TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
March 28th, 2017

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, March 28, 2017 at the Bennett Town Hall, 355 4th Street, Bennett, Colorado. Mayor Royce Pindell called the meeting to order at 7:03 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell

Trustees Present: Darvin Harrell
                Neal Mancuso
                Grider Lee – Unexcused Absent
                Rich Pulliam
                Larry Vittum

Staff Present: Melinda Culley, Light, Kelly, P.C.
               Daymon Johnson, Public Works Director
               Trish Stiles, Town Administrator
               Christina Hart, Administrative Assistant
               Deb Merkle – Community Development
               Melissa Kendrick – Kendrick Consulting
               Dan Giroux – Terramax, Inc.
               Jose Rocha – Economic Development

Public Present: Kay McClure, Steven Vetter, Becky Hogan, Zach Stall, Erin Davis, Barbara Wilson, Diane Moler, Nichole Harrell, Rachel Glass, Caleb Connor, Phyllis Webb, Chris Lechman

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Royce Pindell.

3. APPROVAL OF AGENDA AS AMENDED

TRUSTEE PULLIAM MOVED, TRUSTEE MANCUSO SECONDED to approve the agenda as amended; removal of Ordinance 672-17, lease purchase agreement as well as related documents, replacing Ordinance 672-17 with Resolution 664-17 approving term sheet with Key Government Finance. The Mayor declared the motion carried by unanimous vote.

4. CONSENT AGENDA

TRUSTEE MANCUSO MOVED, TRUSTEE VITTUM SECONDED to approve the Consent Agenda as presented. Voting was as follows;

YES: Harrell, Mancuso, Pulliam, Vittum, Pindell
NO: None
ABSENT: Lee

The Mayor declared the motion carried by unanimous vote.

A. Approval of Minutes
   1. Approval of March 14, 2017 Regular Meeting Minutes
B. Approval of Town Administrator Overall Evaluation Form
5. **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Kay McClure expressed a desire to post information at Antelope Hills when public works is performing maintenance i.e.: weed mitigation, mosquito spraying, etc.

6. **REGULAR BUSINESS**

A. **Action/Discussion Items**

1. **Bennett Crossing Filing No. 2 Subdivision Improvement Agreement – LGI Homes**

   Melinda Culley, Town Attorney, provided a summary of the provisions of the SIA. The SIA covers the residential portion of Bennett Crossing Filing 2, approximately 275 single family lots, property currently owned by LGI. A larger parcel is retained by Gayeski Capital Equities for commercial purposes, which is not covered by the SIA agreement. Section 1.11 of SIA states LGI must post letter of credit or cash escrow. 2 phases; first phase includes 147 lots West of Adams Street; second phase includes 128 lots East of Adams Street. Section 3.3 of SIA requires LGI to construct one half of western segment of Edwards Ave (future Highway 79). Staff determined east segment of Edwards isn’t currently needed; LGI will pay town $351,493.81 towards constructions costs, paid prior to any issued building permits for phase 2. LGI will pay $40,000.00 towards a northern portion of Adams Ave. Section 4.1 requires LGI to pay cash in lieu of school dedication $207,000.00. Project is water short, cash in lieu $574,000.00 to be paid before first building permit. LGI has received 125 water taps, 75 taps to be used then purchase 1 tap at a time. Section 6.2 LGI can use Cherry St water main for sewer.

   TRUSTEE PULLIAM MOVED, TRUSTEE MANCUSO SECONDED to approve Resolution No. 663-17, a Resolution Approving a Subdivision Agreement for Bennett Crossing Filing No. 2.

   Voting was as follows:

   **YES:** Harrell, Mancuso, Vittum, Pulliam, Pindell
   **NO:** None
   **ABSENT:** Lee

   The Mayor declared the motion carried by unanimous vote.

2. **Terms Sheet with Key Government Finance**

   Alan Matlosz, George K Baum and Company, provided a summary of the Key Bank proposal. Allows the Town of Bennett to borrow money at 3.11% rate, locked in after agreement finalized. Fixed rate for 15 years. 19 year amortization. Pre-payment with no penalty. Proposal amount $1,453,900.00. Approval of term sheet required to move forward. No reserve is required.

