

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



BOARD OF TRUSTEES SPECIAL MEETING

July 23rd, 2024 - 6:00pm

1. CALL TO ORDER

Mayor Lopez calls the meeting to order at 6:05pm

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Mayor Lopez announces that there is a quorum.

Trustee 1 – Myers

Trustee 2 - Berger (Remote)

Trustee 3 – Kelbert

Trustee 4 – Studinski

Trustee 5 - Reichwald

Trustee 6 – Catts

STAFF PRESENT

Mr. Horsley

Mr. Litrenta

4. APPROVAL OF AGENDA

a. Approval of Agenda

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

b. Approval of Minutes

Mr. Reichwald makes a motion to approve the meeting minutes. Ms. Myers seconds. Motion passes 6-0.

c. Payment of Bills

Mr. Lopez reads the bills publicly. Ms. Myers makes a motion to approve the payment of the bills. Mr. Reichwald seconds. Motion passes 6-0.

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

6. 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.

Daniel Townsend would like the town to address, and put on a future agenda a street/ally vacation as a trailer on his property in the street/ally.

Parker Grissom speaks about the Sacred Lost Valley Park and his role and visions for the property and community in the future.

Mr. Reichwald makes a motion to give an additional 3 minutes to Mr. Grissom. Mr. Studinski seconds. Motion passes 6-0.

Parker Grissom continues his public comment on the same topic.

Bo Mackenzie wants to reiterate what Mr. Grissom said. And share his interest in the Sacred Lost Valley Park. He says he wants to say that Bongathon is not associated with the Sacred Lost Valley Park.

Jen Waltermire asks several questions to Sacred Lost Valley Park that she would like the town and/or Sacred Lost Valley Park to answer.

Dawn Mayo asks if the town has done anything to get compensation for the residents affected by the Heartnectar Festival. She is wondering about financial compensation.

Mr. Lopez says he has not looked in to compensation. He spoke with the attorney and the sheriff and will have reports on these subjects later in the meeting where there will be more open dialog.

7. REPORTS

a. Clerks Report

Mr. Litrenta explains to the board an issue with a deed being provided and then the transfer later being denied by the county. He asks for direction from the board on how to proceed in this instance and how to proceed in verifying land ownership going forward. The community engages in dialog. No direction is given.

b. Mayors Report

Mr. Lopez says he may not be around in the near future as he is expecting a child.

The rest of his report is on the agenda

c. Trustee Report

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Ms. Myers is having trouble creating a Facebook page and may have to come in and use the town computer but she is working on it. Ms. Myers has also done work on addressing the Russian Knapweed issue with Mr. Catts. She also went to the clerk's office to begin understanding an election timeline/schedule but the state systems were down.

Mr. Lopez is told that the board has decided to move any election or ballot issues to April 2025

Mr. Catts will mow tomorrow.

8. OLD BUSINESS

- a. Discuss, conduct a public hearing and reading, and consider taking action on Ordinance No. 2024-04 An Ordinance Amending Ordinance 2024-02 Establishing Excise Tax Procedures & Penalties for The Town of Moffat, Colorado

Mr. Litrenta presents to the board both the amended 2024-02 Ordinance which would be Ordinance 2024-04, as well as a possible Ordinance 2024-04 which simply explains the amendments made to ordinance 2024-02. He explains both will work in making the desired changes to Ordinance 2024-02, but that the latter is less to publish but provides less clarity. While the former requires publishing the whole ordinance again but provides easier navigation and clarity. The board decides to adopt the whole Ordinance version of Ordinance 2024-02. The board feels confident in the title and ordinance language.

Ordinance 2024-04 is read in full aloud. The attorney is contacted and confirms Ordinance 2024-02 must be repealed in the title. The title and the affected areas of the Ordinance are updated and re-read.

Mr. Lopez open the floor for public comment on the Ordinance.

Mr. Schwartz asks about a 2% sales tax on extracted products. The board explains the sales tax is 2% but this ordinance addresses excise taxes.

