

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



TOWN OF MOFFAT | EST. 1911

BOARD OF TRUSTEES REGULAR MEETING

June 11th, 2024 - 6:00pm

a. CALL TO ORDER

Mayor Lopez calls the meeting to order at 6:03pm

b. PLEDGE OF ALLEGIANCE

c. ROLL CALL

Mayor Lopez announces that there is a quorum.

Trustee 1 – Myers (Remote)
Trustee 2 - Berger (Remote)
Trustee 3 – Kelbert
Trustee 4 – Studinski
Trustee 5 – Reichwald (Remote)
Trustee 6 – Catts

STAFF PRESENT

Mr. Horsley
Mr. Litrenta

d. APPROVAL OF AGENDA

a. Approval of Agenda

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

b. Approval of Minutes

Mr. Catts makes a motion to approve the minutes. Mr. Studinski seconds. Motion passes 6-0.

c. Approval of Bill Payments

Mayor Lopez reads the bills publicly. Mr. Berger asks to have the Konope bill explained. Mr. Lopez explains. Ms. Myers makes a motion to approve the bill payments. Mr. Catts seconds. Mr. Berger votes no. Ms. Myers, Mr. Studinski, Ms. Kelbert, Mr. Catts, Mr. Reichwald vote yes. Motion passes 5-1.

e. 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.

Mr. Horsley says Reynolds Ave. is in need of repair and unusable when it rains.

Ms. Myers says the audio is breaking up.

Whitney Justice thanks the new board members for helping the town. She explains to the board that the town has no codification for land development and she has paid fees. She explains that Moffat collected the fees but never fulfilled the tasks.

Whitney Justice 3 minutes expires. Mr. Studinski gives Ms. Justice his 3 minutes of public comment

Ms. Justice continues to explain her request. She has asked for a refund but has not heard anything from the town and hopes it can be resolved civilly.

The board discusses how to properly communicate and resolve the POTCH LLC refund.

Mr. Reichwald makes a motion to pay POTCH LLC the money they have requested.

Mr. Studinski makes a motion to have a 10-minute recess. Ms. Kelbert seconds. Motion passes 6-0.

The board recesses at 6:34pm.

Mr. Studinski makes a motion to resume the meeting. Mr. Catts seconds. Motion passes 6-0.

Meeting resumes at 6:40pm.

Mr. Lopez explains that a motion cannot be made to pay POTCH LLC as it is not on the agenda.

Mr. Reichwald withdraws the motion to pay POTCH LLC the money they have requested.

Mr. Lopez explains public comment.

Kyra Gregory introduces herself to the new board members as the town drinking water coach and explains her role in helping the town and says she is here to help the town.

Ms. Myers wants to address two lights that are in town. One on Broadway and one on the Saguache Road as you come in to town that is distracting and she feels these are safety issues that she would like to get addressed. She also explains that there are roads that are tough to drive on in Moffat. To include 5th or 4th street and the road in AREA 420.

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Mr. Reichwald says that Mayor Patricia Reigel Blvd is bad and needs to be maintained and there are cars on the road. Those cars prevent Skoglund Excavating from conducting road maintenance.

Mr. Berger wants a discussion about the roads to be place on a future agenda.

Mr. Berger says it would be nice to have a CIRSA training session for the new board members.

f. REPORTS

a. Clerks Report

Mr. Litrenta lets the board know that he has a doctor's appointment on 6.21.24. He says that 6.19.24 is a holiday and that he will work on the 19th and then take of the 21st to go to his appointment.

Mr. Litrenta explains the ordinance adoption timeline and asks the board about public readings. The board says they would like ordinances to be read in whole and reread after any amendments are made.

Mr. Horsley says we need an agenda item to discuss we are going to conduct the event in July.

Mr. Horsley says all water sample have been submitted

Mr. Horsley is preparing to send engagement letter to the Lusks and Shearer. And he also had a good conversation with them today.

