for sale price: <https://www.rockethomes.com/real-estate-trends/co/bennett>
- Mortgage calculator: <https://capitalbankmd.com/homeloans/mortgage-calculators/mortgage-required-income-calculator/#:~:text=What%20income%20is%20required%20for%20a%20400k%20mortgage%3F,This%20is%20an%20estimated%20example.>



# Question for the Board

- Should the Town pursue these available funds for Affordable Housing by Opting-In to the Proposition 123 program?

**RESOLUTION 983-23**

**A RESOLUTION EXPRESSING THE TOWN OF BENNETT’S COMMITMENT TO AFFORDABLE HOUSING UNDER PROPOSITION 123**

**WHEREAS**, the enactment of Proposition 123 (the “Proposition”), approved by Colorado voters in November, 2022, created a Statewide Affordable Housing Fund (the “Fund”) to be managed by the Department of Local Affairs (DOLA) for the purpose of creating and supplying affordable housing; and

**WHEREAS**, local governments desiring to receive grants and funding from this Fund in the first cycle must, by November 1, 2023, make and file with DOLA a commitment specifying how it plans to increase the number of affordable housing units within its boundaries by three percent per year by December 31, 2026; and

**WHEREAS**, a decision by the Town to opt-in to the Fund requires a three-year commitment and requires the Town to comply with the requirements set forth in the Proposition in order to receive and maintain funding; and

**WHEREAS**, there is no penalty if the goal is not completely realized; and

**WHEREAS**, the Town anticipates that money from the Fund could be used by the Town to prepare a Housing Needs Assessment; and

**WHEREAS**, by this Resolution, the Board of Trustees desires to express its commitment to increase affordable housing under Proposition 123.

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

**Section 1:** The Board of Trustees of the Town of Bennett expresses its commitment, under Proposition 123, to increase the number of affordable housing units within Town boundaries through new construction or conversion by seventeen (17) units on or before December 31, 2026.

**Section 2:** The Board of Trustees hereby authorizes the Town Manager or her designee to file the Town’s commitment with the Department of Local Affairs in order to “opt in” to the Statewide Affordable Housing Fund

**Section 3:** The Board of Trustees of the Town of Bennett expresses its commitment to encourage partnerships with developers and non-profits to apply for funds from the Statewide Affordable Housing Fund.

**Section 4:** The Board of Trustees of the Town of Bennett anticipates seeking technical assistance for a housing needs assessment.

**INTRODUCED, READ AND ADOPTED THIS 22<sup>TH</sup> DAY OF AUGUST 2023.**

TOWN OF BENNETT, COLORADO

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Royce D. Pindell, Mayor

ATTEST:

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Christina Hart, Town Clerk

**FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE TOWN OF BENNETT, COLORADO  
AND  
SECTION 27 METROPOLITAN DISTRICT**

THIS FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT (“First Amendment”) is made and entered into as of this 22<sup>nd</sup> day of August, 2023, by and between the TOWN OF BENNETT, a municipal corporation of the State of Colorado (the “Town”), and SECTION 27 METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado (the “District”). The Town and District are each a "Party" and collectively referred to as the “Parties.”

**RECITALS**

**WHEREAS**, the District is a special district organized pursuant to the Special District Act, Section 32-1-101, et seq., C.R.S., and is located wholly within the boundaries of the Town; and

**WHEREAS**, the Town’s Board of Trustees approved a Service Plan for Section 27 Metropolitan District (the “Service Plan”) on August 28, 2018 via Resolution No. 722-18; and

**WHEREAS**, the Town and the District subsequently entered into that certain Intergovernmental Agreement between the Town of Bennett, Colorado and Section 27 Metropolitan District, regarding the Service Plan (the “Agreement”); and

**WHEREAS**, the Town approved a First Amendment to Service Plan on August 22, 2023 (“Service Plan Amendment”);

**WHEREAS**, the Parties desire to amend the Agreement to align with the Service Plan Amendment; and

**WHEREAS**, the Service Plan Amendment clarifies the intent of the Service Plan to provide the authorization of the District to create the Alley Subdistrict, as defined in the Service Plan, as a means by which operations and maintenance for the alleyways may be provided in the event that the District were to own, operate, and maintain the alleyways but not to require the formation of the Alley Subdistrict in the event the District does not own, operate, and maintain the alleyways or deems the ownership, operation, and maintenance of the alleyways unnecessary

**WHEREAS**, pursuant Section G. of the Agreement, the Agreement may be amended, modified, changed, or terminated in whole or in part only by written agreement duly authorized and executed by the Parties to the Agreement; and

**NOW, THEREFORE**, in consideration of the covenants and mutual agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

## COVENANTS AND AGREEMENTS

1. Subdistrict Authorization and Limitation. The first sentence of Paragraph C. of the Agreement is hereby deleted and replaced in full with the following: “Pursuant to Section 32-1-1101, C.R.S., the District is authorized to and may create the Section 27 Metropolitan District Subdistrict consisting of the Alley Loading Units (the “Alley Subdistrict”) to fund the District’s and/or Alley Subdistrict’s ownership, operation and/or maintenance of alleyways benefitting the Alley Loading Units.”

2. Notice. The notice address for the District as provided in Paragraph L. of the Agreement is hereby deleted and replaced in full with the following:

Section 27 Metropolitan District  
c/o Icenogle Seaver Pogue, P.C.  
4725 South Monaco Street, Suite 360  
Denver, Colorado 80237  
Attn: Jennifer Ivey  
Email: jivey@isp-law.com

3. Full Force and Effect. Except as expressly modified by this First Amendment, all other provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the District and the Town have caused this First Amendment to be duly executed as of the day first above written.

