

**MINUTES OF A REGULAR MEETING
OF THE COUNCIL OF THE
TOWN OF SWINK
HELD
February 9, 2009 (Monday)
Two Audio Tapes Available – Regular Meeting
One Audio Tape – Executive Session**

CALL TO ORDER:

A regular meeting of the Town Council of the Town of Swink was called to order by Mayor Cordova on Monday, February 9, 2009 at 7:05 pm.

PLEDGE OF ALLEGIANCE:

Mayor Cordova led the Pledge of Allegiance.

ROLL CALL:

Town Clerk Clodfelter called roll.

Present:	Cordova	Cox
	Lytle	Piquette
	Stone	Wallace

Also in attendance were:

Phillip Malouff, Attorney
Rick Dell, Public Works Director
Terry Clodfelter, Clerk

Absent:

Headlee

AUDIENCE:

Mike Steeves, La Junta Tribune Democrat - James Rightmeyer, Swink, CO – Carolyn Rightmeyer, Swink, CO – John Kirk, Swink, CO – David Kirk, Swink, CO – Charlotte Mc Elroy, Swink, CO

CONSENT AGENDA:

Mayor Cordova requested comments regarding the Consent Agenda, which consisted of:

- ◆ *Minutes of the January 12, 2009 Regular Meeting*

- ◆ *Disbursement List*
- ◆ *Public Works Director Report*
- ◆ *Clerks Report*
- ◆ *Librarian Report*

Council member Wallace moved, Council member Cox seconded, to approve the Consent Agenda. The motion passed unanimously.

Audience Participation

Mayor stated that all comments will be limited to 3 minutes.

James Rightmeyer addressed the council concerning surveillance cameras. He stated that Mayor Pro-Tem Lytle went to his home to look at the placement of his neighbor's cameras. Mr. Rightmeyer read a prepared statement to council that alleged these cameras are pointing directly into his yard, and house, looking over privacy fences. Mr. Rightmeyer asked the board to consider an ordinance that would control the use of such devices.

Mr. Kirk then addressed the council. He asked Mr. Rightmeyer a few questions concerning the cameras. Mr. Kirk stated that the vandalism of his vehicles and property had stopped since the installation of the cameras.

Mrs. Rightmeyer would like for the council to look at the pictures he has taken that show the position of the cameras. Mr. Rightmeyer gave the pictures to the clerk.

Dave Kirk stated that the cameras are not filming Mr. Rightmeyer and the cameras will not come down. He stated that the cameras are protecting his family and their property.

Cordova asked the board if there were any comments. There were no comments at this time. Malouff advised the board that the cameras are not a matter of governmental action; it's a private property dispute between private property owners and it is not an appropriate matter for the board consideration.

Cordova stated that during last month the council went to executive session to get legal advised from our attorney. At this point of time we are not taking any action.

Committee/Boards/CML Reports/Class

A. *Swink Recreation Update – Clodfelter*

Clodfelter reported that the Swink Recreation Program had a balance of \$ 3105.00. Clodfelter stated that she would start to work on the Soccer forms and have them to the school in February. She also stated that registration for Soccer would be \$30.00 for early registration and \$35.00 for late registration. This is due to the Town of Swink having to go thru the City of La Junta's Recreation Program.

Wallace asked how the baseball program worked on getting coaches and sponsors.

1. Summer Recreation Director

Clerk stated that she received a resignation letter from Jeff Hobbs stated that he would not be able to be the summer recreation director this year due to his work obligation. Clerk stated that we would need to advertise this position and start to interview as soon as possible. Clerk will start the process of hiring for the Summer Recreation Director.

B. *Financial Committee – Update*

Wallace stated that the Financial Committee did not meet. Clerk stated that the town earned \$895.12 in interest for the month of January.

Old Business:

A. *New Maintenance Building – Update*

Clodfelter stated the RFP have been e-mailed, mailed or faxed out to 14 contractors to date. Dell stated that the deadline would be March 2nd at 5:00 pm. Council stated that the RFP would be read at the regular board meeting on March 9th and there would be no action on the Requests for Proposal at this meeting. Cordova stated that a work session would be schedule for that week to go over the prices and the plans for the maintenance / fire department building with council members and employees.

B. 2009 Annual Celebration - Update

Stone stated that the committee has held 2 meetings. Stone stated that Lance Valliant will perform during the day and JC Carrica has booked the band for the street dance.

C. Modern Woodmen – Donation – Update

Dell stated that he met with Shelly Van Landingham, Tom Brubaker and Mr. Bender from Modern Woodmen to discuss the park area. Dell stated that the Modern Woodmen needed a plan before a donation would be received. Dell stated that there are 2 separate issues involved with this donation. The first will be the landscaping part of \$500.00 and the second would be the purchasing of the trees for \$250.00. Dell stated that he received a diagram to show placement of the landscaping and the plants from Vanhook's Landscaping Rock. Dell also stated that Vanhook would get the site ready for the planting of the trees and flowers with the right mixture for the soil. The labor would be done by Modern Woodmen in the planting, etc. Dell stated that he would like to know how the \$5000.00 that was budget thru the town will be spent. After discussion the \$5000.00 will be spend on the water system, meter, etc and also to trim the trees and use the balance to purchase more trees for the Kimble Park Area. Dell will have prices for council at the next regular board meeting.

