

**TOWN OF BENNETT, COLORADO**  
**BOARD OF TRUSTEES**  
**Regular Meeting**  
**May 12, 2015**

---

**1. CALL TO ORDER**

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, May 12, 2015 at the Bennett Town Hall, 355 4<sup>th</sup> Street, Bennett, Colorado. Mayor Sue F. Horn called the meeting to order at 7:01 p.m. The following persons were present upon the call of the roll:

Mayor: Sue F. Horn

Trustees Present: Charles Bayley  
Darvin Harrell  
Grider Lee  
Jim Pieters  
Royce Pindell  
Larry Vittum

Staff Present: Melinda Culley, *Town Attorney*  
Daymon Johnson, *Public Works Director*  
Trish Stiles, *Town Administrator*  
Rachel Summers, *Town Treasurer/Administrative Services*  
Lynette F. White, *Town Clerk*

Public Present: Pat Siegman, Flora Goodnight, Cam Kepler, Yvonne Read, Abbie Mitchell, Linda Burry, David Nowling, Amanda Cronk

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Sue F. Horn.

**3. APPROVAL OF AGENDA**

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

**4. CONSENT AGENDA**

TRUSTEE BAYLEY MOVED, TRUSTEE VITTUM SECONDED to **Move 4. Consent Agenda, C. Resolution, 1. Resolution No. 588-15, Amending Rates and Charges for Wastewater Service Provided by the Town to 6. Regular Business, A. Action/Discussion Items, 4.** The Mayor declared the motion carried by unanimous vote. The Consent Agenda was approved as amended. Voting was as follows:

YES: Bayley, Horn, Harrell, Lee, Pieters, Pindell, Vittum

NO: None

The Mayor declared the motion carried by unanimous vote.

**A. Approval of Minutes**

1. Action: Approve Regular Meeting minutes of April 28, 2015

2. Action: Approve Special Meeting Minutes of May 5, 2015

**B. Contract – Bid Acceptance**

1. Action: Approve contract with Colorado Pump & Supply – Well No. 9 Repair

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

David Nowling, 985 Pinehurst Court, addressed the Board of Trustees regarding the impact of the proposed ordinance to allow chickens and ducks in residential areas, to the covenants of the Antelope Hills Homeowners Association.

**6. REGULAR BUSINESS**

**A. Action/Discussion Items**

**1. Ordinance No. 652-15 – Amending Chapter 7 of the Bennett Municipal Code to Permit the Keeping of Chickens and Ducks on Residential Lots and Adopting Related Regulations**

Deb Merkle, Community Development presented the following staff report to the Board; An ordinance to amend Chapter 7 of the Bennett Municipal Code to permit the keeping of chicken and ducks on residential lots and adopting related regulations was presented to the Board of Trustees on Tuesday, April 7, 2015.

Direction was provided to Town Staff to survey the community, in addition to the resident petitions provided. A survey was mailed with the May, 2015 utility bill and a request for feedback was published in the I-70 Scout to find out how many residents were in favor of or against the proposed ordinance.

To date 88 responses have been received; in favor - 81, against – 7.

Discussion by the Board included modifying the RE Zoning district, the number of chickens and ducks to be allowed and the ability of Town Staff to conduct the required inspections. Direction was given to Town Staff to modify the proposed ordinance with additional language regarding the covenants of Homeowner Associations.

**2. Ordinance No. 650-15 – Adoption of 2010 Model Traffic Code – *First Reading***

Melinda Culley, Town Attorney, provided the following staff report regarding the 2010 Model Traffic Code for Colorado (Introduction of Ordinance and Set for Public Hearing).

**Background and Discussion**

The Colorado Department of Transportation issued a new edition of the Model Traffic Code (“MTC”) in 2010. The Town previously adopted by reference the 2003 edition of the MTC and amendments thereto in Article I, Chapter 8 of the Bennett Municipal Code (BMC). Town staff is recommending the Board adopt the 2010 MTC for the Town.

The statutory procedure for adopting a code by reference (like the MTC) involves two Board meetings. At the first meeting, the Board introduces the ordinance and schedules a public hearing on the adoption of the ordinance, after which notice of the public hearing is published twice in a newspaper of general circulation in the Town. C.R.S. § 31-16-203. At the second meeting, the Board will conduct a public hearing on the ordinance and vote to adopt, amend or reject the ordinance. Id. at -204.

The requested Board action for May 12 is to introduce the ordinance, set a public hearing on the adoption of the ordinance for the Board’s June 9 meeting, and order that notice of the hearing be published.

The proposed ordinance makes some amendments to the MTC, the majority of which are to correct mistakes in the MTC and to update certain statutory citations. The most significant change this proposed ordinance makes relates to parking surface requirements. BMC Section 8-5-10(d) provides:

It is unlawful to park or permit to stand any motor vehicle, whether operable or inoperable, or recreational equipment on a portion of residential property that is within public view, unless the motor vehicle or recreational equipment is parked or standing on a hardened surface. Such hardened surface shall be maintained at a minimum depth of two (2) inches. No motor vehicle or recreational equipment shall access a hardened surface public street or alley unless it does so from a hardened surface.

