

**FOWLER TOWN COUNCIL
TOWN COUNCIL CHAMBERS
200 MAIN STREET
DATE: May 11, 2009
6:00 P.M.
COUNCIL MEETING MINUTES**

Mayor Wards led the group in the Pledge of Allegiance and called the meeting to order at 6 p.m. Present were Trustees Christensen, Hitchcock, Hobby, McKown, and Stites. Trustee Vibber was absent. Employees Rein, Borrego, Snider, Klinkerman and Attorney Hyatt were also present.

There were no public comments.

Changes to the Agenda. Executive Session was added for legal advice.

Approval of previous minutes (April 27, 2009). Trustee McKown moved and Trustee Hobby seconded to approve the minutes of the April 27 meeting. The motion passed unanimously.

Reports

Mayor's Report. Mayor Wards stated that the Park looks like it is coming right along.

Committee/Board Reports

Trustee Christensen reported that he had been working with the Recreation Committee. Their request will be discussed later in the meeting.

Trustee McKown stated that the golf course is waiting for us to make decision.

Administrator Report

Administrator Snider stated that the contractor will be finished with the sprinkler system and grass by the end of the week. We will have the bathroom in two weeks. We will have the rail for band stand by end of the week. Trustee Stites asked about signs. Snider stated that they are here. We need the GOCO, Garden Show, and First National Bank signs. These have not been designed. Stites asked about the signs on Grant for the playground, in the street. We have those. Rein stated we do need to get posts.

Mayor Wards asked if we had a sign that says "No Parking here to Corner." Mayor Wards asked Ronnie to get one for 2nd Street.

Snider stated that preliminary drawings of Park School will be available tomorrow at 11 during a meeting with the Architect, Honeywell, and State Historic Fund at Town Hall.

Snider reported that he had spoken to DOLA regarding the backfeed line. Right now both it and the sewer project are tied up with the BNSF contract.

Treasurer's Report. Klinkerman presented highlights of written report.

It was reported that the pool would be opening somewhere between May 30 and June 1.

Unfinished Business

Cottonwood Links and Recreation Dept. Grant request. Future funding of CTF was discussed and the possibility of the funds declining. Trustee McKown would like to conserve some money for remainder of park. He recommends giving \$3,500 to each the Golf Course and the Recreation department. Trustee Stites fully supports the recreation department. Hitchcock asked about the bottom line on the rec. department. Jill Taylor of the Rec. Department explained their revised request. She also explained that the school's pitching machine will not work for the youth program. Mayor Wards asked if the fence could be purchased elsewhere. Taylor explained that Rancher's is selling it at cost. This is the best price they can find for the 9 gauge wire. She also explained the required expenses due to rule changes. Attorney Hyatt asked about field maintenance, which Klinkerman and Taylor explained.

Stites would like to see them both get money but would like the rec. dept. get more money than the golf course. Christensen wanted to ensure we didn't deplete the fund. Stites stated that we are trying to set aside money for the pool/sports complex. Hitchcock is not comfortable with funding salaries. Klinkerman clarified how the general fund money could be used as well as how the CTF money could be used. Wards agreed with emphasizing the rec. dept. over the golf course. He has heard lots of frustrations from people wanting to rent the club house at the golf course and unable to reach a contact person. Hobby asked if the rec. dept. received income from gate admissions. Taylor said yes, that they would be having gate admission revenue.

Wards asked about the high school coming out asking for money for football and how that worked. He suggested that might work for rec. dept., a corporate sponsorship program. Stites also suggested watching for grants. Christensen is working on that also.

Trustee Christensen moved to give the Rec. department \$2,500 from general fund and \$2,974.48 from Conservation Trust Fund. Hobby seconded the motion. Stites explained that they shouldn't count on this next year. Stites asked how long equipment generally lasts and that was explained. Hitchcock asked about coaching certificates. Taylor explained that the rec. board offers to pay, but the coach can volunteer to pay the fee. The motion passed unanimously.

Trustee McKown moved to give \$2,500 in Conservation Trust money toward the sprinkler heads and irrigation control boards at the golf course. Trustee Hitchcock stated this would leave the golf course \$1,600 short. Hitchcock seconded the motion, which passed unanimously.