D. Handicap Sidewalk – Update

Clerk stated that she has talked with City of Rocky Ford and the City of La Junta regarding the prices of installing a handicap sidewalk. Stone stated that we should consider replacing the current sidewalks with handicap sidewalks when replacement is needed. Dell will have prices for council at the next regular board meeting.

E. Credit Card/Debit Card Machine – Update

Clerk stated that in the newsletter this month was a survey asking the residents if they would use of a credit card/debit card. She stated that she only had 1 responses and that resident would not use a credit/debit card. Council decided that the Town would not get a debit/credit card machine at this time.

New Business

A. *Speed Limit on Columbia – Charlotte McElroy*

Charlotte McElroy, 322 Columbia, raised the issue of speeding on Columbia Avenue. She stated that many people have the impression that the speed limit is 35 mph. Malouff stated that Dell would need to look into this matter as he would be the Traffic Engineer per the Modern Traffic Code that the Town of Swink follows. A motion was made by Lytle to install 25 mph speed limit signs and she later withdrew the motion. Dell will make recommendation for council at next months meeting. Tabled until next month.

B. *Purpose of Employee Evaluation*

Dell asked for clarification as to the purpose of the employee evaluations. Cordova stated that he felt the evaluations were useful in establishing a dialog with the employees. Malouff explained the legal pros and cons of having an evaluation system. Wallace stated that it is very hard for council to evaluate the employees as she does not know what the employees do on a daily basis. Council decided that the evaluation form needs to be simplified. This matter will be tabled for a later date.

Information

A. *Evaluation – Victor Arellano – March 11, 2009 and Tomas Gribble – March 14, 2009*

Cordova stated that Victor Arellano and Thomas Gribble evaluation will be next month at the regular board meeting and Dell would have the evaluation done for council consideration.

B. *Swink Lions Club – Donation – Conservation Trust Fund*

Cordova read a letter from the Swink Lions Club requesting a donation from the Conservation Trust Fund in the amount of \$1000.00 for the Swink Garden. The Swink Lions took over the maintenance duties last year from the Swink Garden Club. The Swink Garden is located on Hwy 50. Stone stated that the Lions have done a lot of good work at the park. Wallace stated that the Town only budget \$700.00 for the Garden. After a brief discussion Council member Stone moved, Council member Lytle

seconded, to donate \$1000.00 to the Swink Lions for the Swink Garden thru the Conservation Trust Fund. The motion passed unanimous. Malouff explained that if we are over budget on the Conservation Trust Fund at the end of the year we would have to file an amendment with CTF. Council will ask the Swink Lions to submit a budget for next year.

C. *Useful Public Service Program*

Council member Wallace moved, Council member Piquette seconded, to have the mayor sign the Useful Public Service form from Otero County. The motion passed unanimous.

D. *Dog Clinic*

Clerk stated that the annual dog clinic would be on February 21st from 8:30 – 11:30 am at the Swink Community Center.

E. *Ordway – Small Community Partnership Meeting*

Clodfelter stated that the Small Community Partnership will be hosting a meeting on February 18th at 6:00 pm at the Rocky Ford Town Hall. During the meeting the group would go to the Theater to discuss how grants were received for this project. The group urges all council members to attend.

Executive Session

A. *Clodfelter Evaluation – December 26, 2008*

B. *Vacation Hours – Policy Manual*

A motion was made to go into executive session for discussion of personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees and for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R. S. Section 24-6-402(4)(b) was made by Lytle at 8:20 pm. with Cordova, Cox, Lytle, Piquette, Stone, Wallace and Attorney Phillip Malouff, Council member Wallace seconded. The motion passed

unanimous. Clodfelter join the executive session to receive her evaluation.

The time is now 8:48pm, and the executive session has been concluded. The participants in the executive session were Cordova, Cox, Lytle, Piquette, Stone, Wallace and Attorney Phillip Malouff, and Clodfelter. 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 Meeting Law, I would ask that you state your concerns for the record.

Seeing none, the next agenda item is the evaluation for the Clerk.

A. *Clodfelter*

Council member Lytle moved, Council member Wallace seconded to except Clodfelter's evaluation. The motion passed unanimous.

B. *Vacation Leave Policy - XXVIII*

Council member Cox moved, Council member Wallace seconded, to adopt the modified vacation leave policy XXVIII. The motion passed unanimous

Other Information

None

Adjourn

Mayor Cordova adjourned the meeting at 8:50 pm.