The **current** definition for hardened surface is the BMC is:

*Hardened surface* means a surface covered with concrete, asphalt, recycled asphalt, brick, rock, gravel or other similar inorganic material.

It has been proposed that the definition of hardened surface in Chapter 8 be updated to be consistent with parking surface requirements set forth in the newly adopted Chapter 16, which require off-street parking spaces to be surfaced with asphalt or concrete (in industrial areas, other dust-free surfaces are permitted upon approval of the Zoning Administrator). As such, the **proposed** definition for hardened surface is:

*Hardened surface* means a surface covered with concrete or asphalt.

Note that under this new definition, brick and other stone pavers would not be permitted for driveways. If the Board wishes to allow other types of materials to be used, staff requests direction on what materials are allowed.

The ordinance has been drafted to continue to allow off-street parking spaces lawfully installed prior to the effective date of this ordinance that do not comply with the new definition for “hardened surface” until such parking spaces are reconstructed or replaced. Another option is to require existing off-street parking spaces to come into compliance with the new requirements by a date certain, which could allow for a long amortization period (e.g., five years).

TRUSTEE PINDELL MOVED, TRUSTEE PIETERS SECONDED that the Board of Trustees set a public hearing for June 9, 2015 for the adoption of an ‘Ordinance for the Regulation of Traffic by the Town of Bennett Colorado; Adopting by Reference the 2010 Edition of the Model Traffic Code; Providing for Certain Additions, Amendments and Deletions to such Code and the Bennett Municipal Code; and Repealing all Ordinances in Conflict Therewith’ and direct Town staff to publish notice of the hearing. The Mayor declared the motion carried by unanimous vote.

### 3. George K. Baum & Company – Professional Services Contract

Trish Stiles, Town Administrator, provided the background information on the Public Policy Services Agreement.

TRUSTEE PINDELL MOVED, TRUSTEE VITTUM SECONDED to approve the Public Policy Services Engagement Agreement with George K. Baum & Company as outlined for an amount not to exceed \$18,471. Voting was as follows:

YES: Horn, Harrell, Lee, Pieters, Pindell, Vittum, Bayley  
NO: None

The Mayor declared the motion carried by unanimous vote.

**4. Resolution No. 588-15 – Amending Rates and Charges for Wastewater Service Provided by the Town**

TRUSTEE VITTUM MOVED, TRUSTEE PIETERS SECONDED to approve Resolution No. 588-15, a resolution amending rates and charges for wastewater service provided by the Town.

Voting was as follows:

YES: Harrell, Lee, Pieters, Pindell, Vittum, Bayley

NO: None

The Mayor declared the motion carried by unanimous vote.

**7. TOWN STAFF REPORTS**

**Town Clerk**

Lynette White, Town Clerk, presented the following;

- Planning and Zoning Commission Appointment – New application received
- Transfer of Retail Liquor Store License – Bennett Marketplace Liquor
- Adams County Executive Committee Breakfast, Friday, May 15, 2015
- IIMC Conference Attendance – May 18 – 22, 2015

**Town Administrator**

Trish Stiles, Town Administrator, discussed the following;

- Update on Town of Bennett/Bennett Fire Protection District Joint Facility
- Water Dedication requirements
- Corridor of Honor Veterans Memorial
- Town Board Retreat – July 9, 2015

**Public Works Director**

Daymon Johnson, Public Works Director, reviewed the following;

- Drilling of Replacement Well #3 (LFH) – Complete
- Drilling of Well No. 6 – to begin next week
- Crack Sealing to continue to end of month – will receive 2 weeks free use due to weather
- Kiowa-Bennett Road update

**8. TRUSTEE COMMENTS AND COMMITTEE REPORTS**

**Charles Bayley**

Mayor Pro Tem Bayley discussed his attendance as a member of a team of representatives from Colorado at the Walkability Conference sponsored by the CDC in Nashville, TN

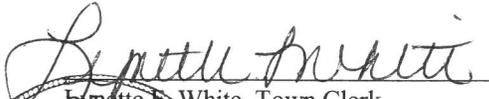
**Sue Horn**

Mayor Horn provided the following update:

- Colorado Cooperation Conference
- City of Aurora State of the Town

9. ADJOURNMENT

TRUSTEE PINDELL MOVED, TRUSTEE VITTUM SECONDED to adjourn the meeting. The Mayor declared the motion carried by unanimous vote. The meeting was adjourned at 9:30 P.M.

  
Lynette White, Town Clerk  
The seal is circular with a double-line border. The outer ring contains the text "TOWN OF BENNETT" at the top and "COLORADO" at the bottom. The center of the seal features the word "SEAL" in a bold, serif font.

  
Sue F. Horn, Mayor