

**TOWN OF MOFFAT
TOWN HALL
BOARD OF TRUSTEES
401 LINCOLN AVE.
MOFFAT, COLORADO**



TOWN OF MOFFAT | EST. 1911

BOARD OF TRUSTEES SPECIAL MEETING

December 12, 2023 - 6:00pm

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**

Mr. Lopez
Mrs. Lopez (Remote)
Mr. Studinski
Mr. Berger
Mr. Kunkler (Remote)
Mr. Skoglund
Mr. Reichwald (Remote)
Mr. Horsley
Mr. Litrenta

4. APPROVAL OF AGENDA

- a. Approval of Agenda

Mr. Berger makes a motion to approve the agenda. Mr. Skoglund seconds. All approve.

- b. Approval of Minutes

Mr. Studinski makes a motion to approve the minutes. Mr. Berger seconds. All approve.

- c. Approval To Pay Bills

Mr. Litrenta provides the bills to the board. Mr. Lopez reads all the bills. Mr. Skoglund makes a motion to approve the bills excluding the previous clerk and town manager pay checks until possibly after executive session. Mr. Studinski seconds. All approve.

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Topic: Town of Moffat's Special Meeting

Time: This is a recurring meeting Meet anytime

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5. **PUBLIC COMMENT**

Public comment is intended for members of the public wishing to address the Board of Trustees about matters that are not listed for discussion on the agenda. All speakers must stay on topic and are encouraged to state their point as briefly and clearly as possible. Each speaker is limited to a maximum of three (3) minutes. Comments will be taken under advisement by the Board, but no decisions will be made. Board and staff are here to listen during this segment of the meeting. At its discretion, the Board may elect to place a matter raised under public comment on a future agenda for further discussion and possible action. Personal attacks, whether directed at members of Town Board, Town staff or fellow citizens must be avoided.

Sergio Negrin says that he is concerned about a video that is online and is wondering what the board or town can do or has planned about the video. He is told that it is on the agenda for discussion tonight.

6. **REPORTS**

a. Clerks Report

Mr. Litrenta informs the board that he made a mistake on the website and that the entire Agendas section is missing. He tells the board that he called SIPA to start a claim but still has not gotten support. He has been following up every other day trying to get this resolved but at the moment the agenda and minutes are not posted online. Mr. Litrenta said it should be an easy fix but worst-case scenario would be he would just need to reupload all the old agendas & minutes.

Mr. Litrenta lets the board know that he has been getting calls from people looking for licensing and he would like advice on what to tell them. Many people are looking to talk to the LLA and are frustrated with the lack of progress on licensing. He said that there should be a way to let the citizens contact the board or the LLA. The board agrees to let Mr. Litrenta contact the attorney about licensing and schedule a timeline so far as sending licenses and getting licenses approved so that the clerk can communicate properly to applicants. Mr. Berger says that he believes it should be the clerk that files these but that licenses should not be issued the next day and that there should be a schedule. Mr. Studinski makes a motion to make the only people able to contact the attorney are Mr. Litrenta, Mrs. Bunting, Mr. Mudd, and Mr. Lopez. Mr. Skoglund seconds. All approve.

Mr. Litrenta spoke with Municode and they said that they are about ¼ of the way done with our codification. They will be getting back to the clerk on a time frame of when this will be complete. The last ordinance they got was from March and it was 2023-05. After Municode has done the codification, they will reach out to the town to schedule training and the town will upload any new ordinances that have since been passed. The board discusses the importance of, and explains, codification and that with out it, no codes can be enforced.

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The clerk provides a financial report to the board. It is included in the packet and shows the changes from 11.21.2023 to 12.12.2023. The clerk says this is a hasty report again as there is still work being done in QB. The big call out is that the debit and checking account is down due to ordering QBO and office supplies. HUTF is down due to Skoglund Excavating payment and all other accounts only have interest change. Also, the lack of income has been driven by the lack of deposits.

1st SW accounts have been shut down and the clerk will be taking those checks to the bank ASAP

The other ASB debit card is cancelled, and a new one is ordered.

b. Mayors Report

Mr. Lopez worked with the attorney on the interim clerk contract, the only wording change would be changing employee to independent contractor. The mayor is hoping that it should be ready for signing next meeting. The mayor reiterates he shut down the account at 1st Southwest. He also would like the bank signer resolution to be on the next agenda so that we can be transparent about who is signing the checks.

c. Trustee Report

Mr. Skoglund says that there is someone possibly squatting on their property with no sewer facilities and would like it to be addressed. However, the town is limited due to codification but the town and Mr. Horsley said they will look in to what could be done to address the health hazard. Mr. Studinski clarifies who should be responsible for this. The board would like to see Mr. Horsley look in to what could be done to address this situation so far as state codes etc.

