1. **CALL TO ORDER**

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, July 26, 2016, at the Bennett Town Hall, 355 4th Street, Bennett, Colorado. Mayor Royce Pindell called the meeting to order at 7:02 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell  

Trustees Present: Carl Gerber - *Excused*  
Darvin Harrell  
Glider Lee  
Neal Mancuso  
Rich Pulliam  
Larry Vittum  

Staff Present: Melinda Culley, *Light, Kelly, P.C.*  
Daymon Johnson, *Public Works Director*  
Rachel Summers, *Administrative Services*  
Trish Stiles, *Town Administrator*  
Lynette White, *Town Clerk*  

Public Present: Pat Siegman  

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Royce Pindell.

3. **APPROVAL OF AGENDA**

TRUSTEE MANCUSO MOVED, TRUSTEE VITTUM SECONDED to approve the agenda as presented. The Mayor declared the motion carried by unanimous vote.

4. **CONSENT AGENDA**

TRUSTEE PULLIAM MOVED, TRUSTEE MANCUSO SECONDED to Move Consent Agenda, A. Approval of Minutes, 1. July 12, 2016 to Regular Business, B. Action Discussion Items, 2. The Mayor declared the motion carried by unanimous vote.

5. **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

There were no public comments on items not on the agenda presented.
6. **REGULAR BUSINESS**

A. **Public Hearing(s)**

1. **Case No. 16.11CM – Adoption of Development Design Guidelines, Rezoning’s, Establishment of the Overlay Boundary Districts**

Mayor Royce Pindell opened the public hearing on Case No. 16.11CM. A public hearing on the Town of Bennett Development Design Guidelines. Town Clerk, Lynette White stated for the record the Notice of Public Hearing was posted in accordance with State Statute and published in the Eastern Colorado News, July 1, 2016 as Legal No. 1932.

There were no questions presented from the public on this issue or additional discussion of the Board of Trustees.

Mayor Royce Pindell closed the public hearing on Case No. 16.11CM. A public hearing on the Town of Bennett Development Design Guidelines.

**Resolution No. 633-16 – A Resolution Approving Town of Bennett Design Guidelines**

TRUSTEE MANCUSO MOVED, TRUSTEE PULLIAM SECONDED to approve Resolution No. 633-16, a resolution approving the Town of Bennett Development Design Guidelines. Voting was as follows;

**YES:** Harrell, Lee, Mancuso, Pindell, Pulliam, Vittum

**NO:** None

**EXCUSED:** Gerber

The Mayor declared the motion carried by unanimous vote.

**Continuation of Public Hearing on Proposed Rezoning’s for the Moler Construction Duplex, Central Industrial Park, thirty-three properties to be rezoned Public, Establishment of the Overlay Boundary Districts**

TRUSTEE PULLIAM MOVED, TRUSTEE VITTUM SECONDED that the public hearing on the proposed rezoning’s for the Moler Construction Duplex, Central Industrial Park and the thirty-three properties to be rezoned Public and regarding the establishment of the overlay district boundaries be continued until the Board’s regular meeting on August 23, 2016 at 7:00 p.m. at Bennett Town Hall. Voting was as follows;

**YES:** Lee, Mancuso, Pindell, Pulliam, Vittum, Harrell

**NO:** None

**EXCUSED:** Gerber

The Mayor declared the motion carried by unanimous vote.
B. Action/Discussion Items

1. RFP 16-007 – Centennial Park, Design-Build Bid Recommendation

Rachel Summers, Administrative Services Director, presented RFP 16-007, Centennial Park Design, Build to the Board of Trustees. Ms. Summers advised bids were received from Children’s Playstructures & Recreation – $316,000; Goodland Construction Inc. – $315,000.

The Town of Bennett has been awarded a Community Development Block Grant (CDBG) in the amount of $316,000, which is the total project budget.

It is the recommendation of Town Staff that the Centennial Park Design Build contract be awarded to Goodland Construction with the requirement of use of Children’s Playstructures for the playground and rubber surfacing.

TRUSTEE MANCUSO MOVED, TRUSTEE PULLIAM SECONDED that the Centennial Park Design Build contract is awarded to Goodland Construction with the requirement of use of Children’s Playstructures for the playground and rubber surfacing. Voting was as follows:

YES: Mancuso, Pindell, Pulliam, Vittum, Harrell, Lee,
NO: None
EXCUSED: Gerber

The Mayor declared the motion carried by unanimous vote.

