

**FOWLER TOWN COUNCIL  
TOWN COUNCIL CHAMBERS  
200 MAIN STREET  
DATE: August 10, 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, and Monie Stites. Trustee Hobby was absent. Also present was Attorney Dan Hyatt and employees Wayne Snider, Twana Klinkerman, Henry Borrego and Shawn Pagnotta.

Public Comment: No public comments.

Changes to the Agenda: Item D (Treasurer's Report) under Reports was removed from the agenda. Item B – Proposal from First Baptist Church was added under new business. Item C – Executive Session was also added to the agenda.

Trustee McKown moved to approve the minutes of the July 13, July 27, 2009, regular Council meeting and the July 20, 2009, special council meeting. Trustee Stites seconded the motion which passed unanimously.

#### Reports.

Mayor's Report. He received feed back on the community meeting that was held regarding the Park School building. He stated that most people liked the meeting and would like to see more.

#### Committee/Board Reports

Trustee Hitchcock stated the gutter that was installed on one of the cross streets along 4<sup>th</sup> street is serving its purpose well. He stated for the record that the drainage issue will be an on going project. Hitchcock also stated that he and Snider had attended an Action 22 meeting concerning energy and highway development in Southeast Colorado. He stated that there are some interesting things going on. He commended Tri State Power and Excel Energy for building transmission lines to handle more power from the San Louis Valley into the Walsenburg substation and from there run lines all the way to Denver. These lines will tie into the San Louis Valley Solar power plant. Hitchcock stated that this project will not benefit us as we are not in their grid; however it is a promising in that other companies may soon follow suit. Hitchcock stated that Administrator Snider deserved some credit because he is getting the Town of Fowler's name out there.

Administrator Report: Administrator Snider reported on the drainage issues. Snider had talked with Rick Kidd, who will be getting back with Wayne about proposals for surveying and/or engineering costs for the drainage issues at the Town Homes at East Florence. Snider said Kidd will also look at what can be done behind the museum. Snider stated that most of the issue at the museum is due to the runoff from the neighbors' roofs. Snider stated that he had asked them a year ago to direct the runoff from the roofs to the alley. Snider stated that he will be meeting with Kidd on Thursday to go over the proposals.

Snider stated that he will be meeting with Kidd and David Cummings on Thursday as well to go over the new access at County Road 3.5. Snider stated that CDOT had just informed him that they will begin working on the access into the Cummings complex and the access into the sale barn on August 24. Snider would like the Utility Board to sit down with the County Commissioners to determine who will be doing what with this project. Snider will set up a meeting with the Commissioners.

Snider asked Klinkerman to update council on the conversation she had with BNSF regarding the permits from the sewer and backfeed line projects. Klinkerman stated that initially BNSF claimed that we were missing insurance paperwork. The party that reviewed the insurance paperwork had checked an incorrect box, this issue had been corrected. Klinkerman spoke Heather Calhoun from Starbauch, who did not want to discuss anything with her because Snider was the contact person.

Snider will have a meeting on Wednesday with the architect, engineer, Nan Ricky from State Historic Fund, and Sandy Messick from the La Junta Library to discuss how our library board maintains compliance with the state. Snider stated the purpose of this meeting is to determine how the library should be designed and what goals are for the library.

Snider attended a steering committee meeting for the conduit. During this meeting he asked what the restrictions of the conduit would be in ten to twelve years and the reply was that the restrictions would be a lot more difficult. Snider said he and Hitchcock would stay up to date on the developments of this project.

Unfinished Business.

Resolution 767-09 Mayor Climate Protection Agreement: Trustee Hitchcock made a motion to pass Resolution 767-09 adopting the U.S. Mayors' Climate Protection Agreement by title only. Motion was seconded by Trustee McKown and passed unanimously, with everyone voting yes except Trustee Christensen, who voted no.

New Business.

Letters of Intent to fill council vacancy – Mayor Wards asked if letter of intent notice had been published and it had. The closing date is scheduled for the 14<sup>th</sup> of August. As of the council meeting no one had submitted any letters. Pagnotta stated that the council had 60 days from the vacancy to appoint a new council member. If no letters are received by the 14<sup>th</sup> the deadline will be extended.

First Baptist Church proposal for sidewalk repairs: Snider stated that First Baptist Church has a group that will be in Fowler on September 11, 12, and 13 to repair sidewalks at a few residences. The church is asking if the town would be willing to donate time or money to help with this project. In addition to sidewalks they will be making light home repairs, yard work, painting, and small-scale landscaping. Mayor Wards said he would be willing to assist them with housing. Trustee Hitchcock asked that the Utility Board be included in any plans for the sidewalk design so that the sidewalks meet the codes. Hitchcock asked that this issue be addressed at the next Utility Board so that the sidewalk ordinance can be reviewed.

Trustee Stites made a motion to go into executive session to determine positions that might be subject to negotiations to develop strategy and instruct negotiators, section 24-6-402(4e). Motion died for lack of second.

Trustee Hitchcock made a motion to take a five minutes recess. Motion seconded by Trustee McKown. Motion passed with everyone voting yes, except Trustee Stites, who voted no.

After the recess, Trustee Stites made a motion to go into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations and or instructing negotiators under C.R.S. 24-6-402(4e). Motion seconded by Trustee Hitchcock. Motion passed with all voting yes except Trustee McKown, who voted no. At 6:45 p.m. council went into executive session.

At 7:24 p.m. the council convened into regular session. The participants for the executive session were Trustees Christensen, Hitchcock, McKown, and Stites, Mayor Wards, Attorney Hyatt and Administrator Snider. Mayor Wards stated for the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, state your concerns for the record. None was noted.

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

Ray Wards, Mayor

Shawn Pagnotta, Town Clerk