Mrs. Lopez lets the board know that she will not be available next meeting

Mr. Studinski says that he rode around AREA 420 with Mr. Horsley to identify facilities that had improperly parked vehicles. He wrote a letter addressing these issues and would like the board and mayor to review. The mayor says that he will review these and address them next week.

d. Public Safety Report

Mr. Horsley says that he has spent 4-5 hours collecting paperwork for the CIRSA Investigation and is wondering if he should go forward with making copies and as it will take time and money.

Mr. Horsley spoke with Mr. Helky, who is in charge of public safety for all of Colorado, and he was told that he does not need to go to the full academy, but only needs a wavier and to attend the short academy. He was also told that we do not need to go through the sunshine board or write a letter to the

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house for approval. He says what's important is that we have local support. He has researched that the US DOJ recommends a grass roots movement to stand up a police force in a town. Mr. Horsley says that next week he will look in to the "squatter" situation and the CIRSA Investigation.

Mr. Lopez asks if Mr. Horsley has spoken to the Sheriff about them deploying more officers to the area. The secretary said they were not interested, and the Sheriff has not returned the call yet. The town might look to renegotiating the IGA to incentivize the sheriff to have more of a presence in Moffat. The issue continues to be that without codes the town struggles to have enforcement other than criminal. Mr. Horsley says that this has been an issue, and when interacting with citizens he tells them he is just trying to help out. Mr. Berger also says that there was a \$15,000 check that was paid to Kelly Smith from the town that should be looked in to by either CIRSA or the town, and there is nothing that says Moffat is responsible for this bill. Mr. Berger says he has been looking for answers on this for years and he has emails saying Moffat should not be responsible for this. Mr. Skoglund says that this might be a different CIRSA case. Mr. Lopez says that he will ask CIRSA what they can do and if there is nothing CIRSA can do, this could be brought up next meeting to have Mr. Wyatt look in to this. Mr. Berger says this is where we were with the last attorney and that he has emails saying the attorney was supposed to contact the right people regarding this, but it never happened. Mr. Lopez will get back to the board.

Mr. Horsley says that the \$17,000 that he spoke of would not apply to him, but only if we brought on a new recruit. He says the \$37,000 that he spoke of last week, would not be the cost for him anymore and that some of his cost could be offset by the VA.

Mr. Studinski, makes a request to jump to the PBS Video as people in the audience are waiting for this. The audience says they are here for that, but want to hear everything. The clerk advises that Mrs. Bunting is on the clock. The board agrees to maintain the agenda.

7. TOWN EVENTS

8. INTRODUCTIONS

9. OLD BUSINESS

a. Water Discussion

Mrs. Bunting says that she has provided the board with draft letters to the two residents on Well #5. She says she has only spent about an hour with the attorney. Mrs. Bunting also asks what the board thinks of the letters; the board says they look good. Mr. Studinski asks who is signing. The mayor says he will sign it. Mr. Studinski makes a motion that the letters get on town letterhead, dates updated, and signed by the mayor. Mr. Berger seconds. All approve. Mr. Studinski asks if there is anything rude or hostile about sending these before Christmas. Mr. Skoglund says no. Mrs. Bunting says this is a good question.

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Mrs. Bunting next says she heard from the attorney regarding a water enterprise. Mr. Studinski asks about one line in the email that says he has not researched but that he has spoken to a bond attorney and relaying information. Mr. Studinski questions that action. Mrs. Bunting says that Mrs. Mayers was the bond attorney that helped when the town didn't have an attorney. Mrs. Bunting says that having enterprise status would give Moffat another tool to get more financing and to get loans. But cautions that contrary to what's written in the email there is no "the loan" but rather we have the opportunity to get loans. Mrs. Bunting asked the attorney if there would be any downside to Enterprise status, and the attorney said not that he could see. Mr. Reichwald clarifies that the attorney must answer that way until they do further research and can confirm their answers. Mrs. Bunting says that in holding enterprise status, Moffat's books get reviewed and either qualifies as having complied, or not, to hold that enterprise status. The attorney says that we recognize that the town may not qualify as enterprise per the statute every year, but to her knowledge there is no penalty for not qualifying every year. Mrs. Bunting says that this is another tool in the tool box. Mr. Skoglund asks if this was an attorney question or a question for Danna. Mrs. Bunting says Danna recommended the town use enterprise status and she was told to check with the Lisa Mayers who gave her the ordinance template. Mrs. Bunting asked the attorney to review it and he said that it looks right to him. Mr. Lopez asks if its an ordinance the town needs to potentially move forward on, but the mayor sees no downside at the enterprise status. The board discusses whether this needs to be an ordinance or a resolution, as it is not clear. The board asks Ann to ask if this would be an ordinance or resolution. The board can then review and move forward as needed. Mr. Studinski mentions that if its an ordinance we may be out of time. Mrs. Bunting will get back to the board when she gets clarification.