   TRUSTEE PULLIAM MOVED, TRUSTEE VITTUM SECONDED to adopt Resolution No. 664-17, a Resolution Approving a Term Sheet with Key Government Finance for a Proposed Tax-Exempt Lease Purchase Financing. Voting was as follows:

   **YES:** Harrell, Pulliam, Vittum, Mancuso, Pindell
   **NO:** None
   **ABSENT:** Lee

   The Mayor declared the motion carried by unanimous vote.

3. **George K Baum Loan Arranger Agreement**

   George K Baum will provide the Town of Bennett with loan arranger and investment banking services, not tax counsel. Loan arranger fee of .95% of loan principal amount payable to George K Baum as loan arranger.

   TRUSTEE PULLIAM MOVED, TRUSTEE VITTUM SECONDED to approve the loan arranger engagement agreement between the Town of Bennett and George K Baum and Company. Voting was as follows:

   **YES:** Harrell, Mancuso, Pulliam, Vittum, Pindell
   **NO:** None
   **ABSENT:** Lee

   The Mayor declared the motion carried by unanimous vote.
4. Construction Contract with Lefever Building Systems for Town Hall Project

Dyamon Johnson, Public Works Director, provided an update on the construction contract with Lefever Building Systems. The contract has been finalized for $1,171,219.00. A preliminary floor plan has been generated. Project slated for completion December 2017. The architecture and engineering services are under the scope of another contract. Contract price negotiations will include removal of quonset building.

TRUSTEE MANCUSO MOVED, TRUSTEE VITTUM SECONDED to approve Resolution No. 662-17 – A Resolution Approving a Construction Contract with Lefever Building Systems for the Bennett Town Hall Project. Voting was as follows:

YES: Harrell, Mancuso, Pulliam, Vittum, Pindell
NO: None
ABSENT: Lee

The Mayor declared the motion carried by unanimous vote.

5. Bennett Community Food Bank – Lease Payment Forgiveness

Trish Stiles, Town Administrator, presented, on behalf of the Bennett Community Food Bank, a letter from the Food Bank Director requesting an extension of the community center lease payment forgiveness. The Bennett Community Food Bank is applying for the Bennett Gives Back Grant.

TRUSTEE MANCUSO MOVED, TRUSTEE PULLIAM SECONDED to amend the terms of the existing agreement with the Bennett Community Food Bank to extend the date from March 30th to June 30th, 2017 concerning the rent forgiveness. Voting was as follows:

YES: Harrell, Mancuso, Pulliam, Vittum, Pindell
NO: None
ABSENT: Lee

The Mayor declared the motion carried by unanimous vote.

6. Board of Trustees and Planning and Zoning Commission Applicants

Trish Stiles, Town Administrator, reported that Board of Trustee applicant Susanne Reams, rescinded her application for the Board of Trustees position via email on March 28, 2017.

Chris Lechman and Phyllis Webb were present at the board meeting. The Board of Trustees asked questions of the applicants prior to voting for the Trustee vacancy.

TRUSTEE HARRELL MOVED, TRUSTEE VITTUM SECONDED to vote by paper ballot with names of Trustees along with the candidate voted for, on the paper ballot. Voting was as follows:

YES: Harrell, Vittum, Mancuso, Pulliam, Pindell
NO: None
ABSENT: Lee

The Mayor declared the motion carried by unanimous vote.

With a vote of 3 to 2, the Mayor declared Phyllis Webb as the new Trustee:
Harrell, Vittum, Pindell – Phyllis Webb
Mancuso, Pulliam – Chris Leachman

Trish Stiles, Town Administrator, reported there is a vacancy on the Planning and Zoning Commission, due to the removal of Mr. Conrad Cichos. Rachel Glass provided an application to fill the vacant Commissioner’s seat.

TRUSTEE MANCUSO MOVED, TRUSTEE VITTUM SECONDED to appoint Rachel Glass to the Planning and Zoning Commission. Voting was as follows:

YES: Harrell, Vittum, Mancuso, Pulliam, Pindell
NO: None
ABSENT: Lee

The Mayor declared the motion carried by unanimous vote.
7. Amending BMC – Regular Board Meeting Day – Ordinance No. 673-17

Trish Stiles, Town Administrator, reported on a suggested change of the regular Board of Trustees meetings from the second and fourth Tuesdays of each month to the second and fourth Monday’s of each month. The suggestion was made during the March 14, 2017 regular town board meeting. If approved the new date of the board meeting would begin May 8th.