SECTION 27 METROPOLITAN DISTRICT

\_\_\_\_\_  
By: Chad Ellington  
Its: President

ATTEST:

\_\_\_\_\_  
By: Todd Johnson  
Its: Treasurer/ Secretary

TOWN OF BENNETT, COLORADO

\_\_\_\_\_  
By: Royce D. Pindell  
\_\_\_\_\_  
Its: Mayor  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
By: Christina Hart  
\_\_\_\_\_  
Its: Town Clerk  
\_\_\_\_\_

**FIRST AMENDMENT TO  
SERVICE PLAN FOR  
SECTION 27 METROPOLITAN DISTRICT  
TOWN OF BENNETT, COLORADO**

Prepared by:

Icenogle Seaver Pogue, P.C.  
4725 S. Monaco St., Suite 360  
Denver, CO 80237

Approved by:

Board of Trustees of the Town of Bennett  
August 22, 2023



**RESOLUTION NO. 982-23**

**A RESOLUTION OF THE TOWN OF BENNETT APPROVING THE  
FIRST AMENDMENT TO SERVICE PLAN FOR  
SECTION 27 METROPOLITAN DISTRICT**

**WHEREAS**, the Town of Bennett (the “**Town**”), pursuant to Title 32, Article 1, of the Colorado Revised Statutes (the “**Special District Act**”), and Chapter 16, Article 5, Division 8 (Sections 16-5-805 *et seq.*) of the Town of Bennett Municipal Code (the “**Special District Code**”), has the authority to approve service plans for metropolitan districts that are organized within the Town’s boundaries; and

**WHEREAS**, Section 27 Metropolitan District (the “**District**”) is a special district organized pursuant to the Special District Act, Section 32-1-101, *et seq.*, C.R.S., and is located wholly within the boundaries of the Town; and

**WHEREAS**, the Town’s Board of Trustees approved a Service Plan for Section 27 Metropolitan District (the “**Service Plan**”) on August 28, 2018 via Resolution No. 722-18; and

**WHEREAS**, pursuant to Section 32-1-207(1), C.R.S., the District shall conform so far as practicable to the approved Service Plan; and

**WHEREAS**, pursuant to Section 32-1-207(2)(a), C.R.S., “material modifications” of the Service Plan must be petitioned to and approved by the Town in substantially the same manner as is provided in the Special District Act for the approval of the original Service Plan; and

**WHEREAS**, pursuant to Section 32-1-207(2)(a), C.R.S., “material modifications” are changes of a “basic or essential nature,” including but not limited to changes to the type and level of services provided by the District, a decrease in the District’s financial ability to discharge debt, and a decrease in the District’s service area; and

**WHEREAS**, pursuant to Section 32-1-207(2)(a), C.R.S., changes to the Service Plan “necessary only for the execution of the original Service Plan” do not require such approval; and

**WHEREAS**, Section V.A.1 of the Service Plan states that “[t]he District shall dedicate the Public Improvements to the Town or other appropriate jurisdiction or owners association in a manner consistent with the Approved Development Plan, the Intergovernmental Agreement, and other rules and regulations of the Town and applicable provisions of the Town Code”; and

**WHEREAS**, Section V.A.18 of the Service Plan requires the District to form the “Alley Subdistrict” for the operations and maintenance of alleyways benefitting the “Alley Loading Units” (as those terms are defined therein); and

**WHEREAS**, the Approved Development Plan, the Final Plat for Bennett Village approved on April 13, 2021 and recorded at reception number 2021000069814 on June 9, 2021 in the records of the Adams County Clerk and Recorder, identifies the alleyways as Tracts B, F, H, L, P, O, and Q and states that all tracts will be owned by the District or a Homeowners' Association; and

**WHEREAS**, Declaration of Covenants, Conditions and Restrictions for Bennett Village recorded at reception number 2023000030986 on June 2, 2023 in the records of the Adams County Clerk and Recorder identify these alleyways as being among the "Common Areas" (as that term is defined therein) that are intended to be owned, operated and maintained by the Bennett Village Community Association, Inc.

**WHEREAS**, it is the intent of the Service Plan to provide the authorization of the District to create the Alley Subdistrict as a means by which operations and maintenance for the alleyways may be provided in the event that the District were to own, operate, and maintain the alleyways but not to require the formation of the Alley Subdistrict in the event the District does not own, operate, and maintain the alleyways or deems the ownership, operation, and maintenance of the alleyways unnecessary; and

**WHEREAS**, Section V.A.23 of the Service Plan provides that actions of the District which violate the terms of Section V.A. shall be deemed material departures from the Service Plan; and

**WHEREAS**, amending the mandated subdistrict provision of Section V.A.18 is not a material modification for purposes of Section 32-1-207(2)(a), C.R.S., as such amendment is not a change of a basic or essential nature; therefore, pursuant to Section 32-1-207(2)(a), petition to and approval by the Town for such amendment in substantially the same manner as is provided in the Special District Act for the approval of the original Service Plan is not required; and

**WHEREAS**, the Town finds that amending the mandated subdistrict provision in Section V.A.18 of the Service Plan is in the best interest of the residents, property owners, and taxpayers of the District.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO, AS FOLLOWS:**

1. Section V.A.18. The first sentence of Section V.A.18 of the Service Plan is hereby deleted in its entirety and replaced with the following: "Pursuant to Section 32-1-1101, C.R.S., the District is authorized to and *may* create the Section 27 Metropolitan District Subdistrict consisting of the Alley Loading Units (the "Alley Subdistrict") to fund the District's and/or Alley Subdistrict's ownership, operation and/or maintenance of alleyways benefitting the Alley Loading Units."

