

**FOWLER TOWN COUNCIL  
TOWN COUNCIL CHAMBERS  
200 MAIN STREET  
DATE: April 13, 2009  
6:00 P.M.  
COUNCIL MEETING AGENDA**

Mayor Wards led the group in the Pledge of Allegiance and called the meeting to order. Present were Pat Christensen, Chuck Hitchcock, Randy McKown, Monie Stites, and Larry Vibber via telephone. Jack Hobby was late. Attorney Dan Hyatt attended as well as employees Snider, Rein, Borrego, and Klinkerman

Public Comment: None

Changes to the Agenda: Administrator Snider asked that COPS grant be added as item H under new business.

Approval of previous minutes (March 9, 2009 and March 23, 2009): Trustee Hitchcock moved and Trustee McKown seconded a motion to approve the minutes. Motion passed unanimously.

Reports:

Mayor had no report.

Committee/Board Reports:

Trustee Christensen stated that the recreation board will be meeting tonight to get ready for summer sports. He will attend if he can make it after this meeting.

Trustee Hitchcock said that the Water and Sewer committee met last week with planning and zoning. He moved to request 500 acre feet of project water – giving Foreman Rein authorization to file for that. Motion was seconded by Trustee McKown and passed unanimously.

Trustee Hitchcock also stated that we are putting together information with CDOT and Cummings regarding putting storm sewer across Bushy's Motel driveway. There is an estimated cost of \$10,000 for that. Part will come from Storm Sewer fund and party from general fund.

Trustee McKown met with the golf board, who is here to present their own request.

Trustee Stites stated that the Park & Rec. committee met at 5 tonight. It was decided to give Wayne permission to move forward with contracting with Solid Earth to do the irrigation system and the reseeding of the park (\$52,130) and to order 14 trees. Solid Earth will be planting those as well. That will finish off the park project. We will not be completing all we wanted to do. If all goes well, we will get grass planted in time to get a couple of cuttings before Missouri Day. We will go back for a minigrant to get remainder of the funds for park.

Trustee Viber had no report. He stated that he had made a request to County Commissioners for funding for bleachers, etc. The request was denied. They felt they

had other priorities. The school did get over \$100,000 for technology.

Administrator Report. Snider stated that we are still waiting on BNSF for sewer line. We have applied for stimulus money for the backfeed line.

Treasurer's Report – Klinkerman stated that we are now accepting credit cards. This can be done through the Town's website. She also stated that cash flow is doing well. Stites asked about the checks to Brenda Fillmore and to Spaccamonti. Klinkerman stated that Fillmore's was for the easement under the railroad and Spaccamonti's was for a fire hydrant.

### Unfinished Business

International Property Maintenance Code. Snider asked if the trustees had gone through the code and if they had questions. Trustee Stites asked if we would have a building official or if that would be the county. Attorney Hyatt stated that the town would need to have a building official. It can be the Town administrator or anyone appropriate. It needs to be someone with construction knowledge, being careful to avoid conflicts of interest. Trustees asked about the section regarding swimming pools, spas, and hottubs (24" of water), whether the requirement would put a burden on anyone with a pool. Snider stated that we may have to modify. Hyatt stated that anyone with a pool generally will have it fenced in to prevent someone from getting in and drowning. Snider stated that it could be modified prior to adopting. Hyatt stated that the building official would have some discretion, but that you need to treat everyone equitably. He would recommend that it be adopted in its totality. Stites asked if a code officer could enforce part of this. Currently the Town does not have anyone specifically doing code enforcement. The officers are doing this as part of their jobs. Hyatt stated that enforcement is generally based on complaints and observations.

Trustee Stites moved to adopt the international property maintenance code for the town of Fowler. Hyatt asked if it had been published. He stated that we needed to wait and meet the publication requirements, then there must be a hearing. Trustee Stites rescinded her motion. Trustee Hitchcock asked about having a Council work session to review. Mayor Wards felt we should adopt in its entirety. Trustee Stites would like to see us move forward. She felt any issues should already have been brought up. Hyatt stated that we could go ahead and do the publications while we are looking through it.

