

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



TOWN OF MOFFAT | EST. 1911

BOARD OF TRUSTEES SPECIAL MEETING

July 30th, 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 there is a quorum

Trustee 1 – Myers

Trustee 2 – Berger (Arrives Late)

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

Mayor Lopez requests to remove executive session. Mr. Reichwald makes a motion to remove executive session from the agenda and approve the agenda. Ms. Kelbert seconds. Motion passes 5-0.

b. Approval of Minutes

Mr. Reichwald makes a motion to approve the minutes. Mr. Catts seconds. Motion passes 5-0.

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

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

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. Skoglund makes a public comment regarding road maintenance, his contract, and the costs. He said this will be the last month he does road maintenance because he would like new terms in a contract.

Mr. Reichwald makes a motion to suspend the rules so Mr. Studinski can ask a question. Mr. Studinski seconds. Motion passes 5-0.

Mr. Studinski asks what month will be his last month. Mr. Skoglund says it will be July.

Mr. Reichwald asks what would need to be done to improve the roads. Mr. Skoglund asks the board where they would like the maintenance and work done and that would determine the cost and scope.

Ms. Myers speaks to all the work that Mr. Skoglund has done and that he is trying and has done a lot over the years to fix the roads in Moffat.

Ms. Justice says that it is hard to hear everything via zoom and that Trustee Berger is not at the meetings so he cannot hear the meetings, as she can't hear the meetings on zoom. She also says that she believes Mr. Berger is communicating privileged information to individuals she is in a legal battle with. She believes it is unacceptable that a member of the government spread rumors and lies about her company. She encourages the board to make sure items discussed during executive session stay in executive session.

Mr. Biggio says that Mr. Berger took water from Ms. Justice property and that Mr. Berger says that he spoke to Ms. Justice and that it is resolved but Mr. Biggio says that is not true.

6. REPORTS

a. Clerks Report

Mr. Litrenta explains Mr. Skoglund's costs and that his last payment will be in August.

Mr. Litrenta explains that he has had a hard time doing the training for the ADA Compliance for the website. He asks if this could be given to another member of the board or staff. Mr. Horsley will help Mr. Litrenta with the training and project

Mr. Litrenta informs the board the he will be OOO on Aug 5th and a few hours in the morning of Aug 6th for a medical appointment.

Mr. Litrenta asks the board what the status is on issuing a business license for the liquor store as there are citizens waiting for this information. The board advises Mr. Litrenta to reach out to the attorney for advice on this process.

Mr. Litrenta asks about sending letters to cannabis company owners announcing the new excise ordinance and cannabis framework ordinance. He suggests doing it once we approve both ordinances.

Mr. Litrenta says the attorney recommended that we just appoint new planning and zoning commission members instead of dissolving the old planning and zoning commission. He also explains that the planning and

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

zoning commission is to be the mayor, a trustee, and 3 members at large appointed by the mayor according to statute and ordinance. Mr. Litrenta says that this resolution is written and has been reviewed by the attorney.

Mr. Horsley has secured the yard hydrants in town with clear tape until locking mechanisms can be obtained.

b. Mayors Report

Mr. Lopez says that from his view and the attorney view, a point of personal privilege is to address to the presiding officer and to be acknowledged. He is confused because in the past, it has been used to give a trustee uninterrupted time to speak. Mr. Lopez clarifies with Mr. Reichwald that when Mr. Reichwald says “point of personal privilege” he does have the floor uninterrupted for 10 minutes. Mr. Reichwald explains point of personal privilege and Roberts rules of order.

c. Trustee Report

Mr. Studinski says he believes he should get started on the budget even though it is early.

Ms. Myers says she reached out to the GIS mapping service but they are behind as one of the managers had passed away.

Ms. Myers has also looked in to the weed conservation district and says they may have done a lot of hazardous weed mapping already.

7. OLD BUSINESS

a. Discussion and consider taking action on topics for community engagement events

Ms. Myers discusses with the board topics that could be discussed during community listening sessions and what topics should be discussed first.

Ms. Myers has reached out to CML regarding policies for a Facebook page. She is waiting to hear back.

The board suggests that special events, water discussion, and roads should be the priority for public engagement discussions. The Mayor recommends that the first meeting on the Third Thursday in August be a discussion about a special events ordinance. The Third Thursday on September will be a water discussion.

b. Discussion and consider taking action on ballot language for the Town of Moffat

Mr. Litrenta informs the board that we did need to have an ordinance to the county by July 26th and that by the time he found this out on the afternoon of the 25th it was going to be too late to call a meeting, write, an ordinance, and have the attorney who is already busy with other tasks review the resolution. He was told however, that it would be cheaper to hold an election ourselves. Meaning we can still hold an election in November but we would need to host it ourselves. Mr. Horsley is working on an election schedule for April 2025 that the clerk will send to the attorney for review. Ms. Myers says she spoke to the county and they said they would be willing to help us out on the day of an election. Mr. Horsley says that according to statute the clerk can act as the deputy clerk if the county clerk is not available. The board will stay with the April 1st election date.

c. Discussion and consider taking action on street signs in the Town of Moffat

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

Mr. Catts provides a report to the board on street signs needed in town on what will need to be done to post those street signs.