2. Intergovernmental Agreement. The Board hereby approves an amendment to that certain Intergovernmental Agreement between the Town and the District regarding the Service Plan (the “IGA”) to delete the first sentence of Paragraph 3 of the IGA in its entirety and replace it with the following: “Pursuant to Section 32-1-1101, C.R.S., the District is authorized to and *may* create the Section 27 Metropolitan District Subdistrict consisting of the Alley Loading Units (the “Alley Subdistrict”) to fund the District’s and/or Alley Subdistrict’s ownership, operation and/or maintenance of alleyways benefitting the Alley Loading Units.”

3. Effect of First Amendment. Except as specifically amended as set forth in Section 1 herein, all other provisions of the Service Plan shall remain in full force and effect. Except as specifically amended as set forth in Section 2 herein, all other provisions of the IGA shall remain in full force and effect. To the extent there are any inconsistencies with this First Amendment and the Service Plan or the IGA, this First Amendment shall control.

4. Compliance with Special District Act. The Board finds that the amendments made herein do not constitute a material modification of the Service Plan for purposes of Section 32-1-207(a)(2), C.R.S., and therefore the amendments may be approved by this Resolution instead of in the same manner as is provided in the Special District Act for the approval of the original Service Plan.

**INTRODUCED, READ AND ADOPTED THIS 22<sup>ND</sup> DAY OF AUGUST 2023.**

TOWN OF BENNETT, COLORADO

By: \_\_\_\_\_  
Royce D. Pindell, Mayor

ATTEST:

\_\_\_\_\_  
Christina Hart, Town Clerk

## **Suggested Motion**

I move to approve Resolution No. 982-23 – A resolution of the Town of Bennett approving the First Amendment to Service Plan for Section 27 Metropolitan District.

# Outstanding Community Support

*THIS CERTIFICATE IS PROUDLY BESTOWED UPON:*

*Sonya Zimmerman*

*IN RECOGNITION OF REMARKABLE DEDICATION TO THE TOWN OF BENNETT  
AND GOING ABOVE AND BEYOND THE EVERYDAY CALL OF DUTY*

*TUESDAY, AUGUST 22, 2023*

*ROYCE D. PINDELL  
MAYOR OF BENNETT*



*welcome neighbors.*

# STAFF REPORT



welcome neighbors.

TO: Mayor and Town of Bennett Board of Trustees  
FROM: Robin Price, Public Works Director  
DATE: August 22, 2023  
SUBJECT: Phase 1 Recycled Water Pipeline – Segment 3 Change Order Request

## Background

In 2019 and 2022, the Town of Bennett received an Adams County Open Space Grant to implement a recycled water system and deliver recycled water for irrigation use at Trupp Park as well as Civic Center Park. Town Staff has completed the Phase 1 Recycled Water Pipeline – Segment 1 as well as the Phase 2 Recycled Pipeline and is currently working on the startup of the purple pipe pump house and filter system.

The Segment 3 project includes the installation of approximately 2,201 feet of pipe for the recycled water distribution system, including appurtenances, a low point blow-off assembly, two (2) Air release/vacuum breaker valve vaults, ditch crossing and concrete encasement, a hydrant, two (2) connections to existing recycled water lines and other appurtenances indicated on the drawings and price form. The majority of the work is on Town-owned property and/or within existing easements and right-of-ways. Plans for this project were provided by MSK Consulting and W2 dated 7/6/23.

## Summary of Bid

Company	Bid
Dan's Custom Construction, Inc.	\$400,400

Dan's Custom Construction, Inc. provided a responsive bid and is a qualified contractor with experience installing Segment 1, Segment 2 and the pump house and filter. They have also completed several projects with the Town of Bennett and have shown from previous projects how they provide competitive pricing with very little change orders due to the knowledge of the Town's soils, utilities and roads.

When reviewing the RFP, Town Staff did not request concrete repair or seed restoration. Staff estimates a cost of \$2,500 for any concrete replacement and \$25,000 for seed restoration to account for the area of construction that will occur. That amount has been added to the bid from Dan's Custom Construction, Inc. and will not exceed those amounts.

## Staff Recommendation

Town Staff recommends the Board of Trustees authorize the Mayor and the Town of Bennett to approve a change order with Dan's Custom Construction, Inc. in an amount not to exceed \$427,900 for the Phase 1 Recycled Water Pipeline - Segment 3 project.

## Attachments

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1. Dan's Custom Construction, Inc. Construction Proposal
2. Phase 1 Recycled Water Pipeline - Segment 3 Construction Plans

**Dan's Custom Construction, Inc.**

20905 Weld County Road 2  
Brighton, Colorado 80603  
Phone: 303-356-8043

**Proposal Date:** 7/10/2023

**TO:**

Town Bennett  
Purple Pipe-Segment 3  
207 Muegge Way  
Bennett, CO 80102



Description	Total
Purple Pipe- Segment 3	
Install 12" PVC pipe. 2,300' \$100 / ft.	230,000.00
Furnish and install 12". 11.25 bend. Quantity 2. \$2,900.00 each	5,800.00
Furnish and install 12" 22.5 bend. Quantity 7. \$2,900.00 each	20,300.00
Furnish and install 12" 45 bend. Quantity 4. \$2,900.00 each	11,600.00
Furnish and install 12" 90 bend. Quantity 3. \$2,900.00 each	8,700.00
Furnish and install 12" gate valve. Quantity 2. \$8,900.00 each	17,800.00
Furnish and install 12" coupling. Quantity 1. \$2,100.00 each	2,100.00
Furnish and install extended length fire hydrant assembly.	16,800.00
Furnish and install low point blowoff assembly.	8,200.00
Furnish and install air relief valves in 4' manholes. Quantity 2. \$12,400.00 each	24,800.00
Directional drill under utility congestion.	28,500.00
Concrete encase pipe as designed. Including concrete pump.	14,900.00
Provide and install 8' bury hydrant.	10,900.00

