

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



BOARD OF TRUSTEES PUBLIC HEARING

September 17th, 2024 - 6:00pm

1. CALL TO ORDER

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

2. ROLL CALL

Mayor Studinski announces that there is a quorum.

Trustee 1 – Myers
Trustee 2 - Berger
Trustee 3 – Kelbert
Trustee 5 - Reichwald
Trustee 6 – Catts

STAFF PRESENT

Mr. Litrenta
Mr. Horsley

3. PUBLIC COMMENT

Public comment provides a time for community members to present their views to the Board of Trustees. If you wish to speak raise your hand and wait to be acknowledged. Everyone is asked to express their viewpoints within a three-minute time allotment to allow all voices to be heard. The Board may consider all public input as we plan for future discussions. Any decisions must be agenda items for a future publicly announced meeting. Civility is expected throughout the comment, and personal attacks are not tolerated.

Ms. Reigel gives a public comment regarding Trustee Berger's representation of the citizens of the town.

4. NEW BUSINESS

Hold a public hearing, discuss, and consider action on removal of Trustee, Tyler Berger, pursuant to C.R.S. § 31-4-307 and Resolution 2024-04.

Mr. Studinski removes himself as chairperson of the public hearing and Tommy Dentler, Mayor of the Town of Hooper, serves as chairperson of the public hearing.

Mr. Studinski reads the charges brought to Trustee Berger and plays the audio submitted as evidence.

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

Ms. Justice speaks as a witness for Mr. Studinski. Ms. Justice's time expires.

Ms. Bunting speaks as a witness for Mr. Studinski.

Mr. Skoglund speaks as a witness for Mr. Studinski.

Trustee Myers makes her statement on the removal of Trustee Berger.

Trustee Catts makes his statement on the removal of Trustee Berger.

Trustee Reichwald makes his statement on the removal of Trustee Berger.

Mayor Studinski yields the floor to Trustee Berger to provide his response to the charges.

Trustee Berger speaks on the charges brought against him.

Mr. Dentler reads the grounds for removal from office. And reads the charges and takes trustee votes recorded below.

1. Trustee Berger did willfully impede and disrupt the normal proceeding of our Town Executive Session on the night of 7/2/2024.

Trustee Berger: Recuse
Trustee Catts: Guilty
Trustee Kelbert: Guilty
Trustee Myers: Not Guilty
Trustee Reichwald: Guilty
Trustee Studinski: Guilty

2. Trustee Berger did personally attack, insult and target the Town Clerk and Assistant Clerk targeting their character during the Executive Session of 7/2/2024.

Trustee Berger: Recuse
Trustee Catts: Guilty
Trustee Kelbert: Guilty
Trustee Myers: Not Guilty
Trustee Reichwald: Guilty
Trustee Studinski: Guilty

3. Trustee Berger did engage in behavior that disrupted the orderly progression of the Executive Session of 7/2/2024.

Trustee Berger: Recuse
Trustee Catts: Guilty
Trustee Kelbert: Guilty
Trustee Myers: Guilty
Trustee Reichwald: Guilty
Trustee Studinski: Guilty

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4. Trustee Berger did intentionally harass Town employees and fellow trustees during the Executive Session of 7/2/2024.

Trustee Berger: Recuse
Trustee Catts: Guilty
Trustee Kelbert: Guilty
Trustee Myers: Not Guilty
Trustee Reichwald: Guilty
Trustee Studinski: Guilty

5. Trustee Berger did intentionally distract from the current agenda item being discussed and engaged in lengthy tangents of unrelated topics during the Executive Session of 7/2/2024.

Trustee Berger: Recuse
Trustee Catts: Guilty
Trustee Kelbert: Guilty
Trustee Myers: Not Guilty
Trustee Reichwald: Guilty
Trustee Studinski: Guilty

6. Trustee Berger did refuse to yield the floor to other trustees, interrupted other trustees and the mayor, and engaged in shouting and disruptive behavior impeding the orderly progression of the Executive Session of 7/2/2024.

Trustee Berger: Recuse
Trustee Catts: Guilty
Trustee Kelbert: Guilty
Trustee Myers: Not Guilty
Trustee Reichwald: Guilty
Trustee Studinski: Guilty

Mr. Reichwald makes a motion to remove Trustee Berger from the board. Mr. Catts seconds. Mr. Berger recuses. Ms. Myers votes nay. Mr. Reichwald, Mr. Studinski, Ms. Kelbert. Mr. Catts vote yes. Motion passes 4-1.

5. EXECUTIVE SESSION

The Town Board may, upon 2/3 vote of the Town Board, convene into Executive Session to seek legal advice from the Town Attorney(s) regarding the matter on the current agenda pursuant to C.R.S. 24-6-402(4)(b). No action will be taken in the Executive Session.

No Executive Session Held

6. ADJOURN

Mr. Reichwald makes a motion to adjourn. Mr. Catts seconds. Motion passes 4-0.

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