- d. 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 says that the attorney recommends the ordinance be reread as changes were made in referencing past ordinances. Ms. Myers reads the ordinance aloud.

Mr. Lopez opens the floor for public comment.

Ms. Riegel asks why the ordinance changed from the 5% voted on by the town to 2%. Mr. Lopez explains that we could not raise taxes in a flat rate past 2%. Ms. Myers explains that logistically a tiered rate did not work in FIGGRO.

Ms. Reigel asks how much a marijuana license is. Ms. Kelbert says it is \$1000. Mr. Lopez explains that it is \$1000 for a renewal but can vary for the initial. Mr. Reichwald explains that the fees will change in the future.

Ms. Reigle asks if there are any licenses in the original 1910 town limit. Mr. Reichwald says there is one.

Mr. Lopez closes public comment.

Ms. Myers makes a motion to approve ordinance 2024-04. Mr. Reichwald seconds. Motion passes 6-0.

8. NEW BUSINESS

- a. Discuss and consider action on a request from Trustee Don Studinski for the Town Board to bring formal written charges against Trustee Tyler Berger for misconduct and malfeasance in office, and setting a date for a public hearing whereat the Board will hear evidence on the formal written charges and consider appropriate action and consider appropriate action, including, without limitation, removal of Trustee Berger from his office on the Town Board.

The board discusses Mr. Studinski's request to bring formal written charges against Trustee Berger. Mr. Studinski says he read the charges last week. The board asks to see the charges.

Mr. Catts requests permission to take a recess. Ms. Myers seconds. Motion passes 6-0.

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

Mr. Studinski reads the charges against Trustee Berger.

The board discusses the charges.

Mr. Reichwald makes a motion to schedule a public hearing to discuss the removal of Trustee Berger. Mr. Studinski clarifies the removal process. Mr. Catts seconds. Ms. Myers abstains. Mr. Berger recuses. Mr. Studinski, Mr. Reichwald, Ms. Kelbert and Mr. Catts vote yes. Motion passes 4-0.

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

Mr. Lopez explains the public hearing process. Mr. Lopez will ask the attorney how to present evidence that was given during executive session.

b. Discussion on how to properly verify land ownership in the Town of Moffat

Mr. Litrenta discusses with the board the issues with using deeds to verify property ownership and asks for advice on how to verify land going forward. Mr. Litrenta will reach out to the county to see about getting written verification of property ownership when given a deed.

c. Discussion and consider taking action on a new audio-visual system for meetings

Mr. Horsley presents the board with a potential new AV system for town meetings. Mr. Reichwald makes a motion to approve the purchase of the new items. Mr. Catts seconds. Motion passes 6-0.

9. EXECUTIVE SESSION

The Town Board may, upon 2/3 vote of the Town Board, convene into Executive Session pursuant to pursuant to C.R.S. 24-6-402(4)(b) (Legal Advice) and C.R.S. 24-6-402(4)(f)(I) (Personnel Matters) to discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the following public officer(s) or employee(s):

- Discuss request to file formal charges of misconduct and malfeasance by Trustee Tyler Berger

Item removed under approval of agenda.

10. ACTION ITEMS FOR NEXT MEETING

- Mr. Litrenta will reach out to the attorney for clarification regarding issuing a business license for a liquor store
- Mr. Litrenta will send the election timeline to the attorney for review
- Mr. Litrenta will send the excise tax ordinance to the Saguache crescent for publishing
- Mr. Lopez will ask the attorney how to present evidence that was given during executive session.
- Mr. Lopez will reach out to the attorney about Mr. Berger reaching out to the town's attorney
- Mr. Lopez will begin the process of conducting a public hearing
- Mr. Catts and Mr. Lopez will work on installing road signs
- Mr. Litrenta will reach out to the county to see about getting written verification of property ownership when given a deed.
- Mr. Litrenta will order new AV equipment
- Mr. Horsley and Mr. Litrenta will continue to work on the ADA website compliance training
- Ms. Myers will research municipal Facebook page policy
- Mr. Catts will reach out to Skoglund Excavating for new contract requests
- Mr. Litrenta will post planning and zoning committee flyer

11. TOPIC FOR NEXT MEETING

- Next meeting will be on 8.13.2024
- Discussion and consider taking action on cell phones for the office staff
- Discussion and consider taking action on new Skoglund excavating road maintenance contract

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

- Discussion and consider take action on cannabis ordinance edits review

12. ADJOURN

Mr. Reichwald makes a motion to adjourn. Mr. Catts seconds. Motion passes 6-0.

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=c3RVdWFLZEJDN2ZjdmxiTVlpeWVjdz09>

Meeting ID: 864 2257 8056

Passcode: 592122