<b>Total</b>	\$400,400.00
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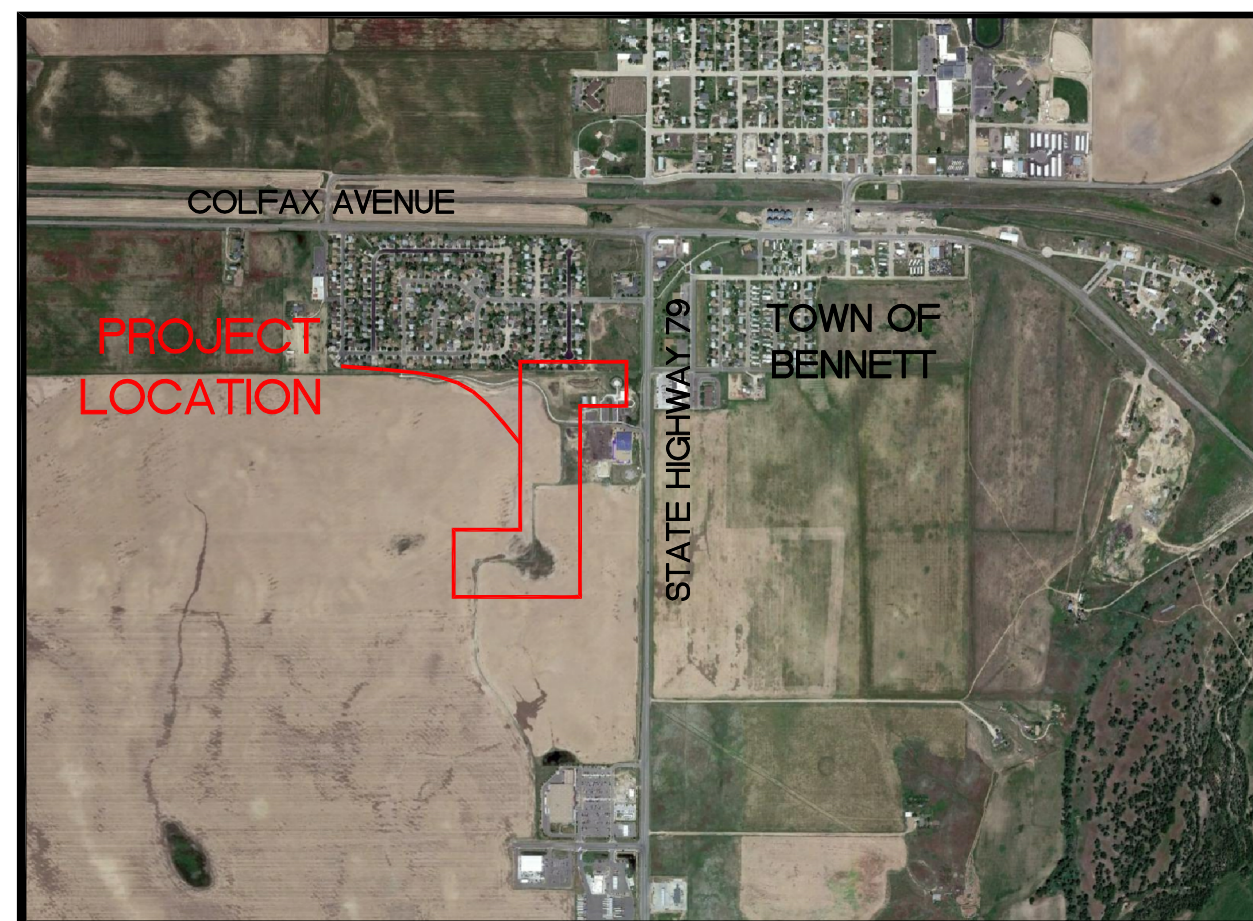
# CONSTRUCTION PLANS

FOR THE

# PHASE 1 RECYCLED WATER PIPELINE - SEGMENT 3

PREPARED FOR  
TOWN OF BENNETT

JULY 2023



LOCATION MAP  
NOT TO SCALE

### DRAWING INDEX

SHEET	DWG NO.	DESCRIPTION
1	G01	COVER SHEET AND NOTES
2	PP01	PLAN & PROFILE STA 63+81.33 TO 76+50
3	PP02	PLAN & PROFILE STA 76+50 TO 85+83.18

**OWNER**  
TOWN OF BENNETT  
207 MUEGGE WAY  
BENNETT, CO 80102  
303-644-3249  
ATTN: ROBIN PRICE, PUBLIC WORKS DIRECTOR

**CONSULTANTS**  
SURVEY DALEY LAND SURVEYING, INC.

**SURVEY INFORMATION**  
COORDINATE SYSTEM IS MODIFIED STATE PLANE ZONE 502 REFERENCED TO NAVD88  
NGS BENCHMARK D259, PUBLISHED ELEVATION 5458.57 FEET.

- TOWN OF BENNETT STANDARD NOTES:**
- All construction shall conform to the Town of Bennett's Design and Construction Standards.
  - All materials and workmanship shall be subject to inspection by the Town's Public Works and Engineering Division. The Town reserves the right to accept or reject any such materials and workmanship that does not conform to its Standards and Specifications.
  - Contractor shall notify the Engineering Division or the Department of Public Works a minimum of 48 hours and a maximum of 96 hours prior to starting construction.
  - Location of existing utilities shall be verified by the Contractor prior to actual construction.
  - The Contractor shall have one (1) signed copy of the plans and (1) copy of the Design and Construction Standards at the job site at all times.
  - A plan for traffic control during construction shall be submitted to the Town for acceptance with the permit application. An excavation public improvements construction permit will not be issued without an approved traffic control plan for traffic control during construction.