New Business

Care Provider. Snider said he has been working with Rural Health Center and Colorado Provider for recruitment for doctors and he would like to continue to pursue this. He stated that at the current time there is no cost to the town to post the job. He stated that there would be \$6,000 for recruitment fee if a doctor is hired. Trustee Christensen stated that we have had doctors practice in Fowler but they have not stayed. The reason he said they don't stay is because if tests or ex-rays need to be done, patience

will have to go to La Junta or Pueblo and would rather just go to a doctor there. Trustee Stites asked if the town was going to pursue an urgent care provider. Snider said yes. Trustee McKown stated his concerns with recruiting a full or part time physician. Trustee Hitchcock asked what the town gets when spending the \$6,000. Snider said that nothing is spent until a doctor has been contracted and the \$6,000 is the only money paid out by the town. Mayor Wards suggested that Snider pursue the recruitment. Trustee Hitchcock made a motion to give Snider the authority to pursue this avenue. Trustee Stites seconded the motion. Motion passed unanimously. Trustee Stites stated that she would like to see support from the council in regards to the informational health forum. She stated that Rick Ritter from the Health Department is willing to help towns get an urgent care facility. She feels that this is another resource that needs to be used, however there needs to be community support.

International Property Code. Trustee Hitchcock asked Mayor Wards if the International Property Code had been tabled or just overlooked earlier. Mayor Wards stated that he had overlooked it on the agenda. Snider asked if everyone had a chance to read through it. Attorney Hyatt suggested that the code be adopted as written. Hyatt felt this code has a little more leverage when a property is in disrepair. Trustee Hitchcock had a few questions regarding the appointment of a building official to make inspections. He stated the Hyatt had suggested that the town could contract someone as a building official. Hitchcock stated that his concerns. Hyatt stated that typically the town would use the person who does the building code inspections. Hitchcock expressed his concern with making changes to certain articles. He felt that the Planning and Zoning Committee should be the ones governing these issues. Hyatt explained the purpose of the Planning and Zoning Committee. He stated that an Appeals Board would need to be appointed if this code is adopted. Hitchcock asked if this code had to have an independent ordinance in order to adopt it, or if it could be adopted as the International Property Code. Hyatt said it cannot be adopted now, but the council could agree to move ahead with the procedure, which would include a publication notice. Trustee Hitchcock made a motion to move forward with the International Property Maintenance Code adoption. Motion seconded by Trustee Hobby. Motion passed with Trustees Hitchcock, Hobby, and Stites voting yes and Trustees Christensen and McKown voting no. Hyatt stated that he would start with the publication notices.

New Business:

Art Show update and request for custody of funds. Mayor Wards stated that a letter was sent explaining that the Art Show Committee only had one volunteer for this years Missouri Day art show. The committee will be awarding two scholarships in the amount of \$400 each, leaving \$200 in their account. Eileen Straach asked if the town could take over the custody of the money and store their equipment. Snider asked Hyatt if there were any legal issues with the town taking over custody of the money. Hyatt said that if an organization gives the town money to hold for them, you cannot then give it back because in order to give the money back you would need to declare that it is surplus property, and cash is never surplus. Hyatt stated that what needed to be done is that when the committee wants the money back the town would need to spend the money for what ever the committee requests, but the town cannot just write a check out to the committee. Trustee McKown asked Snider to make sure that the art show committee is aware of this stipulation. Trustee Hitchcock asked that this issue be tabled until the committee has had a chance to reply. Snider said he would write Mrs. Straach a letter.

Trustee Stites made a motion to go into executive session for a conference with the town attorney for the purpose of receiving legal advice on a specific legal question, under CRS sections 24-6-402- 4B, to discuss the contracts with BNSF Railroad. Motion was seconded by Trustee McKown. Motion passed unanimously.

Adjournment:

Trustee McKown made a motion to adjourn. Motion seconded by Trustee Hitchcock. Motion passed unanimously.

Ray Wards, Mayor

Shawn Pagnotta, Town Clerk