

**MINUTES OF A REGULAR MEETING
OF THE COUNCIL OF THE
TOWN OF SWINK
HELD
September 14, 2009 (Monday)
Two (2) Audio Tapes Available – Regular Meeting
One (1) Executive Session Tape**

CALL TO ORDER:

A regular meeting of the Town Council of the Town of Swink was called to order by Mayor Cordova on Monday, September 14, 2009 at 7:07 pm.

PLEDGE OF ALLEGIANCE:

Mayor Cordova led the Pledge of Allegiance.

ROLL CALL:

Town Clerk Clodfelter called roll.

Present:	Cordova	Cox
	Headlee	Piquette
	Stone	Wallace

Also in attendance were:

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

Absent: Lytle

AUDIENCE:

Kristen Abel, La Junta, CO – Mike Steeves, La Junta Tribune Democrat, Swink, CO. – Mr. Gerald Marshall, Mrs. Betty Marshall, Colorado Springs, CO - Mr. Brian Hancock, Rocky Ford, CO - Chris Headlee's two children

EXECUTIVE SESSION:

Council Member Piquette moved to go into executive session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-02(4)(b); at 7:08 pm with council members, Town Attorney Mr. Malouff, Rick Dell and Terry Clodfelter, Assistant Town Clerk Kris Abel and Headlee's children. Council Member Cox seconded the motion. Motion carried.

The time is now 7:17 and the executive session has been concluded. The participants in the executive session were Council members, Attorney Phillip Malouff, Maintenance Supervisor, Rick Dell, Assistant Clerk Abel, Clerk Clodfelter and Headlee's children. 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 done, the next agenda item is consent agenda.

CONSENT AGENDA:

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

- ◆ *Minutes of the August 10, 2009 Regular Meeting*
- ◆ *Disbursement List*
- ◆ *Public Works Director Report*
- ◆ *Clerks Report*
- ◆ *Librarian Report*

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

Audience Participation

None at this time

Committee/Boards/CML Reports/Class

A. *Swink Recreation Update – Clodfelter*

Clodfelter reported that the Swink Recreation Program has a balance of \$2996.09. She also stated that volleyball and football is underway and the first game for football was on September 12th and volleyball will be on September 19th. She stated that Swink only has one home game for volleyball which will be October 3rd. Cordova stated that the Job Description and fees will be table until next meeting.

B. Financial Committee – Update

Wallace stated that the next budget meeting will be held on September 28, 2009 at 5:30 pm.

C. Rick Dell – Board Reports

Dell stated that he reported on everything in his written monthly report.

D. CML Classes

Clerk stated that we received a notice from CML regarding the District 6 meeting in Sugar City on Thursday, October 15th at 4:00 pm. with pre-meeting and social time at 6:00 pm, dinner at 6:30 pm. and the cost is \$25.00 per person. Cordova stated that if anyone is interested in attending please let the Clerk know by October 2, 2009.

CO-RAD – Update

Cordova stated that there will be a meeting concerning CO-RAD on September 30, 2009. He also stated that Dell and he will be attending this meeting. If anyone else is interested in attending please let the clerk know as soon as possible. Dell stated that he would like to write a letter to the State of Colorado and ask for an extension from them for six (6) months. Council member Stone moved to have Dell write a letter to the State and ask for an extension for six (6) months, Council member Piquette seconded the motion. The motion passed unanimous.

**A. Grant Agreement – CDPHE Water Quality Control Division
America Recovery & Reinvestment Act**

Clodfelter stated that we received the grant agreement from CDPHE Water Quality Control Division America Recovery & Reinvestment Act that needs to be signed by council and by the State before any payment can be paid out. Council member Stone moved to accept the grant agreement and have Mayor Cordova execute the agreement, Council member Cox second the motion. The motion passed unanimous.

Ordinance #2009-5 Compensation for Mayor and Trustees

Cordova introduced Ordinance No. 2009-5, Compensation for Mayor and Trustees on first reading. Council member Wallace moved to adopted Ordinance 2009-5 Compensation for Mayor and Trustees on first reading. Council Member Piquette seconded the motion. The motion passed unanimous.

Ordinance #2009-6 Expenditure of Public Funds for Attendance at Conferences and Trainings.

Cordova introduced Ordinance No. 2009-6, Expenditure of Public Funds for Attendance at Conferences and Trainings, on first reading. Attorney Malouff explained the ordinance to council concerning the difference rates and different places. Malouff stated that council will be able to pay the employees/council members for actual expenses over the \$30.00 when he/she travel to an expensive part of the State. Council member Stone moved to adopted Ordinance 2009-5 Compensation for expenditures of public funds for attendance at conferences and trainings on first reading. Council Member Wallace seconded the motion. The motion passed unanimous.

Annual Plan

Cordova stated that he would like to see this item on the agenda every month. Cordova stated that we received the draft from Mr. Merkel from the work session that was held on August 24, 2009. Cordova would like to see this in the newsletter this month.

Old Business:

A. *H1N1*

Clerk stated that she received more information on the H1N1 virus for CIRSA. Clerk stated that the masks would run around \$50.00-300.00 depending on the style. Headlee suggest that she check with Norm Finker from the Ark Valley Regional Medical Center on the masks. Cordova recommends the employee gets the Flu shots and the H1N1 shots. Council member Headlee moved to pay for the flu shots and the H1N1 shots for the employees. Council member Wallace seconded the motion. The motion passed unanimous.