- ADDITIONAL PROJECT NOTES:**
- THE TOWN IS FURNISHING THE 12" C900 DR18 PVC PIPE ONLY. ALL FITTINGS, APPURTENANCES, AND OTHER PIPE SIZES ARE TO BE FURNISHED BY THE CONTRACTOR.
  - REFER TO THE TOWN OF BENNETT STANDARDS (LATEST VERSION) FOR UTILITY CONSTRUCTION INFORMATION AND DETAILS.
  - CONTRACTOR SHALL CALL FOR UTILITY LOCATES AND POTHOLE EXISTING UTILITIES PRIOR TO CONSTRUCTION.
  - THE CONTRACTOR IS RESPONSIBLE FOR PREPARING AND SUBMITTING EROSION CONTROL PLANS TO THE TOWN FOR APPROVAL PRIOR TO CONSTRUCTION.
  - SITE RESTORATION SHALL CONFORM TO TOWN STANDARDS.



LINE IS ONE INCH  
ON ORIGINAL DRAWING  
IF NOT ONE INCH,  
ADJUST ACCORDINGLY

REVISIONS	NO.	DESCRIPTION	DATE				

MSK PROJECT NO:  
38-002-02  
DRAWN BY: DLT  
DESIGNED BY: DLT  
CHECKED BY: WR  
DATE: 7/6/23  
SCALE: NO SCALE

TOWN OF BENNETT  
  
PHASE 1  
RECYCLED  
WATER PIPELINE  
SEGMENT 3

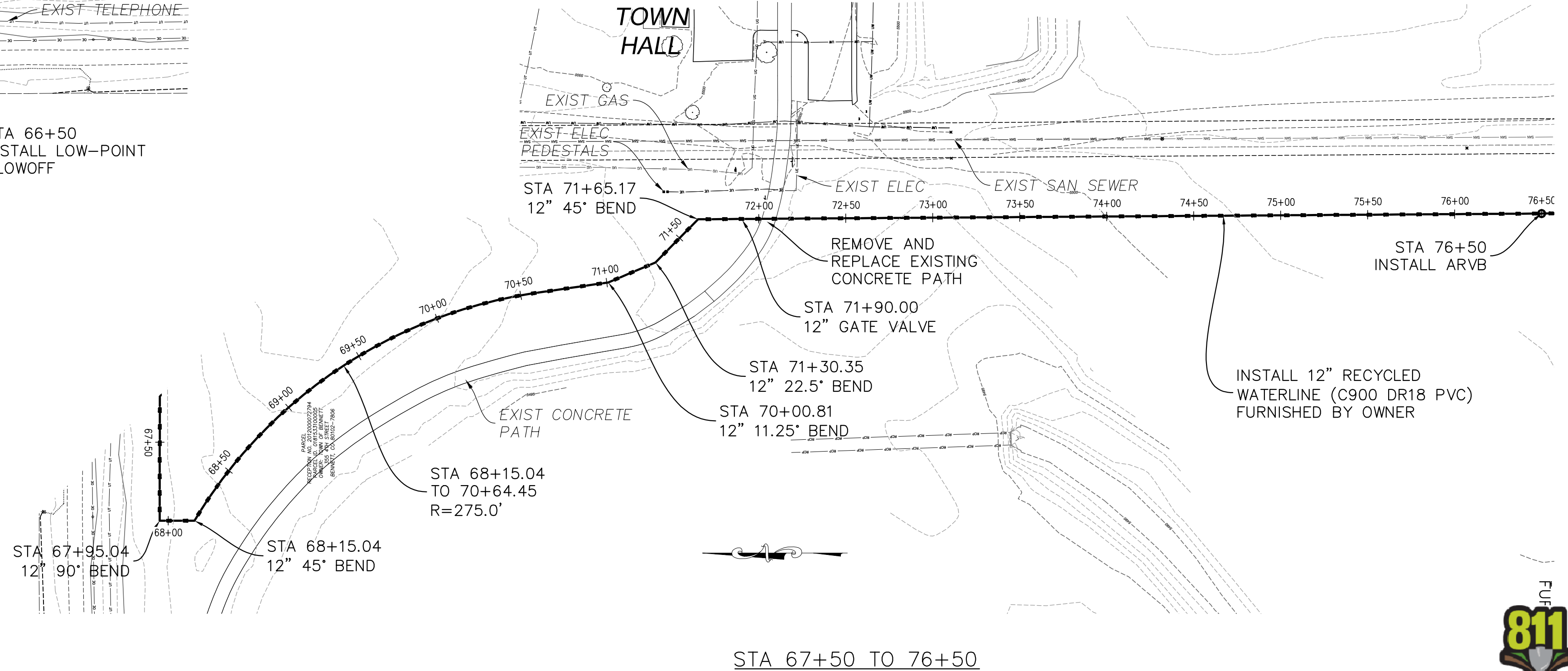
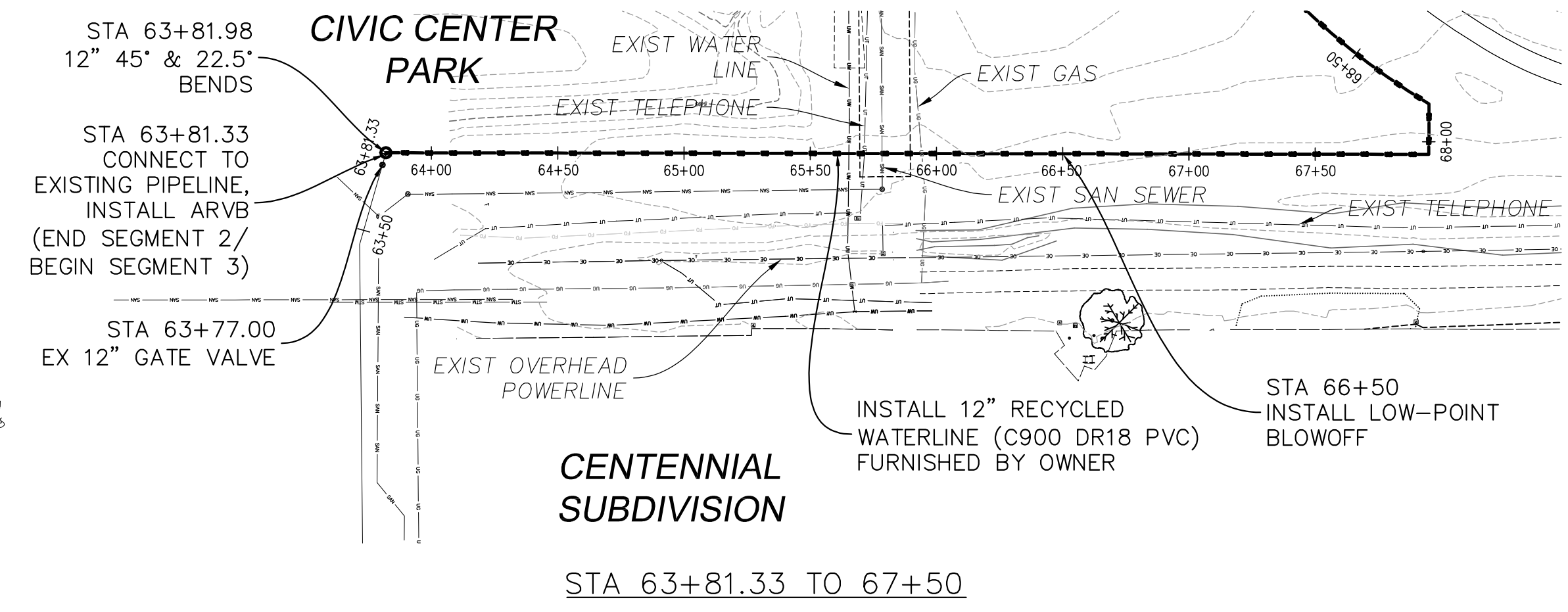
**BID DRAWING**

