

**FOWLER TOWN COUNCIL  
TOWN COUNCIL CHAMBERS  
200 MAIN STREET  
DATE: July 13, 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 Pat Christensen, Chuck Hitchcock, Randy McKown, Monie Stites, and Larry Vibber. Trustee Hobby was absent. Also present was Attorney Dan Hyatt and employees Wayne Snider, Twana Klinkerman, and Henry Borrego. Town Clerk Shawn Pagnotta was at Clerk Institute.

Public Comment:

Margaret Stjernholm and Toni Sharp. Ms. Sharp spoke regarding the obscene phone calls women have been receiving. She received a call on June 9. Ms. Stjernholm received two calls. They do not want to undermine the police department, but would like to work with them. They (along with others) would like to propose a \$1000 reward for information leading to arrest and conviction of the individual making the calls. The person giving the information could remain anonymous. They wanted to know if the Town would contribute \$500 toward the reward. The ladies have received no help from the phone company. The phone company will only give the information to the police department through the district attorney. Since she lives outside Town limits, Ms. Stjernholm called the Sheriff's office. The older women are afraid or angry. There are 20 – 25 that we know of that are receiving calls. It is not only elderly women. There have also been younger women receiving the calls. Mayor Wards asked if they were aware of what the Chief was doing on the investigation. The ladies were aware of his work. Vibber asked what the phone company says. The phone company told the Chief he was 15<sup>th</sup> on the stack. As soon as they got to it, they would let him know. He has not notified the District Attorney. He is meeting with CBI to coordinate something to catch the caller.

Trustee Vibber moved that the Town put in \$500 toward the reward for the arrest and conviction of the individual. The motion was seconded by Trustee Stites and passed unanimously.

Chief asked that any time, no matter what time it is, you receive that type of phone call, call the police. They will come out. He encouraged them to dial 911.

Jeannie Fenter presented an invitation from First Lady Ritter to the Governor's Mansion for the Governor's Residence Preservation Fund to a celebration of the Heritage of Southeast Colorado on August 1. She encouraged the Council members to attend.

Ralph Rogers stated that he has been a citizen of the Town for only about 60 days. The older people are concerned about whether we can pay for the renovation of Park School into an administration building. He feels that people did not understand how much money was involved in this when they said they supported it. He has been told that it is a "done deal" and cannot be re-addressed. He would like to see the Council put this on the ballot for the next election and let the people decide. He feels the citizens of the Town back the sewer and water projects, but feels that there is a catch on the school. He feels the only way we can raise this money is through the water, which people cannot afford. He does not feel that the Town can legally borrow the \$130K. He spoke with the Secretary of State, who said they have no jurisdiction over the Town.

Dan Hyatt was asked to address. He said that TABOR was not implicated. We are funding the project through energy savings. The utility cost issue will be on the agenda later. If no debt is being proposed the Town does not have to go to a vote. This is similar to a lease purchase.

Ralph asked what we were doing with the properties we currently own. Snider stated that the old town hall would be put on the market after the mold problem was fixed. He stated that the police department will be returned to a medical facility.

Ralph did not understand why the Council would object to putting this on the ballot. He feels that we should let everyone cast a ballot. His main objective is to let the people decide. Stites asked if he had any idea what it would cost to tear the building down. Ralph stated that he had offered \$25,000 for the

school and he would have torn it down. Trustee Vibber said the Town had first choice, but he did not anticipate the Town taking it. Stites suggested a work session to discuss. Trustee Vibber addressed why the building was donated. He envisioned the building be a historic monument, without really expending any money. He envisioned the adjacent land being used for a swimming pool. He has serious concern about putting money into the building. Mayor said we would get the correct numbers together and have a work session. Trustee Vibber moved that the topic be tabled and a work session/community information session be scheduled in the near future adequately publicized, and information is available. Trustee McKown seconded and the motion passed unanimously.

Changes to the Agenda. None.

Trustee McKown moved to approve the minutes of the June 22, 2009, regular Council meeting and the July 6, 2009, special council meeting. Trustee Stites seconded the motion which passed unanimously.

Reports.

