

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



TOWN OF MOFFAT | EST. 1911

BOARD OF TRUSTEES REGULAR MEETING

May 14th, 2024 - 6:00pm

1. CALL TO ORDER

Mayor Lopez calls the meeting to order at 6:01pm.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Mayor Lopez announces that there is a quorum.

Trustee 2 – Berger (Remote)

Trustee 4 – Studinski

Trustee 5 - Reichwald (Remote)

STAFF PRESENT

Mr. Horsley

Mr. Litrenta

Mr. Kunkler has resigned. Mayor Lopez will vote to make a quorum.

4. APPROVAL OF AGENDA

a. Approval of Agenda

Mr. Studinski makes a motion to approve the agenda. Mr. Reichwald seconds. Motion passes 4-0.

b. Approval of Minutes

c.

Mr. Studinski makes a motion to approve the minutes. Mr. Reichwald seconds. Motion passes 4-0.

d. Approval of Bill Payments

e.

Mr. Lopes reads the bills publicly.

Mr. Studinski makes a motion to approve the payment of the bills. Mr. Reichwald seconds. Motion passes 4-0.

5. PUBLIC COMMENT

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>

Meeting ID: 864 2257 8056

Passcode: 592122

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.

Colin Mudd would like to talk about cannabis licensing and that Moffat has one of the largest concentrations of licenses in the state. He reads off other municipalities that have a similar amount of cannabis licenses and the local costs in those municipalities. He stresses that Moffat has the right to collect fees and conduct inspections.

Diane Dunlap asks if the town has a quorum. She says the town needs to add people to the board because current board members are often not present and nothing gets passed. She hopes that the board will take action against the members of the board that do not show up. She believes that our contacting the attorney anytime the town takes action is wasteful.

Melinda Myers mentions that the current board is being productive and cannot fix what has happened in the past. She mentions that government moves slow.

Michael Biggio would like the town to have an election. Michael Biggio believes that the town is headed down the path of other cannabis communities that are failing. He believes the town is heading down the path of a parasitic approach. He believes that the town should not put extra taxes and fee burdens on the cannabis community in Moffat.

Bo Mackenzie says that he would like to reiterate the energy from last meeting. He observed that last meeting the consensus is that the town is not going to have an election. He thought there was a lot of positive movement last week, and the board needs to move forward. He says he moved to this town for freedom and the town needs less rules and regulations. He wants to talk to someone about putting information on the website about entertainment he plans on bringing to the town which will bring revenue to the town.

Patrick Shay would like to volunteer to help the town with minutes review and communication with community. He says Roberts Rule of Order works and if we follow it, we will have more time. He believes in the vision that being a trustee in 20 years will be different.

Michale Paulk, says that if we over regulate or over tax it is going to make it less attractive for cannabis companies to want to move to town. He does not want to see the town over regulate and tax the cannabis community. If the money the cannabis community pays is not enough the town should look at other ways to generate revenue. He says that we need to make the town more attractive to other businesses besides cannabis. He says we need to hold people accountable who haven't paid fees and taxes.

Lazaro Rodriguez asks the town if the town can refund the \$2500 because he missed his license date and had to reapply but he already has a local license.

Jon Lopez explains quorum and why the town has a quorum.

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Jon Lopez says he made a statement last week that he is not going to repeat, that we were going through a CIRSA claim and have been going through a lot. He has been asking for constructive criticism and he appreciates the constructive criticism and he is hoping that it is reflected on the website and by being present and listening to the community, and hopefully we will be showing people how we will be acting after we have had so many working sessions and have been listening to everybody.

Jon Lopez says that our attorney bill this month is half of what it was in the past and that it has been recategorized in to licensing, water, and helping with the town.

Jon Lopez will get in to more detail about the election during the agenda item.

Jon Lopez will connect Lazaro Rodriguez with the LLA to get his issue of a refund addressed.

Mr. Reichwald makes a motion to allow community members to speak on public comment for a second time. Mr. Studinski seconds. Motion passes 4-0.