### New Business:

Cemetery records program presentation – Barbara Dunsmoor introduced Larry Bourne. Who presented a cemetery database - The Crypt Keeper. It costs \$50 plus \$10 to get the hard copy on disk. There is a map editor where you build a map of your cemetery. There are many reports you can create. There is a backup and restore section. What he does not like is that it only backs up to the hard drive and you cannot change that location. However, there are ways you can back it up to another location.

Mr. Bourne stated that they have had this program 6 months. Barbara Dunsmoor has arranged with Mike Aragon at school to have students update the program. She has spoken with Sparky Turner about getting money. She also may be able to get Thrivent money since youth helped paint the gazebo at the cemetery.

You can print out a directory using the program. They print one out and hang it on the wall at the cemetery so anyone can see it at any time. Each month, he puts a new page with the new information. Once a year they print the full directory. Hitchcock asked who would verify accuracy of information the students key in. Bourne stated that you could print a report of what a person has keyed so you can verify the information that was entered. He recommends each day's data be verified.

He stated that there are programs that do a lot more - bookkeeping, location of sprinklers and trees, etc – that cost \$2,000 or \$3,000. He feels this is a good value.

Mayor Wards thanked Mr. Bourne for his presentation.

Barbara passed a map of the cemetery with streets named, as an example. They will need to be named before we start this program. We also need to have signs put in.

Barbara wants to put a desk in the gazebo with a glass top where you can put your hands in, but can't take the book out. If we do this, people can look when Town Hall is closed.

Approval of Liquor License renewal for Cottonwood Links Golf Course. Christensen moved and Hitchcock seconded to approve. Mayor Wards asked Chief Borrego if there were any issues. Borrego stated there were none. Motion passed unanimously.

Approval of Liquor License renewal for Phat Willy's, LLC. Motioned by Hitchcock and seconded by McKown to approve. Mayor Wards asked Chief Borrego if there were any issues. Borrego stated there were none. Motion passed unanimously.

Cottonwood Links Golf Course Grant request. \$6925 was requested from the Conservation Trust Fund (CTF) by Jonathan Fox of Cottonwood Links Golf Course. He stated the money would be used as follows: \$2800 for open fairways program; \$3625 for Water Conserving Sprinkler Heads, and \$500 for Irrigation Control Boards. Funding was lost for the Open Fairways program, which previously had been privately funded. Fox stated that they support the high school boys' and girls' golf teams. These youth are not charged to use the Golf Course. He stated that the course brings lots to the community and from outside the community – the Pueblo area and the valley. It also puts us (The Town of Fowler) on the map. Attorney Hyatt stated that the funds can only be used for capital purchases. We could not fund the Open Fairways program. Klinkerman stated that we budgeted about \$8000 from Conservation Trust and \$2500 from the general fund for recreation such as the golf course and youth recreation. Stites asked if they had applied for grants. They have not had many grant opportunities because of being a golf course. Stites suggested finding grants that could be passed through the Town. Hyatt suggested applying for grants for water conservation. For instance, the sprinkler heads could fall under a grant to conserve water. Fox asked if the grant amount could be approved with the stipulation that the full amount be revised to meet the requirements of the CTF. Stites stated that the Park project needs more money and some of the CTF maybe could be used to help with that. Stites suggested trying to get a feature article in the paper. They have had difficulty getting a response from the reporter from the Chieftain. McKown stated that it would be difficult getting a figure tonight since the rec. board is meeting tonight so the Council would like to look at the needs of both departments. Fox will revise the request to meet the requirements. Wards stated that we need a request in writing from the rec. board or it will not be considered. Stites stated that the Conservation Trust money could dwindle and if we

use it all this year, we won't have anything for next year. Hitchcock asked about the restructure of the membership fees. Fox stated that the fees for 2009 have been approved. Rod Soden stated that fees stayed the same this year. In the past, they had increased fees and membership declined. Stites stated that Crowley County Economic Development wants to put Cottonwood Links in their new brochure. They want pictures of the golf course for the brochure. Mayor Wards asked Fox to revise the request and this will be tabled until we hear from the rec. board.