2. Adams County Community Development Block Grant Subgrantee Agreement – Centennial Park

Resolution No. 632-16 – A Resolution Approving a Subgrantee Agreement with the County of Adams for Community Development Block Grant Activity

TRUSTEE MANCUSO MOVED, TRUSTEE VITTUM SECONDED to approve Resolution No. 632-16, a resolution approving a Subgrantee Agreement with the County of Adams for Community Development Block Grant Activity. Voting was as follows:

YES: Pindell, Pulliam, Vittum, Harrell, Lee, Mancuso
NO: None
EXCUSED: Gerber

The Mayor declared the motion carried by a unanimous vote.

3. Approval of Regular Meeting Minutes – July 12, 2016

TRUSTEE PULLIAM MOVED, TRUSTEE MANCUSO SECONDED to approve the regular meeting minutes of July 12, 2016 with the following correction. The Mayor declared the motion carried by unanimous vote.

TRUSTEE VITTUM MOVED, TRUSTEE LEE SECONDED to approve Resolution No. 631-16, a resolution approving a Second Amendment to the Agreement by and between the Town of Bennett and FEI Engineers, Inc., for Engineer Consulting Services. Voting was as follows:

YES: Gerber, Harrell, Lee, Pindell, Vittum
NO: None
ABSENT: Mancuso, Vittum, Pulliam
7. **TOWN STAFF REPORTS**

**Town Administrator**

Trish Stiles, Town Administrator, reviewed the following;
- Bennett's Best Neighbor
- Town Board Retreat, Thursday, July 21, 2016, 7:30am at Front Range Airport
- State of the Town, Friday, July 22, 2016

**Public Works Director**

Daymon Johnson, Public Works Director, provided the following;
- VFD Failure at Well No. 8/Emergency Declaration
- Elevated Water Tank Pre-Construction Meeting/Schedule
- Shared Services Center Update
- Street Improvement Project Update

**Administrative Services/Town Treasurer**

Rachel Summers, Town Treasurer, reported on the following;
- Trupp Park Grant Application for shade structure
- Arapahoe County Grant applications
- Budget Calendar

8. **TRUSTEE COMMENTS AND COMMITTEE REPORTS**

**Royce Pindell**

Mayor Pindell discussed the success of the State of the Town and thanked Town Staff.

**Larry Vittum**

Trustee Vittum presented the following;
- Denver Regional Council of Governments (DRCOG) Meeting update
- DRCOG Small Communities Meeting, Thursday, September 15, 2016

**Neal Mancuso**

Trustee Mancuso inquired about the water pressure number for the elevated storage tank.

**Rich Pulliam**

Mayor Pro Tem Pulliam provided a Road Committee Meeting update and inquired about the repair of the trails and weed mitigation.

The Mayor declared a recess at 8:05 p.m. The meeting was resumed at 8:15 p.m.
9. EXECUTIVE SESSION

To confer with an attorney for the Town for the purposes of receiving legal advice on specific legal questions – Water Main Break

TRUSTEE PULLIAM MOVED, TRUSTEE VITTUM SECONDED to go into executive session for a conference with the town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and the following additional details are provided for identification purposes; Water Main Break. Voting was as follows;

YES: Harrell, Lee, Mancuso, Pindell, Pulliam, Vittum
NO: None
EXCUSED: Gerber

The Mayor declared the motion carried by unanimous vote. The Board went into executive session at 8:15 p.m.

The Town Attorney announced, it is her opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication and therefore has recommended that no further record be kept of this executive session. The Mayor announced that the Town Attorney has recommended no further record be kept; the tape recorder was turned off at 8:17 p.m.

The tape recorder was turned back on at 8:55 p.m. because the privileged attorney-client communication is finished. The executive session has concluded. The participants in the executive session were; Larry Vittum, Gridr Lee, Melinda Culley, Trish Stiles, Darvin Harrell, Neal Mancuso, Rich Pulliam, and Royce Pindell. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. Seeing none we now conclude the executive session and return to the open meeting.

TRUSTEE MANCUSO MOVED, TRUSTEE PULLIAM SECONDED to instruct the Town Administrator to engage Baldwin Morgan & Rider, P.C to examine further litigation to recover damages resulting from the Town’s water main break. Voting was as follows;

YES: Harrell, Lee, Mancuso, Pindell, Pulliam, Vittum
NO: None
EXCUSED: Gerber

The Mayor declared the motion carried by unanimous vote.

10. ADJOURNMENT

TRUSTEE PULLIAM MOVED, TRUSTEE VITTUM SECONDED to adjourn the meeting. The Mayor declared the motion carried by unanimous vote. The meeting was adjourned at 9:05 P.M.

[Signatures]
Lynette F. White, CMC
Town Clerk
Royce D. Pindell, Mayor