1. **CALL TO ORDER**

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, November 8, 2016 at the Bennett Town Hall, 355 4th Street, Bennett, Colorado. Mayor Pro Tem Rich Pulliam called the meeting to order at 7:00 p.m. The following persons were present upon the call of the roll:

**Mayor:** Royce Pindell - Absent

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

**Staff Present:**
- Melinda Culley, *Light, Kelly, P.C.*
- Dan Giroux, *Town Engineer*
- Daymon Johnson, *Public Works Director*
- Trish Stiles, *Town Administrator*
- Lynette White, *Town Clerk*

**Public Present:**
- Bruce Kehr, Abbie Mitchell, Gina Burke, Zachary Argotti, Josh Hooper, Jim Osborne, Larry Gayeski, Mike Rocha, Gina Burke, Dan Giroux

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Pro Tem Rich Pulliam.

3. **APPROVAL OF AGENDA**


4. **CONSENT AGENDA**

TRUSTEE VITTUM MOVED, TRUSTEE LEE SECONDED to approve the Consent Agenda as amended. The Mayor Pro Tem declared the motion carried by unanimous vote.

**B. Proclamation(s)**
1. 2016 Veterans Day Proclamation
2. National Hunger and Homelessness Awareness

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. 15.18FP – Bennett Crossing Filing No. 1 Subdivision Final Plat**

Mayor Pro Tem Rich Pulliam opened the public hearing on Case No. 15.18FP. A public hearing on a final plat for Bennett Crossing Filing No. 1. 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, September 30, 2016 as Legal No. 1958.

There were no questions presented from the public on this issue. Discussion by the Board of Trustees included questions on the sewer line, landscaping, drainage, and the regional trail.

Mayor Pro Tem closed the public hearing on Case No. 15.18FP. A public hearing on a final plat for Bennett Crossing Filing No. 1 at 8:00 p.m.

**Resolution No. 640-16 – A Resolution Approving a Final Plat for Bennett Crossing Filing No. 1**

TRUSTEE VITTUM MOVED, TRUSTEE LEE SECONDED to adopt Resolution No. 640-16, a resolution approving a Final Plat for Bennett Crossing Filing No. 1. Voting was as follows;

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

The Mayor Pro Tem declared the motion carried by unanimous vote.

2. **Case No. 16.12FP – Bennett Crossing Filing No. 2, Final Plat/Case No. 16.16FDP – Bennett Crossing Filing No. 2 Final Development Plan**

Mayor Pro Tem Rich Pulliam opened the public hearing on Case No. 16.12FP, Bennett FP. A public hearing on a final plat for Bennett Crossing Filing No. 1. 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, September 30, 2016 as Legal No. 1958.

There were no questions presented from the public on this issue. Discussion by the Board of Trustees included questions on the sewer line, landscaping, drainage, and the regional trail.

Mayor Pro Tem closed the public hearing on Case No. 15.18FP. A public hearing on a final plat for Bennett Crossing Filing No. 1 at 8:00 p.m.

**Resolution No. 641-16 – A Resolution Approving a Final Plat and Final Development Plan for Bennett Crossing Filing No. 2**

TRUSTEE VITTUM MOVED, TRUSTEE HARRELL SECONDED to ADOPT Resolution No. 641-16, a resolution approving a final plat and final development plan for Bennett Crossing Filing No. 2. Voting was as follows;

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

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

1. Bennett Regional Park and Open Space Pavillion – Approval of Goodland Construction Contract

TRUSTEE VITTUM MOVED, TRUSTEE LEE SECONDED to approve the Goodland Construction Contract for the Bennett Regional Park and Open Space Pavillion in an amount not to exceed $75,300.00. Voting was as follows;

YES: Harrell, Lee, Pulliam, Vittum, Gerber
NO: None
ABSENT: Mancuso, Pindell
The Mayor Pro Tem declared the motion carried by unanimous vote.

2. Street Improvement Contract – Change Order No. 4

Dan Giroux, Town Engineer, Terramax, Inc., presented the Street Improvement Project – Change Order No. 4 to the Board of Trustees and explained that this is a multi-site, multi item change order request. Mr. Giroux reviewed the cost savings and the process for completing the necessary repairs.

TRUSTEE VITTUM MOVED, TRUSTEE HARRELL SECONDED to authorize and approve the Street Improvement Project Change Order No. 4. Voting was as follows;

YES: Lee, Pulliam, Vittum, Gerber, Harrell,
NO: None
ABSENT: Mancuso, Pindell
The Mayor Pro Tem declared the motion carried by unanimous vote.

3. Street Improvement Contract – Change Order No. 5

Dan Giroux, Town Engineer, Terramax, Inc., presented the Street Improvement Project – Change Order No. 5 to the Board of Trustees and explained that this is a multi-site, multi item change order request. Mr. Giroux reviewed the cost savings and the process for completing the necessary repairs.

TRUSTEE VITTUM MOVED, TRUSTEE HARRELL SECONDED to authorize and approve the Street Improvement Project Change Order No. 5. Voting was as follows;

YES: Pulliam, Vittum, Gerber, Harrell, Lee
NO: None
ABSENT: Mancuso, Pindell
The Mayor Pro Tem declared the motion carried by unanimous vote.

7. TOWN STAFF REPORTS

There were no Staff reports presented by Town Staff.

8. TRUSTEE COMMENTS AND COMMITTEE REPORTS

There were no Trustee comments or Committee reports Presented.

The Mayor Pro Tem declared a meeting recess at 9:15 p.m. The meeting was resumed at 9:17 p.m.
9. EXECUTIVE SESSION

TRUSTEE LEE MOVED, TRUSTEE VITTUM SECONDED to go into executive session to confer with an attorney for the Town for the purposes of receiving legal advice on specific legal questions; *Water Main Break.*

The Mayor Pro Tem declared the motion carried by unanimous vote. The Board went into executive session at 9:17 p.m.

The Board came out of executive session at 9:40 p.m. The Mayor Pro Tem announced that the Board had been in executive session and the following persons participated in that session: Carl Gerber, Darvin Harrell, Grider Lee, Rich Pulliam, Larry Vittum, Trish Stiles, Melinda Culley, Sophia Tsai, Dan Giroux and Lynette White. The Mayor Pro Tem 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. No concerns were presented.

**Report from Executive Session**

TRUSTEE LEE MOVED, TRUSTEE VITTUM SECONDED to accept the recommendations provided by legal counsel and proceed with the litigation as described. Voting was as follows;

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

The Mayor Pro Tem declared the motion carried by a unanimous vote.

10. ADJOURNMENT

TRUSTEE VITTUM MOVED, TRUSTEE GERBER SECONDED to adjourn the meeting. The Mayor Pro Tem declared the motion carried by unanimous vote. The meeting was adjourned at 9:50 P.M.

Lynette F. White, CMC  
Town Clerk

Rich Pulliam, Mayor Pro Tem