



TOWN OF MOFFAT | EST. 1911

TOWN OF MOFFAT

TOWN HALL

BOARD OF TRUSTEES

401 LINCOLN AVE.

MOFFAT, COLORADO

BOARD OF TRUSTEES REGULAR MEETING

April 9th, 2024 - 6:00pm

1. CALL TO ORDER

Mayor Lopez calls the meeting to order at 6:08pm.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Mayor Lopez announces that there is a quorum.

Trustee 1 – Skoglund

Trustee 2 – Berger (Remote)

Trustee 3 – Kunkler

Trustee 4 – Studinski

Trustee 5 - Reichwald

Trustee 6 - A. Lopez (Remote & Left Early)

STAFF PRESENT

Mr. Horsley

Mr. Litrenta

4. APPROVAL OF AGENDA

a. Approval of Agenda

Mr. Reichwald makes a motion to approve the agenda. Mr. Studinski seconds. Motion passes 6-0.

b. Approval of Minutes

Mr. Lopez asks that the clerk remove recuse and replace it with abstain on the minutes from 3.26.2024 under “Approval of Agenda” and “Old Business c.” Mr. Studinski makes a motion to approve minutes with the requested amendment. Mr. Reichwald seconds. Mr. Skoglund votes Nay. Mr. Reichwald, Mr. Studinski, Mrs. Lopez, Mr. Berger, and Mr. Kunkler vote Yay. Motion passes 5-1.

c. Approval of Payment of Bills

Town of Moffat is inviting you to a scheduled Zoom meeting.

Topic: Town of Moffat's Special Meeting

Time: This is a recurring meeting Meet anytime

Join Zoom Meeting

<https://us02web.zoom.us/j/86422578056?pwd=c3RVdWFLZEJDN2ZjdmxjTVlpeWVjdz09>

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Mr. Lopez reads the bills publicly. The board discusses the bills. Mr. Skoglund says he has an issue with the attorney pay, Konope Compliance invoice, and Trustee pay. Mrs. Lopez makes a motion to pay all the bills. Mr. Reichwald seconds. Mr. Skoglund vote Nay. Mrs. Lopez, Mr. Studinski, Mr. Reichwald, Mr. Kunkler, and Mr. Berger vote Yay. Motion passes 5-1.

5. PUBLIC COMMENT

Public comment provides a time for community members to present their views to the Board of Trustees. This segment is the only opportunity for the public to comment on any agenda item or other subjects of concern. Everyone is asked to express their viewpoints within a three-minute time allotment to allow all voices to be heard. The Board will consider all public input as we plan for future discussions but will not engage in immediate dialogue or make any decisions on these matters during this segment. Comments that are raised during this time may be considered for inclusion on the agenda of a future meeting. Civility is expected throughout the comment, and personal attacks are not tolerated.

Mrs. Melinda Meyers would like to thank the town and the surrounding fire departments for the response to the fire at her house. She describes the fire to the board, explains the cause, and discusses her future plans with the property. She also discusses that she would like to see more community involvement in the town.

Mr. Biggio explains that he is deeply saddened by the current status of the town. He explains that he does not feel that the town is addressing the current financial situation. He says that the town needs to reset. He would urge the board to hold an election.

6. REPORTS

a. Clerks Report

Mr. Litrenta informs the board that he has started working on filling out SLFRF Reports. He will eventually need board input on what the expenses are. However, at the moment he had to delete our login information because all of it was setup for contact information not associated with the town. He has to wait 24 hrs. and then set up our new account and then will have a better understanding of where we are and what needs to be done.

Mr. Litrenta tells the board that FIGGRO has asked him for a testimonial. He has written the testimonial and would like to have an approval of that testimonial for the next meeting.

Mr. Litrenta lets the board know that we have not received our bills from XCEL for this month so we will probably need to pay them at the next meeting. If we do not, it could put us a month behind.

Mr. Litrenta says he has done work and calculated revised fees and asks to have this on the next agenda.

Mr. Litrenta informs the town of Ann Buntings water report which is included in the meeting packet and below:

Report on water activities for March, 2024
Town of Moffat Mayor and Trustees

Please accept this notice that my last day of working for Moffat will be May 17, 2025. It's been

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an honor to serve you and the people of Moffat. I wish you all the best moving forward.

1) Metering for DWR compliance- I've been in contact with Ryan Rhoads, an experienced meter installer. We are going to talk more or meet next week. I've sent him the location of the 3 wells that need metering- #1, 3, and 6. I'll submit updates as I learn more.

2) Public outreach- the main question that needs to be answered in preparing for public outreach is "how much will it cost". The engineers suggested that the tap fee remain on the Fee Schedule but that it be "waived" for residents willing to commit to connecting prior to the start of construction. Waiving the fee lets residents know that they are receiving something of value and incentivizing connections.