Mr. Horsley has been working with Kyra Gregory and has nothing but positive thing to say about working with them

Mr. Horsley looks forward to working with POTCH LLC.

b. Mayors Report

Mr. Lopez has heard back from the attorneys regarding conflict of interest so he was able to complete the welcome email to all the new trustees. He explains the open meetings law and that if there are 3 or more members of the board present, they cannot discuss town business. He also discusses conflict of interest and explains that it is best to disclose conflict of interest as much as possible.

Mr. Lopez sent out the delegated task list and is looking for feedback he explains the task list. He asks the board to discuss. The board provides feedback.

c. Trustee Report

Mr. Studinski asks about codification. The clerk explains codification.

Mr. Studinski says that the town must have a way to addresses issues that come up. The board discusses how conduct executive sessions and how items get addressed and placed on the agenda.

Mr. Reichwald says that he spoke with his attorney and he says that motions can be made to pay POTCH LLC as it is a motion to pay bills and not a motion for a resolution or ordinance.

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d. Cannabis Compliance Report

No cannabis compliance report given per board's decision.

e. Water Report

Mr., Horsley's water report was in the clerk's report. Ms. Kelbert met with Mr. Horsley to get introduced to the water project and water needs.

f. Financial Report

Ms. Kelbert makes a motion to have a 10-minute recesses. Mr. Catts seconds. Mr. Berger votes no. Mr. Studinski, Mrs. Kelbert, Mr. Catts, Ms. Myers, and Mr. Reichwald vote yes. Motion passes 5-1.

The board recesses at 7:36pm.

Ms. Kelbert makes a motion to return from recesses. Mr. Catts seconds. Motion passes 6-0.

The board resumes the meeting at 7:45pm.

Mr. Studinski and Mr. Litrenta provide a financial update.

g. **OLD BUSINESS**

- a. Discussion of Ordinance 2024-01 Which Amends Ordinance NO. 3-2009 An Ordinance Amending the Business License Ordinance for The Town of Moffat

Mr. Litrenta updates the board on the ordinance status and explains that this ordinance will only cover non-cannabis businesses in Moffat. Aside from that the only changes were the time frame for which license are issued and the fee. The board agrees.

- b. First Reading of Ordinance 2024-01 Which Amends Ordinance NO. 3-2009 An Ordinance Amending the Business License Ordinance for The Town of Moffat

Mr. Studinski makes a motion to table this item. Mr. Catts seconds. Motion passes 6-0.

- c. Discussion of Ordinance No. 2024-02 An Ordinance Amending Ordinance 2019-16 Establishing Excise Tax Procedures & Penalties for The Town of Moffat, Colorado.

Mr. Litrenta discusses with the board the progress made on the Excise Tax Ordinance. He explains that transfers from affiliated retail (Recreational) to medical facilities is not clearly defined. For Retail (Recreational) to Medical it only states:

“The Transfer and change of designation does not create a right to a refund of any Retail Marijuana excise tax incurred or paid prior to the Transfer and change of designation”

For Medical to Retail (Recreational) it states:

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The Retail Marijuana Cultivation Facility shall pay any Retail Marijuana excise tax that is imposed pursuant to section 39-28.8-302, C.R.S.; This is the basic excise tax requirements.

The Retail Marijuana Cultivation Facility shall notify the Local Licensing Authority and Local Jurisdiction where the Retail Marijuana Cultivation Facility and Medical Marijuana Cultivation Facility operate and pay any applicable excise tax on the Retail Marijuana in the manner determine by the Local Licensing Authority or Local Jurisdiction; and

Local jurisdiction is bound by CRS 29-2-114 which limits excise tax to only retail cultivations and states:

The tax shall be imposed at the time when the retail marijuana cultivation facility first sells or transfers unprocessed retail marijuana from the retail marijuana cultivation facility to a retail marijuana product manufacturing facility, a retail marijuana store, or another retail marijuana cultivation facility.