b. QuickBooks Update

The clerk and Mr. Studinski have continued to work on entering data in to QB. They have 7 accounts done and have 5 to complete. They have hit a road block on the 1stSW General Funds account as there are many transactions that they have had to locate and enter. Mr. Studinski says the last two accounts have gone slower as there are things that have showed up on QB but not on the statement and vice versa. Mr. Studinski says we are making a list of question about transactions in certain accounts and that the 1st Southwest accounts have more questions and we need to first plow through this and see what balances and what doesn't. He is reconciling but there are still these questionable transactions. Mr. Studinski says that he would rather bring the report in whole. He also states that this needs to be done strategically to not talk about topics that shouldn't be talked about in public, but Mr. Skoglund says finances are public. The board asks Mr. Studinski if he would be ready to for a report next week. Mr. Litrenta says that without good data it is hard to do a budget. Mr. Studinski says that if we do not complete the budget, it is 90% of last year and why not just ride that until we can complete our budget and then amend it. Mrs. Bunting says that she is concerned that she does not want us to not qualify for water financing opportunities because the budget isn't complete but Mr. Studinski says that he is not sure that this would be different than the budget as a whole as we could always amend the budget from the 90% assigned if it is not completed.

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c. Budget / Budget Hearing Date and Posting

Mr. Litrenta lets the board know that he sent in the notice of a budget hearing to the Saguache Crescent which will be posted in the 12.14.2023 issue. This is one of the budget requirements and as such the next meeting on 12.19.2023 will be the towns official budget hearing. He also mentions that he spoke with Randi Sneed from DOLA and the next step will be to finalize the budget, complete a budget message, develop a resolution adopting the budget, develop a resolution appropriating funds, and develop a resolution adopting the mill levy once the final assessment comes from the county no later than 1.10.2024. This packet will then be filed with the state no later than 1.31.2024 and also a copy maintained in the office. Mr. Litrenta says that time is limited and that we can only do our best to get it done on time, but worst case we can amend. He also says that we should look to have budget meetings early in the second week of January to meet the deadline. He also notes that for the budget hearing its accuracy is not known but it is available to citizens that would like to inspect it. Ann will continue to look in to whether we will run in to any issues by not having an adopted water budget.

Mr. Studinski says that he rode around AREA 420 with Mr. Horsley to identify facilities that had illegally parked cars. He wrote a letter addressing these issues and would like the board and mayor to review the letter to the two companies. He also said that he is looking to verify addresses. The mayor says that he will review these, and address them next week. Mr. Skoglund says that he can take Mr. Studinski out to identify others. Mr. Reichwald says that there should be a state database to locate licenses and addresses. Mr. Litrenta says that we should have all mailing addresses.

Ann was told to go back and check with Lisa Mayers about whether it is a resolution or ordinance. Once she gets better information, she will send it to the town and requests water resolution/ordinance be on the next meeting

10. **NEW BUSINESS**

a. Discussion of PBS Video

Mr. Lopez says there was a PBS video that was posted to YouTube. The mayor says that he feels it was taken a bit out of context. The board decided not to view the video. Mr. Negrin says that the video depicts the town as black-market growers and opens us up to theft with no protection. The mayor says that Mr. Horsley notified the board that he would be interviewed, and then communicated to the board that everything went good with the interview, but that the video looked otherwise. Mr. Lopez mentions that he would like to maybe be the filter to any possible future interviews. Mr. Reichwald says that he has experience in this field and is willing to help. Eagle mentions that the filter or Public Information Liaison or someone trained to answer these questions could be valuable in instances like