I've sent draft language to the attorney and asked for it to be incorporated into the Water Service Application for Trustee review and approval. Then we'll also use it in public outreach materials. I have an appointment with CDPHE to create a draft user agreement that will serve as the framework for public outreach.

3) I'll research the questions that have come up in moving forward with a new or amended agreement with Potch- how/when can Moffat use its own water rights, etc. and include that in April's report. I'll write up a status report on Moffat's water rights and CDPHE and DWR compliance for future reference by the Town and Trustees. It would be good not to lose the progress that we've made by going backwards on research.

I'll also complete at least some of the quarterly requirements for 4/1 – 6/30 before leaving and will update the Trustees on what remains.

Sincerely, Ann Bunting April 5, 2024

The board discusses Mrs. Bunting's report.

This week Mr. Horsley utilized the Moffat Project Planner and Mr. Horsley says it seems like it will be an asset for us to use. Mr. Horsley suggests assigning it to one person to be the manager of the planning.

Mr. Horsley installed a caution sign (For icy conditions) in the park per CIRSA audit, and Mr. Horsley plans to fix the light at the park and the light on the side of the building at Town Hall. Mr. Horsley estimates it will be less than \$100 to fix.

Mr. Horsley updated the Board on the cost of elections, as well as the paths that we may go. Mr. Horsley received this information via a meeting with Saguache Clerk & Recorder. Mr. Horsley stated that the meeting went well and the County is excited to see us reaching out.

Mr. Horsley stated that leasing voting equipment is \$20,000 per year, the Elections which use those machines costs approximately \$50,000 per election.

Mr. Horsley stated that we can run our own elections for anything. Tabor Measure election costs are split between the county and all surrounding municipalities. They usually run around \$2,000. If we do our own elections, it will cost approximately \$10,000 to \$15,000. This is a very rough estimate, and we will have a better scope once the Town runs an election.

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Mr. Horsley created two versions of the Election Cancellation for the Board to consider and sign.

Mr. Horsley uploaded all ordinances and resolutions to the website. Mr. Horsley said that the paper copy and the website match now, and when searched, the Ordinances and Resolutions show up in the search at the top. Mr. Horsley stated that there are a great deal of unsigned Ordinances and Resolutions that need to be reviewed by the Board (Action Item).

Mr. Horsley would like to conduct an assessment/inventory of Town assets for accountability, and maintenance of equipment.

Mr. Horsley suggests we have a separate personnel file for each Employee, Contractor, or Elected Official.

Mr. Horsley says that there are several Oaths which need to go to the county which is mandated by statute.

b. Mayors Report

Mr. Lopez says that from his understanding Ordinances are enforceable with a court.

Mr. Lopez worked with the attorney to write a draft Procedure Resolution and Mr. Lopez would like to include that in the next meeting

Mr. Lopez has been looking in to excise taxes and has gotten clarification from the attorney that excise tax is point of origin based.

c. Trustee Report

Mr. Skoglund says he has been in Moffat longer than other people times two. He says the town is bleeding money and we need to start collecting excise taxes. He believes that we have spent too much on attorneys and not seen the results. He says that he has an issue with Mr. Berger. He believes that there is a conflict-of-interest between Mr. Berger and the Lopez's. Mr. Skoglund says that Mr. Berger has cost the town money and our water operator. Mr. Skoglund says that we should eliminate Trustee pay. Mr. Skoglund believes Mr. Lopez is spending too much money with the attorney. Mr. Skoglund has not seen value from any of the attorneys the town has had. Mr. Skoglund says that maybe the media needs to know about this. Mr. Skoglund is tired of old business always being present like blight and road work. Mr. Skoglund says we need to restore our public trust and we need to reduce our attorney fees.

Mrs. Lopez asks what the conflicts of interest are with Mr. Berger? Mrs. Lopez says she does have the best interest of the town in mind.

Mr. Skoglund says the conflict of interest is financial.

Mr. Lopez says he has disclosed that information but will do it again. Mr. Lopez says that he bought property from Mr. Berger and Mr. Berger is a financial beneficiary and that he bought a pick-up truck from Mr. Berger. He has also bought three flashlights and a dirt bike from Mr. Berger. Mr. Lopez says he has the towns best interest mind.

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Mr. Lopez said the reason why the attorney had to be at the last meeting and why he had to abstain was because there were no formal charges brought. Mr. Lopez says that Mr. Berger is within his constitutional rights and that formal charges must be developed for the removal of any board member. Mr. Lopez says that he is willing to fail forward and make mistakes but he is going to be cautious and not abuse his power. Mr. Lopez explains what would be required to bring a formal charge, via the attorney. Mr. Lopez explains what his authority is in the meetings. Mr. Lopez explains that he feels he has been making progress and failing forward.

d. Financial Report

Mr. Studinski provides a financial update to the town for the month of March 2024.

