

**MINUTES OF A REGULAR MEETING
OF THE COUNCIL OF THE
TOWN OF SWINK
HELD
March 9, 2009 (Monday)
One Audio Tape 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, March 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
	Headlee	Lytle
	Piquette	Stone
	Wallace	

Also in attendance were:

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

Absent:

None

AUDIENCE:

Mary Jane Maddux, La Junta, CO - Mike Steeves, La Junta
Tribune Democrat - Taylor Miell, Operation Smile, Swink, CO –
Frank Genova, Genova Const – Josh Harris, Swink, CO – Robert
Schauer, Ponderosa Constructors – Michael Vigil, Vigil
Contracting – Sydney McIntyre, Operation Smile – Elaine
McIntyre, La Junta, CO – Brandon Houghton, Acorn Contractors,
Pueblo, CO - Bob Vigil – Beth Miller, La Junta, CO – Randy
Reeves, Ordway, CO – Debra Basye, Swink, CO – David Garcia,

La Junta, CO – Tim Harper, Canon City, CO – Robert Harper, Canon City, CO

CONSENT AGENDA:

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

- ◆ *Minutes of the February 9, 2009 Regular Meeting*
- ◆ *Disbursement List*
- ◆ *Public Works Director Report*
- ◆ *Clerks Report*
- ◆ *Librarian Report*

Council member Wallace moved, Council member Headlee seconded, to approve the Consent Agenda. The motion passed unanimous.

Audience Participation

Debra Basye, Hogg Stopp Saloon, addressed the council concerning two special event liquor licenses. She stated that she would like to have a beer garden at the Swink Annual Celebration Days and would also like to have a bike rally the same day. Tim Harper from Canon City, Event Coordinator for the bike rally, addressed the council concerning different activities that would occur during the day. Stone stated that he feels that this would be too much for the annual celebration. Debra Basye stated that the bike rally would be a charity event and would be held May 29th – 30th. The beer garden would only be on May 30th. Council advised her that she would need to have permission from the land owner's and be at next months meeting.

A representative from Acorn Construction stated that he would like to address the council before the bids are opened tonight.

Committee/Boards/CML Reports/Class

A. *Swink Recreation Update – Clodfelter*

Clodfelter reported that the Swink Recreation Program had a balance of \$ 2567.69. Clodfelter stated that forms for both soccer

and baseball were taken to the Swink School and also advertised in the La Junta Tribune Democrat and the Rocky Ford Daily Gazette. Clerk also stated that we have not received any application for the Summer Recreation Director position at the present time. Council stated that we would open the position up for another 2 weeks.

B. Financial Committee – Update

Wallace stated that the committee did not meet this month.

C. CML Classes

1. CML Annual Conference

Cordova stated that the CML Annual Conference will be held in Vail from June 16-20th and that all fees have been waived for the Town for two (2) people to attend. Clerk stated that the rooms will cost between \$159.00-289.00 per night and the deadline to register is May 22nd. Cordova stated that if anyone is interested in attending to please let the clerk know as soon as possible and he also stated that the clerk will be attending this conference.

2. On the Road Workshop

Clerk stated that CML has asked Swink to host an “On the Road Workshop”. Council agrees this would be very beneficial and we should host a workshop.

D. Rick Dell – Water Report Update

Dell stated that he had a call into Joe Kelly but has not heard back from him. Dell stated that he will let the board know as soon as he hears from him about the amount of water that would be allocated to the Town and also stated that the allocation would not be until around the first of May or depending on the board. Dell stated that he feels that we should get around 120 acre feet and we are in good standing at the present time.

Maintenance Building / Fire Department

Cordova stated that we received 20 bids and would turn the bids over to a committee to look over and give council their recommendation at next month's meeting. He also stated that the bids are good for 60 days.

Brandon, Acorn Contractors, asked council to be very careful on the contractors that the Town picks. Brandon asked council not to just look at the numbers but try to keep it as local as possible.

Cordova stated that the award letter, the design, the budget to DOLA was all given to council tonight for them to review. He also stated that the Town of Swink will have a match of approximately 20% of the grant and we will also receive money from the La Junta Fire Department for the project.

Cordova asked for volunteers to be on the committee. Mayor Protem Lytle, Trustee Wallace and Trustee Headlee along with Dell will be on the committee. Cordova stated that Lytle will be the chair person. Clerk stated that she needs to know when the meetings will be so held so she can advertise them. Lytle stated that the first meeting will be March 16th at 6:00 pm at the Swink Town Hall.

Robert Schauer asked if the bids could be read aloud. Clerk handed out copies for the bid sheets. The bid sheets consisted of all the contractors and their bid price.

Old Business:

A. 2009 Annual Celebration - Update

Clerk advised that Dr. Rocco Fuschetto from Swink School called and would like to have the dedication of the new school gym in the afternoon.

Stone stated that he would like to have a committee meeting on Friday, March 13th at 5:30 pm with the clerk present.