Diane Dunlap asks how many board members are present, she can see Mr. Studinski is present but not the other board members. She is told the other members are on zoom. She says that says a lot and all the board members are supposed to live in town and should be there and that there are other people who want to be on the board who would be there.

Mr. Reichwald says that under Colorado law being present on zoom counts as being present.

Brian Cochran is prepared to volunteer to help the town in the way the rules are laid out. He said people cannot see how many people are in attendance and maybe there is a way the town could show that to the people on zoom. He is told there is a 360 camera on zoom.

Milinda Myers says the town used to have a sign in book for citizens to sign in to meetings and she thinks it would be a great procedure to bring back and it would become part of the minutes.

6. REPORTS

a. Clerks Report

Mr. Litrenta informs the board that Mr. Kunkler has resigned as a trustee.

Mr. Litrenta tells the board that the town needs to complete its CIRSA Workers Comp and Property and Casualty renewal. He says that he is not 100% familiar with how he should report but with the board's approval he will complete the renewal to the best of his knowledge and ability and rely mostly on the figures, to include deductibles, from the previous year.

Mr. Litrenta provides an excise tax update to the board. He says we could lower the excise tax rate to 2% but to make it a yearly fee or occupational tax it would need to go to a TABOR vote.

b. Mayors Report

Mr. Lopez spoke with CML about election process for next year. He also worked on the edit to the draft procedure resolution. He also worked on the delegated tasks spread sheet. He also is working on a resolution

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for removal of mayor pay. Mr. Lopez explains the challenges faced by the board regarding elections and how the board plans on addressing and fixing the challenges and shortcomings. He explains this is going to take time and that the board is working on it. He says he plans on advertising for the April election starting in November

c. Trustee Report

Mr. Studinski explains that there is a great deal of work that has to go in to any question that comes up. He is trying to convey to the public that we have heard that you wish to have an election and we are trying to figure out the best way to approach that. He believes the resignations might be in part because of the pressure for an election. He says it is troubling that we continue to have falsehoods and that there is no attempt to raise taxes, in fact quite the contrary as the board is trying to figure out how to legally reduce the burden on our citizens while at the same time balancing that with keeping the town from going bankrupt. He says the issue is there are a lot of businesses not paying taxes that should be paying taxes.

d. Water Report

Report on water activities for April, 2024
For the Town of Moffat Mayor and Trustees

Metering for DWR compliance- From DWR, it sounds like well #1 may be exempt from subdistrict fees as it's only used to fill a stock tank and then back into the ground. I'll ask DWR to forward any further information to the Town, but if it is exempt then it should be removed from next year's billing and should never have been billed in the first place. I'll take one more look for well #3 in hopes that it can also be reclassified as exempt. If so, then Wells #1, 2, 3, and 4 were made compliant during my time with Moffat. That should reduce the bill from the Special District next year, hopefully by a substantial amount.

Potch Agreement- I've forwarded documents to both the Town and the attorneys regarding public vs private rates, and different financial configurations to merge the water systems that would be acceptable to CDPHE. I've forwarded the question of how the remaining 25% of the cost of purchasing 420's distribution line would be funded to the Town's attorney, as I think voter approval may be necessary to take on a payment towards the balance of the cost, even if it was financed by 420. BergHill, the Town's water attorney, said it would take maybe 10-20 years to establish historic use that could then be transferred but it would probably be better to avoid a change case. If necessary, Moffat might apply for a junior water right for the commercial / industrial use since they will have to augment anyway. BUT, Moffat should hear DWR's position on all of this to know what the choices are available.

Lusks' water service- Hunter has the Fee Schedule and the attorney's language saying that the tap fee is waived until construction starts. The wording needs to be incorporated into the Fee Schedule, but it's legally approved. If the Trustees agree that a waiver should be applied to the Lusks (that they can activate service without a tap fee) then a letter needs to be sent to them and Wen explaining the opportunity. Lusks are using a hose for water service which will be frowned upon with a capital F by CDPHE due to backflow contamination concerns. I suggest contacting them suggesting/requiring that they complete an application and connect the water properly to their house. Moffat has already brought it to their property line.