COVER SHEET  
AND NOTES

**G01**  
SHEET 1 OF 3





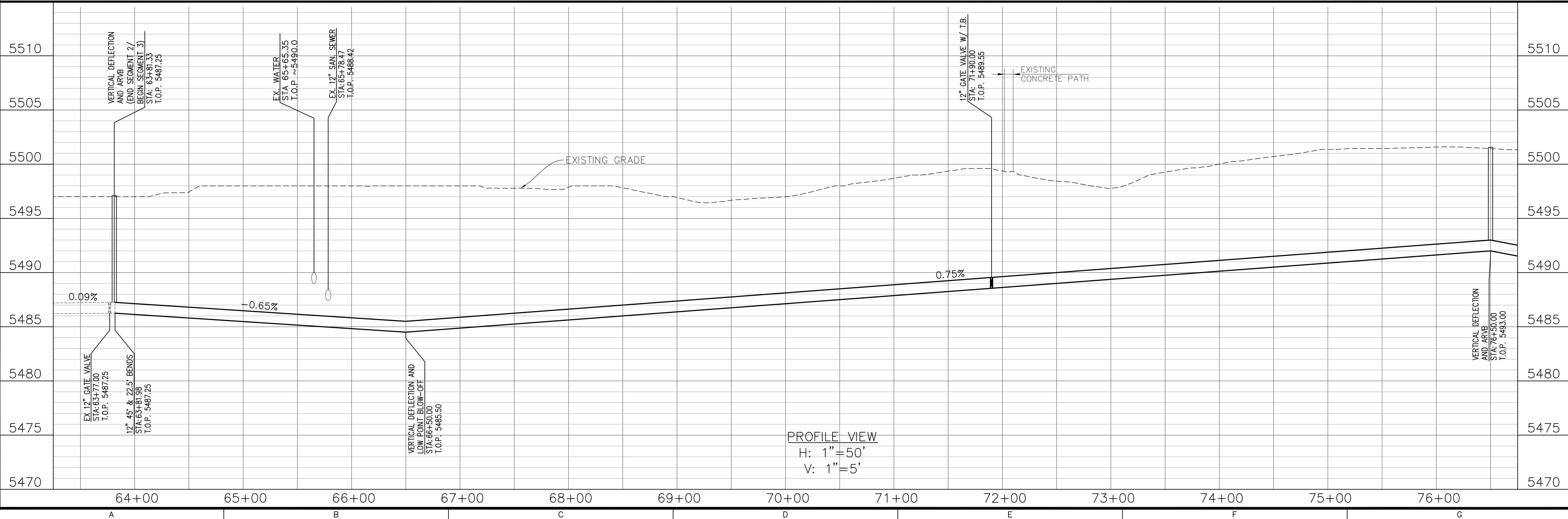


- NOTES:
1. THE TOWN IS FURNISHING THE 12" C900 PVC PIPE ONLY. ALL FITTINGS, APPURTENANCES, AND OTHER PIPE SIZES ARE TO BE FURNISHED BY THE CONTRACTOR.
  2. ALL FITTINGS AND VALVES ARE TO BE RESTRAINED PER TOWN STANDARDS.
  3. THE CONTRACTOR IS RESPONSIBLE FOR PREPARING AND SUBMITTING EROSION CONTROL PLANS TO THE TOWN FOR APPROVAL PRIOR TO CONSTRUCTION.
  4. SITE RESTORATION SHALL CONFORM TO TOWN STANDARDS.