B. *Maintenance Building - Update*

Clerk presented a spreadsheet to council regarding the maintenance building expenditures. Dell stated that some work still needs to be done. Clerk stated that we have a balance of around \$27,000. Dell stated that he would like to have more cement around the front and the back area. Clerk stated that a final bill notice will be published this week. Malouff stated that the contract states that the Town of Swink can hold back 10% of the final payment. Malouff also stated that we could also just hold the amount of the punch list. Cordova asked about air condition in the building, installing a fence, etc. Dell stated that he would not utilize air condition in the building. Clerk will check on the time frame and what expenditure we can use the balance of the money on.

New Business

A. *Business Lease with La Junta fire Department*

Cordova stated that we received an addendum to the business lease agreement with the La Junta Fire Department. Council member Stone moved to sign the agreement with the La Junta Fire Department. Council Member Cox seconded the motion. The motion passed unanimous.

B. *Staff Uniforms*

Cordova stated that during a budget meeting there were discussions concerning the uniforms for employees. He stated that he asked the clerk to look up minutes from the previous meetings. Clerk stated that council each received copies of the minutes tonight. Cordova stated that we need to continue with staff uniforms.

C. *Budget 2010*

Cordova stated that we are working on the 2010 Budget.

D. *Homecoming – October 19-23*

A. *White Wash – October 19, 2009*

B. *Town Hall Windows.*

Dell Stated that homecoming will be the week of October 19th. Council member Cox moved to purchase the supply for the white wash and help with the white wash for homecoming and have the Town Hall windows painted. Council member Wallace seconded the motion. The motion passed unanimous.

NOTE: HEADLEE LEFT THE MEETING AT 7:58 PM

E. Swink School –Tap Fees

Cordova stated that we received a letter from Swink School requesting the Town of Swink waive the tap fees. Cordova feels that we need to assist the school. Dell talked about the 8” line that was first installed. Dell stated that he was concerned about the water quality at the school without being able to flush the system but the contractors stated that there would not be a problem. Council member Wallace moved to waive the tap fee for the Swink School on the basis for waiving the fee because it is too supplemental a governmental enterprise being fund solely by tax dollars of which your monies are return for tax dollars. Council member Piquette seconded the motion. The motion passed unanimous.

F. 103 A Street – Gerald Marshall – Brian Hancock

Mr. Hancock addresses the council concerning the property at 103 A Street. Mr. Hancock stated that the property is under contract to be sold but the buyer would like to farm the 5 acres behind the house. He also stated that the water rights are available. Mr. Hancock stated that back in 2002 the property was planted in flowers. Mr. Malouff asked about the conditions of the contract. Mr. Hancock stated that this sell is a cash buyer.

NOTE: Headlee rejoined the meeting at 8:05

Malouff asked about closing date. Mr. Hancock stated that the closing date will be at the end of the month.

Mr. Marshall stated that Fred Williams will be the buyer and will be moving to the area.

Malouff asked about parking farm equipment. Mr. Marshall stated that the buyer will hire the farm work out but may purchase a small tractor.

Malouff asked about the time line. Mr. Hancock stated that the abstract work is completed and the title work is done. Malouff asked about the legal description.

Malouff would like to talk with council after the meeting in executive session and will contact Mr. Marshall or Mr. Hancock on Tuesday.

G. *Fall Alley Clean-up*

Cordova asked about alley clean up. Dell stated that the fall alley clean up is usual after the leaves have fallen. He stated that it would be the last part of November or the first part of December.

Stone stated that he has talked with Dell about cleaning up a resident's lot and the town would haul the trash away. Dell stated that we do the regular alley clean up and we charge residents for extra trash that is not bag. Dell asked how we can go and do labor and haul one resident free and then turn around and charge everyone else. Dell stated that he has visit with this gentleman and told him about the trailer use. Dell stated that we do not want to get into business in cleaning up residents home.

INFORMATION:

A. *Benefit Dinner – Kris Abel*

Clerk stated that a benefit dinner will be held on Tuesday, September 15, 2009 for Kris Abel.

Executive Session

Council member Cox moved to go into executive session for discussion of a 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 also for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-02(4)(b); with council members, Town Attorney Mr. Malouff, Rick Dell and Clerk Terry Clodfelter. Council Member Piquette seconded the motion at 8:26 pm. The

motion passed unanimous. Mr. Malouff, Dell and Clodfelter left the executive session after the legal conference with the Attorney.

The time is now 9:11 pm, and the executive session has been concluded. The participants in the executive session were Council members, Mr. Malouff, Maintenance Supervisor Rick Dell and Clerk 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 Rick Dell evaluation.

Rick Dell Evaluation – September 18, 2009

Council member Wallace made a motion to accept Rick Dell's performance evaluation and give him 4% raise effective on his anniversary date. Council member Headlee seconded the motion. The motion passed unanimous. Cordova stated that Dell has done a great job for the Town of Swink. He also told Dell if he has any questions regarding the evaluation to please let him know.

Adjourn

There being no further business, Mayor Cordova adjourned the meeting at 9:14 pm.

ATTEST:

Town of Swink

Terry Clodfelter, CMC
Swink Town Clerk

Steve Cordova
Mayor