B. Modern Woodmen – Donation – Update

Dell stated that we still have not heard back from Modern Woodmen since he presented them with a plan concerning the park area. He stated that it looks like we will receive the donation. Dell stated that he has also talked with Steve Vanhook concerning the trees. Dell stated that he hopes to have the trees and everything ready for National Arbor Day on April 22nd. Tabled until next month.

C. *Handicap Sidewalk – Update*

Dell stated that the cost of a handicap accessible sidewalk would be around \$800.00 and this is with the town crew doing the labor. If we hire the labor out it would double in cost per Dell. Dell stated that the Town Hall is already handicap accessible and the Post Office back door is also handicap accessible. Cordova stated that he feels that the all the sidewalks on Columbia Ave. needs to be handicap accessible so people can get to the school, the store and the post office. Cordova stated that we will start putting this in the budget to do at least 2 sidewalks a year.

Cordova stated that the new street signs look good.

D. *Speed Limit on Columbia*

Dell stated that he talked with Mr. Shawn Mobley from the La Junta Police Department concerning the speed on Columbia Avenue but has not heard back from him. Table until next month.

New Business

A. *Chris Casper – Operation Smile (Beth Miller)*

Beth Miller, Operation Smile addressed the council along with Josh Harris, Taylor Miell and Sydney McIntyre from Swink School. They talked about the Walkathon that will be held at the Swink School on Wednesday, April 8th from 2:00 – 3:00 pm for Operation Smile. Ms. Miller asked Mayor Cordova to help with the announcements at the walkathon.

Information

A. *Alley Clean-up – March 23-31st*

Dell stated that the alley clean up will be from March 23 – 31st. Council asked about television monitors. Dell advised them to wait for a later date on that.

B. *Letter to Council for Newsletter*

Cordova stated that the clerk received a letter from a concerned citizen regarding the budget and the annual celebration. Cordova stated that there were some concerns regarding the letter since it was not signed by the resident. Cordova stated that all letters need to be signed before we will publish them in our monthly newsletter. Piquette stated that she did not see any problems in answering the letter. Stone stated that the Town policies should not be change because of an anonymous letter.

C. *Mr. Malouff – Election*

Mr. Malouff stated that the Town of Swink was Debrused effective January 1, 1996.

D. *Cox*

Trustee Cox stated that the dead birds in the area are not harmful to animals or humans according to the Health Department.

E. *CO-RAD*

Dell stated that the State held two (2) meetings regarding CO-Rad and he attended both of them. The meetings were held in La Junta and the 1st meeting was held on a Thursday evening and the 2nd was held the following Friday morning. Dell stated that the State was hoping to get all council members to attend this very important meeting concerning our water. The meeting discussed the Towns/Cities being out of compliance. Dell stated that we have been out of compliance for three years. He also stated that the State has set a time line for all of the towns/cities to get in compliance. The first deadline for the Town of Swink will be March 31st which we have to certified that council took action on how we are going to get in compliance. Dell stated that we need to hire an engineer to do a study of our water situation. Dell stated

that the project could cost the Town \$880,000.00 to 1.4 million dollars. Stone asked about connecting into the conduit. Dell stated that something needs to happen now and the conduit is a long range plan. He also talked about the funding of the project. Malouff stated that the town is under a tight time line and we need to act tonight. Malouff stated that we need to notify the residents of Swink about the water, hire an engineer and start making application for a grant. Dell stated that the residents have already been notified on a quarterly basis over the past year. Malouff stated that the Town does not have to go out to bid to hire an engineer. Clerk will call GMS and get a contract and a scope of duties from them and we need to start looking at grants/loans from DOLA, and the State. Dell also talked about the sewer lagoon as a treated pond and he has left messages with the state on this.

Council member Cox moved, Council member Wallace seconded, to hire an engineer. The motion passed: 5 yes and 1 no. Cox-Yes; Lytle-Yes; Headlee-Yes; Piquette-Yes; Wallace-Yes; Stone-No. Motion passed.

Stone also asked about buying water from La Junta. Dell stated that this may be an option.

Executive Session

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

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 by Cox at 8:30 pm. with Cordova, Cox, Headlee, Lytle, Piquette, Stone, Wallace and Rick Dell, Council member Wallace seconded. The motion passed unanimous.

The time is now 8:46 pm, and the executive session has been concluded. The participants in the executive session were Cordova, Cox, Headlee, Lytle, Piquette, Stone, Wallace and Rick Dell. 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. *Victor Arellano*

Council member Headlee moved, Council member Piquette seconded to except Arellano's evaluation and give him a 4% raise increase effective on his anniversary date. The motion passed unanimous.

B. *Thomas Gribble*

Council member Wallace moved, Council member Cox seconded to except Gribble's evaluation and give him a 4% raise increase effective on his anniversary date. The motion passed unanimous

Adjourn

Mayor Cordova adjourned the meeting at 8:47 pm.