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NO.	DESCRIPTION	DATE			



MSK PROJECT NO: 38-002-02

DRAWN BY: DLT  
DESIGNED BY: DLT  
CHECKED BY: WR  
DATE: 7/6/23  
SCALE: AS SHOWN

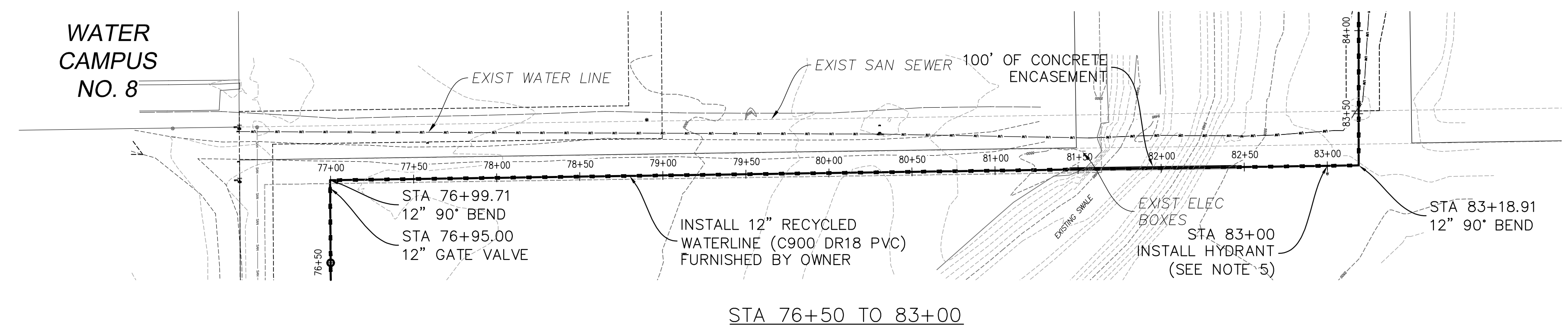
TOWN OF BENNETT  
  
PHASE 1 RECYCLED WATER PIPELINE SEGMENT 3

**BID DRAWING**

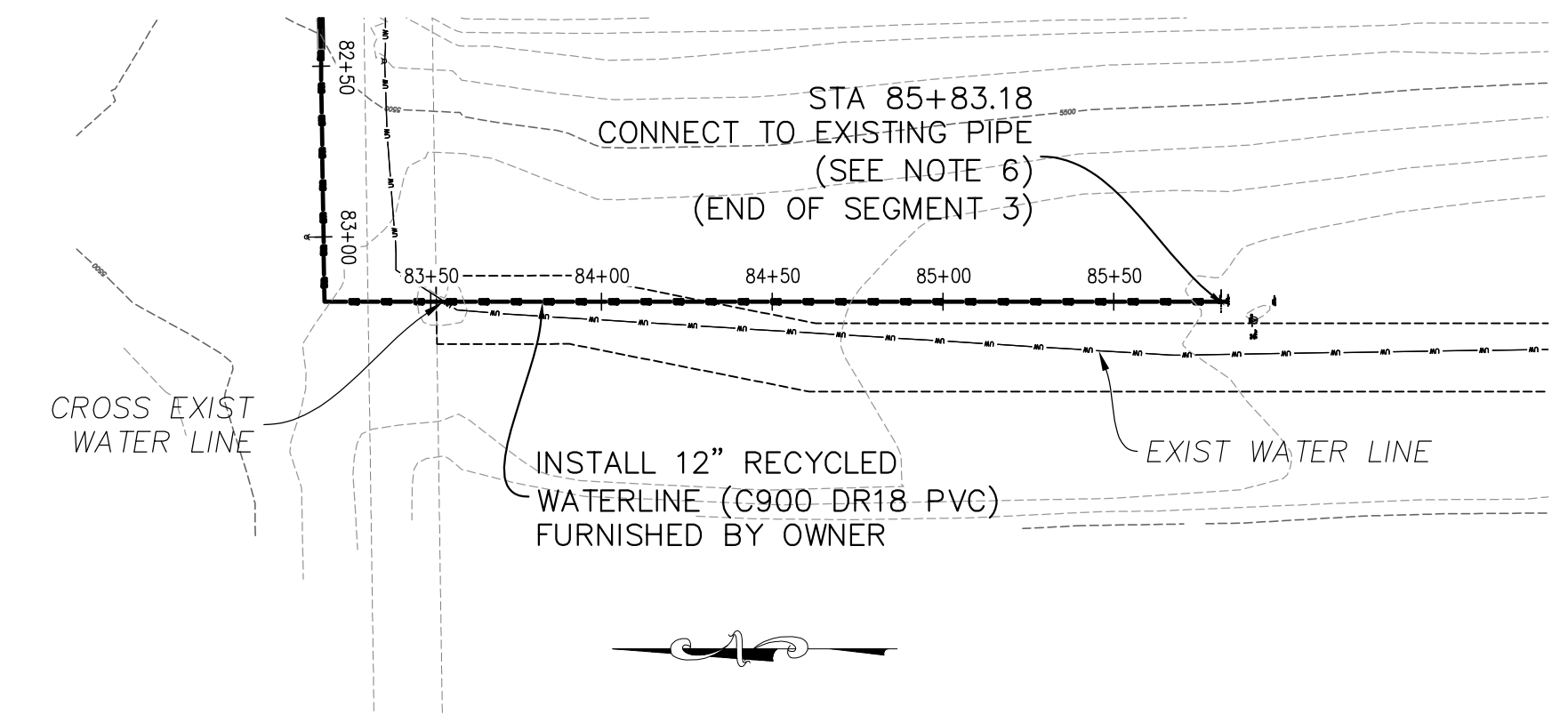
PLAN & PROFILE  
STA 63+81.33 TO 76+50

**PP01**  
SHEET 2 OF 3

**WATER CAMPUS NO. 8**



STA 76+50 TO 83+00



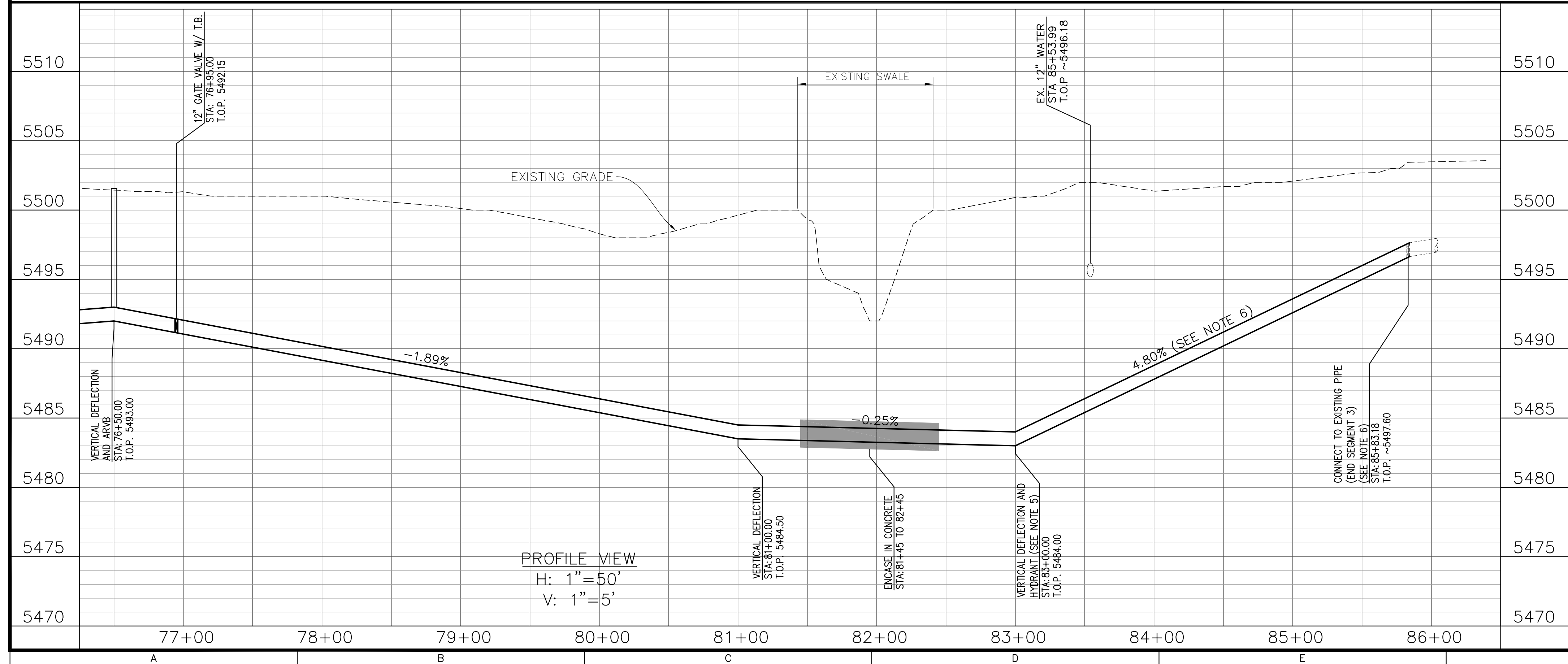
STA 83+00 TO 85+83.18

- NOTES:**
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  2. ALL FITTINGS AND VALVES ARE TO BE RESTRAINED PER TOWN STANDARDS.
  3. THE CONTRACTOR IS RESPONSIBLE FOR PREPARING AND SUBMITTING EROSION CONTROL PLANS TO THE TOWN FOR APPROVAL PRIOR TO CONSTRUCTION.
  4. SITE RESTORATION SHALL CONFORM TO TOWN STANDARDS.
  5. PAINT HYDRANT PURPLE.
  6. PRIOR TO CONSTRUCTION, CONTRACTOR TO UNCOVER EXISTING NON-POTABLE VALVE TO DETERMINE DEPTH AND FINAL SLOPE.



LINE IS ONE INCH ON ORIGINAL DRAWING  
IF NOT ONE INCH, ADJUST ACCORDINGLY

NO.	DESCRIPTION	DATE	REVISIONS			
			1	2	3	4



**PROFILE VIEW**  
H: 1"=50'  
V: 1"=5'

MSK PROJECT NO: 38-002-02  
DRAWN BY: DLT  
DESIGNED BY: DLT  
CHECKED BY: WR  
DATE: 7/6/23  
SCALE: AS SHOWN

**TOWN OF BENNETT**  
  
**PHASE 1 RECYCLED WATER PIPELINE SEGMENT 3**

**BID DRAWING**

PLAN & PROFILE  
STA 76+50 TO 85+83.18

**PP02**  
SHEET 3 OF 3

## Suggested Motion

I move to authorize the Mayor and the Town of Bennett to execute a change order with Dan's Custom Construction, Inc. in an amount not to exceed \$427,900 for the Phase 1 Recycled Water Pipeline – Segment 3 project.