According to this the town has no authority to apply an excise tax to a transfer from an affiliated retail cultivation to a medical cultivation.

The clerk recommends that we remove the tax that would be applied to any transfers between affiliated medical and retail facilities. Excise should only be applied:

The tax shall be imposed at the time when the retail marijuana cultivation facility first sells or transfers unprocessed retail marijuana from the retail marijuana cultivation facility to a retail marijuana product manufacturing facility, a retail marijuana store, or another retail marijuana cultivation facility.

This is different than what the state mandates however the attorney feels comfortable defending this.

Mr. Litrenta also discusses the fee language.

He explains that he believes we should keep the excise tax process as simple as possible as it is confusing for many people involved to include the staff and companies. The board agrees.

- a. First Reading of Ordinance No. 2024-02 An Ordinance Amending Ordinance 2019-16 Establishing Excise Tax Procedures & Penalties for The Town of Moffat, Colorado

Mr. Studinski makes a motion to table this item. Mr. Catts seconds. Motion passes 6-0.

- b. Discussion of Engaging SUCEED For a Community Listening Session

Ms. Myers discusses this topic and how it could benefit the town. She explains SUCEED is an entity that helps communities and municipalities with a number of items include reporting, grant aid, and consulting. She asks for board input and the board provides feedback. Ms. Myers will reach out to see if the director of SUCEED can come to the next meeting to discuss how they might be able to help.

- c. Discussion of SLFRF Funds Status and Potential Expenditures

Mr. Litrenta provides the board with information about SLFRF status and allowed projects/expenditures. The town would like to use this funding on water projects and will look to other communities for help in reporting. The board will look in to working on this in early July.

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b. **NEW BUSINESS**

a. Review and Approval of New Cannabis Business License Application

Mr. Litrenta presents and explains the new cannabis application to the trustees. Mr. Catts makes a motion to approve the new cannabis business license application. Ms. Kelbert seconds. Mr. Studinski abstains/passes. Mr. Catts, Mr. Reichwald, Mr. Berger, Ms. Kelbert and Ms. Myers vote yes. Motion passes 5-1.

c. **EXECUTIVE SESSION**

d. **ACTION ITEMS FOR NEXT MEETING**

- Mr. Litrenta will work on proposed edits with Ordinances 2024-02 Excise Tax Ordinances and look to have it on the next agenda if the attorney agrees
- Mr. Litrenta will post new cannabis application online
- Mr. Litrenta will finalize ordinance adoption document
- Ms. Myers will contact SUCEED and ask if they can attend next meeting
- Mr. Horsley will send letters to Lusks and Shearers
- Mr. Horsley will provide the board a timeline for ballot measures
- Mr. Horsley will contact CIRSA about training for new board members
- Board will review cannabis ordinance edits made by the clerk
- Mr. Studinski & Ms. Myers will address lights in town

e. **TOPIC FOR NEXT MEETING**

- Discuss and consider action on Ordinance 2024-01 Which Amends Ordinance NO. 3-2009 An Ordinance Amending the Business License Ordinance for The Town of Moffat
- Discussion and consider taking action on Ordinance No. 2024-02 An Ordinance Amending Ordinance 2019-16 Establishing Excise Tax Procedures & Penalties for The Town of Moffat, Colorado.
- Discuss and consider action on Resolution 2024 -16 Approving New Signers for Bank Accounts
- Discussion of road maintenance process
- Discussion with SUCEED director on how SUCEED can help Moffat
- Discussion of Park Maintenance
- Discussion about public outreach for water meeting on July 9th
- POTCH LLC Refund Executive Session
- Discussion and consider taking action on election IGA
- Discussion of roads on Phase II

f. **ADJOURN**

Ms. Kelbert makes a motion to adjourn. Mr. Studinski seconds. Motion passes 6-0.

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