Jen Waltermier asks if the excise tax is being lowered from 4% to 2%. The board explains why the excise tax was lowered.

Mr. Biggio comments that the audio is of poor quality and questions how board members can properly hear the meeting and its contents. The board addresses the audio issues.

Mr. Reichwald makes a motion to approve Ordinance No. 2024-04 An Ordinance Amending Ordinance 2024-02 Establishing Excise Tax Procedures & Penalties for The Town of Moffat, Colorado, with amendments. Ms. Kelbert seconds. Motion passes 6-0.

- b. Discussion of Planning Commission Establishment

Ms. Myers would like to revise the Planning Commission for the Town of Moffat. She discusses how this can be implemented. The citizens engage the board about reviving the planning commission.

The board agrees to revise the planning commission. Ms. Myers will make a flier to get volunteers to join. Mr. Litrenta will post the flier.

Mr. Reichwald makes a motion to recess for 10 minutes. Mr. Studinski seconds. Motion passes 6-0.

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Mr. Reichwald makes a motion to reconvene. Mr. Studinski seconds. Motion passes 6-0.

- c. Discussion About Festival in the Town of Moffat and Citizen Concerns

The board and the town discuss the festival to include progress, concerns, and future festivals.

9. NEW BUSINESS

- a. Discussion of Sales Tax Collection of Festival

The board discusses with the community tax payments for the Heartnectar festival.

- b. Discussion of Fine Implementation for Festival

The board discusses fine implementation for the festival which cannot be collected or enforced per legal counsel and current ordinances.

- c. Discussion and consider taking action on FIGGRO proposal

Mr. Litrenta present the FIGGRO proposal to the board which will include changes needed in the platform to reflect the fees described in Ordinance 2024-02. Mr. Studinski makes a motion to approve and pay for the FIGGRO proposal. Mr. Reichwald seconds. Mr. Berger abstains. Mr. Reichwald, Mr. Catts, Ms. Myers, Ms. Kelbert, Mr. Studinski vote yes. Motion passes 5-1.

10. EXECUTIVE SESSION

Mr. Reichwald makes a motion to enter executive session. Mr. Catts seconds. Mr. Studinski abstains. Mr. Reichwald, Mr. Catts, Ms. Myers, Ms. Kelbert, and Mr. Berger vote yes. Motion passes 5-1.

The Town Board may, upon 2/3 vote of the Town Board, convene into Executive Session pursuant to C.R.S §§ 24-6-402(4)(b) and (e) to discuss:

1. Discuss negotiation of the Water Service Agreement between the Town and Potch, LLC

Mr. Studinski makes a motion to exit executive session. Mr. Reichwald seconds. Motion passes 6-0.

11. ACTION ITEMS FOR NEXT MEETING

Mr. Studinski makes a point of personal privilege. He reads aloud a formal charge against Trustee Berger. The clerk files the charge in the clerk's office.

- Mr. Litrenta will publish Ordinance 2024-04 in is the Saguache Crescent and notify the board of its publication date.
- Ms. Myers will draft a notice looking for volunteers for the planning commission
- Mr. Litrenta will post the notice looking for volunteers for the planning commission
- Mr. Litrenta will draft a resolution dissolving the current planning commission
- Mr. Lopez will write a resolution to develop a water committee
- Mr. Lopez will be seeking council from the attorney regarding sales tax of ticket sales from events

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- Mr. Litrenta will reach out to the county to discuss election timeline and ballot language
- Mr. Lopez will seek legal guidance regarding formal charges
- Mr. Litrenta will confirm the FIGGRO proposal and send payment

12. TOPIC FOR NEXT MEETING

- Discussion and consider taking action on ordering and audio-visual system
- Discussion and consider taking action on topics for community engagement events
- Discussion and consider taking action on election and ballot language
- Discussion and consider taking action on street signs

13. ADJOURN

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

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