Resolution 763-09 (Increasing sewer tap fees). Hitchcock moved we adopt Resolution 763-09 effective the 20<sup>th</sup> day of April, 2009. Attorney Hyatt stated that implementation of this resolution could be a problem because it states that it is based on quality but doesn't specify what that quality is. There needs to be a specific standard. Hitchcock stated that the intent was to increase the tap fees to \$3000, that the standards would be adopted in the revised Title 13. Christensen seconded the motion. Motion passed unanimously.

Resolution 764-09 (Increasing water tap fees). Hitchcock moved to adopt Resolution 764-09 effective the 20<sup>th</sup> day of April, 2009 for tap fees of \$3,000. Christensen seconded the motion. Hitchcock substituted, stating the motion should be \$2,500 for potable and \$3,000 for nonpotable and Christensen seconded the substitute. Motion passed unanimously.

Cummings Annexation. Hyatt addressed issue. He stated that this is the first formal part of the annexation, which sets the hearing and states that the petition filed meets substantially the requirements of the statutes. The notice states the hearing is Memorial Day. It should have been May 26 and Hyatt cannot be here. The notice is to be amended to say the 26<sup>th</sup> day of May. Trustee Christensen moved to approve with the change of date of the hearing to May 26 and Trustee Hitchcock seconded. Motion passed unanimously.

COPS Grant. Chief Borrego asked for Council permission to apply for COPS grant, which is stimulus money. The non-matching grant pays for 36 months of a cop's salary. We must keep the individual for one more year. We used this grant in 2002. Stites asked what would be done with the 4<sup>th</sup> COP. Borrego stated that he would add a graveyard shift as officers have been called at 2 and 3 in the morning. He does try to schedule cops late on weekends. However, this pulls cops off other hours. Wards asked if this could be utilized for code officer. Borrego stated that it would be a full-time officer. We wouldn't need a separate code enforcement officer and he could probably eliminate a part-time officer. Hitchcock asked what would happen if the officer left. Borrego stated that if the officer leaves, another officer would be hired in the officer's place. Borrego stated that the current officers have built up lots of vacation time. At first, hours patrolled wouldn't increase much but current officers would be able to take some of their time off. Stites asked about adding some community education. Borrego stated that currently Gomez goes to the school on his own time because we do not have funding. Borrego does some also. He would like to do more of that. Stites asked what would happen if in two years we decided we didn't need four cops. Borrego stated he felt we could lay one of the other officers off. Hitchcock asked Snider's opinion. Snider stated that he felt we need this to give officers time off. Trustee McKown stated he wanted to make sure officers realize that they need to take their vacation time. Trustee Vibber asked about our total number of police officers compared to other cities our size. Borrego stated he didn't have the figure. Rocky Ford with 5000 people has 9

officers. Manzanola has one. Trustee Christensen clarified that this was only to pursue the grant. All voted yes except Trustee Vibber, who voted no.

Attorney Hyatt asked to report on a law enforcement grant. He stated that the Otero County Sheriff's department received \$11,000 for law enforcement. Fowler did not get any money, nor did Crowley County or Bent County. He stated that the area has been looking at getting wireless internet to help with "other things" such as wireless cameras, etc. They would like to pull all the money and put up wireless internet along highway 50 throughout the County. Hopefully all Fowler will have wireless internet. This would be phase one. In phase two, the communities would go after money to get computers for the cars (DOJ grants), which Fowler already has. The third phase would be a request for federal money from the County to extend the coverage to cover Crowley and Bent County. This is not Sky Catcher. We cannot sell the service, but it would be available for governmental use. Rocky Ford is looking at it for reading meters.

Mayor Wards asked once this was installed what it would take annually to maintain. CCom will be responsible for the broadband. They stated that it would be competitive with the \$50 aircards (\$50 per month per car, which is what State Patrol is currently paying). Hitchcock asked if this provided any assistance with dispatch. Hyatt stated that with the secure connection it could help. Borrego stated that there is a two part upgrade - an upgraded 911 system and Computer Aided Dispatch. It is more secure than the aircards. Officers will be able to do their own queries, cutting down on air time and dispatch services. This is being used in Pueblo, Springs, and Denver currently.

Hyatt felt that this would be in place by November if all moves along as he expects.

Trustee Christensen moved to adjourn. Motion was seconded by McKown and passed unanimously.

Ray Wards, Mayor

Shawn Pagnotta, Town Clerk