7. **OLD BUSINESS**

a. Discussion of Excise Tax Status and Options

Mr. Lopez reads the excise tax memo from the attorney which is included in the meeting packet. The board discusses excise taxes in the Town of Moffat.

b. Discussion and Incorporation of Feedback Relating to Address Assignment Application

Mr. Litrenta presents the board with the application for address assignment. Mr. Studinski makes a motion to enable the clerk to approve addresses for submitted address applications. Mr. Reichwald seconds. Mrs. Lopez is no longer in the meeting. Motion passes 5-0. Mr. Litrenta and Mr. Horsley will write the resolution.

c. Signing of Resolution 2024-06 Authorizing Closing of General Fund CD Accounts and Moving Funds to HUTF Account

The resolutions and agenda items had errors and will be signed at a later date.

8. **NEW BUSINESS**

a. Review and Consider Approval of Pending Building Permit Applications

Mr. Litrenta presents the board with pending building permits and explains we do not have the ordinances and resolutions to enforce specific building permit requirements. Mr. Studinski makes a motion to allow the clerk to approve existing building permits. Mr. Reichwald seconds. Motion passes 5-0.

The board directs Mr. Litrenta that once permits are submitted, we will not submit refunds.

Mr. Litrenta presents to the board the Modification of Premise (MOP) State MED Application that needs to be signed by the LLA. Mr. Litrenta explains that Galactic Cultivations Town MOP 2021-16 does not include a diagram but he believes the diagram Galactic Cultivations claims was part of MOP 2021-16 is their current lay out and that the LLA would need to confirm this with the MED. The board directs the clerk to reach out to the LLA to resolve Galactic Cultivations MOP Issue.

b. Discussion and Consider Taking Action on Geothermal Proposal

Mr. Lopez met with Mr. Biggio and Mr. John Held about possible geothermal opportunities in the Town of Moffat. Estimated Budget and Consulting Contracts are included in the meeting packet. Mr. Lopez gives Mr. Biggio the floor to explain the opportunity. The opportunity would be for a grant to conduct preliminary

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research in identifying geothermal opportunities. Mr. Biggio asks that if the town does not want to pursue this option to please reach out and let Mr. Held know. The town agrees. However, Mr. Reichwald will reach out to Crestone to see their thoughts and then reach out to Mr. Held. The town at the moment does not feel like they have the bandwidth or finances to pursue the opportunity.

c. Discussion and Consider Taking Action on Elimination of Trustee Pay

Mr. Skoglund makes a motion to eliminate trustee pay. Mr. Kunkler seconds. The board discusses the elimination of trustee pay. Mr. Skoglund, Mr. Reichwald, Mr. Kunkler, Mr. Berger, and Mr. Studinski vote Yay. Motion passes 5-0.

d. Discussion of Applying Late Fee for Ubals Company

The board directs the clerk to assign the late fee, and the clerk and LLA will enforce late fees going forward according to ordinance.

e. Discussion and Consider Taking Action on a Resolution Canceling the Election

The board discusses statutes, resolutions and election results relating to terms and elections. Mr. Studinski would like to know when the terms began for Mr. Studinski, Mr. Kunkler and Mr. Reichwald? Mr. Studinski makes a motion to reduce the board from 6 members to 4. Mr. Reichwald seconds. Mr. Studinski withdraws his motion. Mr. Reichwald makes a motion to approve a Resolution Cancelling the Municipal Election and Declaring the Candidates Elected. Mr. Studinski seconds. Mr. Skoglund votes Nay. Mr. Kunkler, Mr. Reichwald, Mr. Berger and Mr. Studinski vote Yay. Motion passes 4-1.

f. Discussion and Consider Taking Action on a Licensing and Permit Roles and Responsibilities

Tabled

g. Discussion and Signing of Documents Related to DOLA EIAF Grant

Tabled

9. **EXECUTIVE SESSION**

10. **ACTION ITEMS FOR NEXT MEETING**

- Mr. Litrenta will approve and assign addresses to pending address applications
- Mr. Studinski will rewrite resolutions closing CDs
- Mr. Litrenta will approve and issue building permits
- Mr. Litrenta will reach out to the LLA regarding the Galactic MOP Issue
- Mr. Reichwald will reach out to Crestone to understand their interest in possible geothermal opportunities
- Mr. Kunkler will write resolution eliminating trustee pay
- Mr. Litrenta will call Ubals and let them know we are still going to apply the late fee

11. **TOPIC FOR NEXT MEETING**

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- Working Session on 4.16.2024 to Discuss Excise Taxes
- Payments of Outstanding Bills
- Discussion of Revising Fee Schedule
- Discussion of FIGGRO Testimonial
- Discussion and Consider Taking Action of Meeting Procedure Resolution
- Discussion of Konope Compliance
- Discussion and consider taking action on approval of address assignment application resolution
- Discussion and approval of resolutions closing CDs
- Executive session to discuss CIRSA Claims

12. **ADJOURN**

Mr. Skoglund makes a motion to adjourn. Mr. Reichwald seconds. Motion passes 5-0.

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