TRUSTEE PULLIAM MOVED, TRUSTEE PINDELL SECONDED to adopt Ordinance No. 673-17 an ordinance Amending the Bennett Municipal Code concerning the Dates and Times of the Meetings of The Board of Trustees: Voting was as follows:

YES:: Pulliam, Pindell
NO: Vittum, Harrell, Mancuso
ABSENT: Lee

The Mayor declared by a vote of 3 to 2 the motion does not carry.

8. Town of Bennett Development Updates

Deb Merkle, Community Development Manager, reported on the software program Comcast, for code enforcement, and animal control development. The software allows for easy tracking of clients. Comcast will allow Town Administrator, town engineer, and town planner access with the ability to track progress expeditiously.

Melissa Kendrick, Town Planner, reported on the progress of outstanding projects of Bennett Crossing Filing 2, Colorado Auto Parts & Steel, Cordella Estates and Penrith Park.

The Town of Bennett website has produced many updates for potential applicants/developers i.e.: applications and fees.

Farmers Market has a Temporary Use Permit, for the fifth year. King Soopers is amending their plan for a 60’ sign. Shops at Civic Center site plan, undetermined if this will be finalized due to financing challenges of the owner.

Jose Rocha, Economic Development Manager, reported on the “Find Properties in Bennett” link/information on the Town of Bennett webpage.

TOWN STAFF REPORTS

Town Administrator

Trish Stiles, Town Administrator, provided the following report;

- The Town of Bennett was recommended for funding from the Adams County Open Space Advisory Board for the skate park installation.
- Town Staff retreat the morning of April 5th. Town Hall will be closed till after lunch.
- Trish will not be in attendance at the April 11th board meeting.
- Jim Woods, president of fire district, approached the Town of Bennett regarding the fire district’s space limitations and the possible placement of a temporary modular building, located adjacent to the office’s at Shari’s Court. May require tapping into the town’s water and sewer lines and possibly asking for deferment of the required fees.
- The Adams County Mayors, Managers Youth Awards are April 27.
Public Works

Daymon Johnson, Public Works Director, presented the following:
- New Town Hall preliminary floor plan submitted.
- Received fund commitment from the State of Colorado, for Antelope Hills, for trails and shelter. Storm water management plan has been submitted by Kuhn Construction for the trails. The shelter is required to be graded by April 17th. Kuhn Construction needs confirmation design. Trails deadline June 30th, 2017.
- RFP’s have been sent out.
- Dirt work is complete in the median at Cordella Estates. Electric slated for installation week of April 3rd, followed by installation of irrigation, trees and sod.
- Veteran’s Memorial planting plan submitted to veterans. Slated for completion by May 26th.
- Shared Services building; Wainscoting is in place.
- Public Works has opening for full time employee.

Town Clerk

Christina Hart, Administrative Assistant, presented the following;
- Additional keyless entries have been added to community center. Exterior kitchen door installed. Interior kitchen door and janitor closet keyless locks will be installed week of April 8th.

9. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Neal Mancuso

Trustee Mancuso reported the Bennett School K-5 playground approved. The Bennett Recreation Center was approved to receive a $180,000.00 grant for the dehumidifier.

Larry Vittum

Trustee Vittum reported on the March 15, 2017 DRCOG meeting regarding transportation system. The TABOR Bill formula is based on population growth and rate of inflation. A new senate bill wants to change the TABOR formula to raise taxes.

Royce Pindell

Mayors and Managers are invited to the Adams County Youth Awards April 27th at 6:00 p.m. Arapahoe County Youth Awards are April 12th at Centennial Airport. Attending Metro Mayors Caucus April 5th.

10. ADJOURNMENT

TRUSTEE MANCUSO MOVED, TRUSTEE VITTUM SECONDED to adjourn the meeting. The Mayor declared the motion carried by unanimous vote. The meeting was adjourned at 9:20 P.M.

[Signature]
Royce D. Pindell, Mayor

[Signature]
Christina Hart, Administrative Assistant