Mayor's Report. None

Committee/Board Reports

Trustee Hitchcock commended the utility board for their efforts in participating with the Town Council.

Trustee McKown said that the Golf course asked if we have signs announcing where the Golf course is located and could be installed three places in Town. Administrator Snider stated that it is up to CDOT at this point. He suggested putting something up at the course that would be large enough to see from the highway. He is working with CDOT on a sign for each end of Town.

Administrator Report. Administrator Snider stated that he has nothing aside from that on the agenda.

Treasurer's Report. Treasurer went over highlights of treasurer's report, addressing tight cash flow in the general fund until reimbursement is received from GOCO for the park renovation. All funds are at budgeted levels.

Unfinished Business.

Honeywell Contract. Trustee Hitchcock moved to go into contract with Honeywell and authorize Mayor Wards to sign. Trustee Stites seconded the motion. Trustees Hitchcock and Stites voted in favor of the motion. Trustees Christensen, McKown, and Vibber voted against the motion. Trustee Vibber stated he would like more information; he would like everyone to know in advance where we are going.

Gary Bergnard presented information regarding what Honeywell is doing. He stated that he does not want to get involved in a project that we are not interested and motivated to do. He stated that there is urgency. The grantors on board may pull the funds if we don't begin moving forward. Honeywell was going to make a co-application with the School District, Wray, Yuma and the Town. A letter of intent must be submitted tomorrow to say that we intend to be one of the four entities asking for funds from the US Department of Energy. The letter of intent is due tomorrow and the application must be submitted by August 5. The approval would be 60 – 90 days.

Gary gave a presentation on what Honeywell does. Dan Hyatt asked questions regarding the funding. The Town is short \$1,332,200 toward the entire project. For the \$867,000, the Town would not be able to move into the building. Part of this contract is to obtain additional funds.

Dan Hyatt explained that under TABOR you cannot borrow money unless you have that money already. Therefore, if you set aside that money, you do not have to go to a vote.

Trustee Christensen moved to have Work Session/Public meeting at 7 followed by a Special Meeting 8 p.m. Monday, July 20, at the all purpose room at the elementary school. The motion was seconded by Randy McKown and passed unanimously.

Trustee Stites moved that the Town authorize the Mayor to sign a letter of intent applying for the funds. The motion was seconded by Trustee Hitchcock and passed unanimously.

Mayors Climate Protection Agreement – Sierra Club. Trustee Hitchcock moved to Table this as Attorney Hyatt had not had a chance to review. Motion was seconded by Trustee McKown and passed unanimously.

OCLI Board Member designation and signature. Trustee Hitchcock moved to designate Administrator Snider as the Member and Foreman Rein as the alternate. Motion was seconded by Trustee McKown and passed unanimously.

IGA – Crowley/Town of Fowler. Trustee Hitchcock made a motion to give mayor authority to sign this agreement. Motion was seconded by Trustee McKown and passed unanimously.

Wayne stated that he will be meeting with Pueblo County commissioners Thursday at 9:30 for the agreement with them.

New Business.

Approval of DOLA Contract for Back feed line. Hitchcock moved to approve and authorize Mayor to sign for \$164,221. Motion was seconded by Trustee Christensen and passed unanimously.

Approval of purchasing pipe for the sewer project and back feed line project. The cost will be less than \$30,000, from Pipeyard. We would like to purchase ahead to get the better price, store the pipe and use as needed. Christensen moved to purchase the pipe. McKown seconded the motion, which passed unanimously.

Appointment of Library Board members. Sally Grimlund and Pat Fedde were appointed by Mayor to replace Sammi Mason and Pat Lowe. Edna Carroll, library board VP stated that she felt they would be good members. Trustee Hitchcock moved to provide instruction to Mayor to appoint. The motion was seconded by Trustee Christensen and passed unanimously.

Appointment of Lower Ark Roundtable. Trustee Christensen moved to appoint Chuck Hitchcock and Wayne Snider to Lower Ark Roundtable. Motion was seconded by Trustee McKown and passed unanimously.

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

Ray Wards, Mayor

Shawn Pagnotta, Town Clerk