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this, as this can impact the people and businesses in this community. Mr. Negrin asks Mr. Skoglund if he has seen it, he says no. Mr. Negrin says that we were called the “boneyard” and that there were accusations about 17,000 pounds of back doored cannabis, also 40% of all crime is at AREA 420. The citizens argue that it is not healthy to provide false information. Mr. Berger says this is the first time he heard of this video and asks where Mr. Horsley got this information and says that it seems inaccurate. Mr. Horsley says that he has talked to people that have said this is going on. The town argues that 17,000 pounds is impossible. Mr. Horsley reiterates that he has heard this from other community members. Mr. Horsley stresses that he is not accusing specific companies in the room. The town says that this is still hearsay. Mr. Horsley says it was still seen happening. Mr. Horsley, says he thought this was about something good for the community. He says that he was not prepared for the context of the interview and it was taken out of context. Mr. Berger asks Mr. Horsley if he is badged, he confirms that he is. Mr. Berger appreciates what Mr. Horsley said about context and being caught off guard. Mr. Berger says that he is surprised by his comments. Mr. Berger says that he has questions for the board later about the position. Mr. Negrin says that the information Mr. Horsley provided is hearsay and gives the town a bad look that is not factual since he didn’t see the alleged offenses himself. Mr. Negrin says he never knew Mr. Horsley was going to be the safety officer. He would like it if that information was communicated better. Mr. Berger is confused because he was under the impression Mr. Horsley was not a police officer so this event is confusing to him, especially given hearsay. Mr. Skoglund says information is available to the town at the meeting or via CORA requests for minutes and recordings. Mr. Berger says that the slander was not from PBS but from a town officer/employee. Mr. Berger says that he wishes they would have interviewed more people. The town request to play the video. Eagle suggests that if the town is paying someone, they should monitor how that individual portrays the town as the town is responsible. The video plays. Mr. Skoglund says he didn’t see much with AREA 420, but he is told the trains are Mr. Negrin’s dispensary. Mr. Reichwald says that he knows that there were two individuals that brought in the cannabis illegally from Pueblo, and that law enforcement did nothing. Mr. Berger says this is absurd for anyone that’s in a town paid position to speak of hearsay. He is reminded that personal decisions should be discussed in executive session. Mr. Skoglund says that it’s not good that PBS did a hatchet job of the town and they could have done better portraying the town. Mr. Horsley says he explained the boneyard was not in Moffat. Mr. Skoglund agrees. Town member asks whose idea was it to have a safety officer? She appreciates it, but whose idea was it? Mr. Berger says the position should have been deployed better. Town person communicates that they have kids here and feels that this could put safety at risk. She asks why he was being interviewed and able to communicate what he did? Mr. Berger again communicates his frustration about what was said and why. Town says the mayor should have been talked to as well. Mr. Eagle says that when he saw the video with the negative images, it made it look like the town was the way it was because of AREA 420. He says that we shouldn’t communicate the bad things in town as it makes us look bad when there are people in town trying to make a living. Town person asks when they came to him about the interview, she asks who all knew about the interview? She was told that Mr. Horsley did inform the board of the interview and that the board was told the interview went well. The board confirms there was no back and forth with PBS after the video to give feedback. The town asks what are they supposed to do about safety? The mayor says

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that they will either not accept the interview or limit what is said during the interview, understanding what could come of the interview. Mr. Litrenta cautions that we need to be careful of not violating the First Amendment. Mr. Lopez says he would like to be the one that either denies or does the interview. Mr. Horsley confirms that he did not get to review the video. Mr. Studinski says that often times you don't get to review media. Mr. Negrin says that most organizations have codes of conduct preventing communication about certain things in regards to an organization. Mr. Studinski says that the board needs to work on a process for these types of situations, and that we need to develop a way to fix what has happened. Mr. Negrin says that he has reached out through his connections to PBS and that he is going to get facts, from specifically the Saguache County sheriff. He also asks for a letter from the board saying these are not facts in the video. He would also like to say that he didn't give permission to use images of his dispensary and that he would like to have the video removed and have a story done in a better light. Mr. Horsley says PBS has already agreed to come down and do another video. Mr. Negrin also communicates that he has media experience. The board agrees that the mayor will work with Mr. Negrin to get real facts and address the issue and see how the town can communicate it's true image. Mr. Horsley says that what's done has happened and we must look to how we can better portray our image going forward. Mr. Horsley explains that if the town doesn't want him here, he would leave but that he enjoys this town and the community.

b. Discussion of Possible Grant Opportunities.

Mr. Litrenta provides the board with the list identified by Randi Sneed and Mr. Barraclough about possible grant opportunities. Mr. Litrenta says it isn't urgent but just wanted to bring it to the attention of the board.

Mr. Lopez says that he put in for a \$60,000 grant for a skate park. Town member says that she would like to see any sort of improvements that could help the school and community. She asks where the skatepark will be and is told the skate park would be located at the park. Mr. Lopez says it would be nice to have a better relationship with the school.

11. **EXECUTIVE SESSION (IF NECESSARY)**

12. **ADJOURN**

To do: Update water letter as requested, get confirmation about water resolution, mayor will work with Mr. Negrin to get facts and address the video

Next Meeting: water resolution, bank resolution, budget hearing, parking letters

Mr. Lopez reads executive session reading.

Mr. Skoglund makes a motion to enter executive session. Mr. Studinski Seconds. All approve. Executive Session Begins.

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