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I've written 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.

Mr. Horsley provides detail on Ann's report.

e. Financial Report

Mr. Studinski and Mr. Litrenta provide the town with the monthly financial report.

7. **OLD BUSINESS**

a. Discussion and Consider taking Action on Konope Contract

The board discusses Konope contract. Mr. Studinski makes a motion to renegotiate the contract with Konope Compliance. Mr. Reichwald seconds. Mr. Lopez recuses. Mr. Studinski, Mr. Reichwald and Mr. Berger vote yay. Motion passes 3-0. Mr. Litrenta will renegotiate contract with Konope.

b. Discussion and Consider taking Action on Licensing Fees

Mr. Litrenta says that he believes the town cost for licenses and permits would be around \$250. Item is tabled until after negotiations with Konope.

c. Discussion of Trustee Letters of Intent Review Process

The board discusses the trustee vacancy selection process. Mr. Lopez makes a motion to have an interview with all interested individuals for the trustee vacancies. Mr. Lopez withdraws his motion. The board returns to discussion of the interview/selection process. Mr. Lopez makes a motion that there be an interview process for the trustee vacancies. Which will include two questions which include; Why did you applied? And; How much time do you have to commit? Followed by a brief interview process with the board. Mr. Studinski seconds. Motion passes 4-0.

The board discusses the voting process and decides on a voting process which will be ranking the candidates 1-5 and the three candidates with the lowest score will be selected.

d. Discussion of Town Project Tracker Management

This item is tabled.

e. Review of Draft Ordinance 2024-01 Which Modifies Business License Approval Process

Mr. Litrenta explains the edits he made to the existing Ordinance. The first reading will be at the next meeting on 5.21.2024

8. **NEW BUSINESS**

a. Discussion of Code Enforcement Procedures

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Mr. Litrenta explains that we must have an enforcement mechanism now that we have established resolutions and ordinances. The board discusses what that mechanism looks like and how we deploy it. This will be discussed when the town has more board members.

b. Review Water System Operator Resume

The board discusses the submitted resume for a Town Water Operator and the challenges that could be faced by not being local in Moffat. Mr. Litrenta will post the job description on Indeed. Mr. Horsley will contact Mr. Fetkavich and inform him that it would be tough to fill the roll remotely.

c. Discussion and Consider Taking Action on Park Maintenance

The board discusses how to better maintain the park. Mr. Lopez will volunteer to maintain the park until the project tracker gets implemented.

d. Discussion and Consider Taking Action on a Resolution Cancelling Mayor Pay

Mr. Lopez says he is willing to forfeit his pay and he is working on a resolution cancelling the mayor pay.

9. **EXECUTIVE SESSION**

10. **ACTION ITEMS FOR NEXT MEETING**

- Mr. Litrenta will renegotiate contract with Konope
- Mr. Litrenta will send LOIs to board members
- Mr. Litrenta will send invites to the citizens who have submitted LOI's for the trustee vacancy
- Mr. Litrenta will list the job posting on Indeed
- Mr. Litrenta will complete CIRSA Renewal
- Mr. Horsley will contact Mr. Fetkavich and inform him that it would be hard to fulfill this roll remotely
- Mr. Lopez will maintain the park
- Mr. Lopez will draft a resolution cancelling mayor pay
- Mr. Lopez will work on and receive edits for the meeting procedure resolution
- Mr. Lopez will complete the edits on the project management worksheet

11. **TOPIC FOR NEXT MEETING**

- Board will interview and vote on trustee vacancies
- Discussion and consider taking action on adjusting excise tax rate
- First reading of Ordinance 2024-01
- Discussion and consider taking action of resolution cancelling mayor pay

12. **ADJOURN**

Mr. Studinski makes a motion to adjourn. Mr. Lopez seconds. Motion passes 4-0.

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