

**MINUTES OF A REGULAR MEETING
OF THE COUNCIL OF THE
TOWN OF SWINK
HELD
January 11, 2011 (MONDAY)
Two Audio Tapes Available – Regular Board Meeting
One 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, January 11, 2011 at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

Mayor Cordova led the Pledge of Allegiance.

ROLL CALL:

Clerk Clodfelter called roll:

Present: Cordova Cox
 Piquette Stone
 Weber

Also in attendance were:

Rick Dell, Public Works Director
Terry Clodfelter, Town Clerk

Absent:

 Lytle Wallace

Also absent was:

 Phillip Malouff, Attorney.

AUDIENCE:

Aaron Goodwin, Swink, CO – Sandra Finney, Swink, CO – Debra Schandelmeir, Swink, CO

CONSENT AGENDA:

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

- ◆ Minutes of Previous Meetings
- ◆ Disbursement list
- ◆ Public Works Director Report
- ◆ Clerk's Report

Council member Piquette moved to accept the Consent Agenda; Council member Cox seconded to approve the Consent Agenda. The motion passed unanimous.

AUDIENCE PARTICIPATION:

None

CO-RAD – UPDATE

Dell stated that he had talked with Stephanie Elliott concerning the test pilot and he will have prices for council later. He stated that there is no written report at this time, but the pilot was successful. Stone stated that he went to the Colorado web site and also talked with them concerning the water. He discussed the water situation with them; about how much water you would have to drink for it to be harmful to someone and also discussed the Radium 226+228. He will try to get them to give him something in writing concerning this matter. Dell stated that according to the State Swink is in violation with our water. Stone stated that he will get something in writing for our residents concerning the EPA standards to give to Swink residents for the February newsletter along with the web site. Stone will also e-mail information to council later part of January.

5/10 ANNUAL PLAN-UPDATE

Cordova stated that there is no update at this time. He also stated we will need to schedule a meeting in August or September with Lee Merkel.

COMMITTEE/BOARDS/CML REPORTS/CLASS:

A. Swink Recreation Update – Clodfelter

Clerk reported that the Swink Recreation Program has a balance of \$7,897.24. She stated that basketball will start on January 15, 2011. She also stated that she had two meetings to set up the playing schedule.

B. Finance Committee – Update

Cordova stated that the finance committee did not meet last month.
Cordova stated that the budget will be mailed later this month.

C. *Rick Dell - Update*

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

D. *CWPA Meeting*

Cordova stated that he attended the CWPA meeting last week. He explained to council how the district is divided and also stated that the 2nd resolution was passed regarding status of members. He stated that CWPA passed a resolution regarding voting. He stated that each meter will have one (1) vote. This will give Town of Swink two (2) votes. He also stated that Otero County representative will be Matt Proctor and Larry McElroy.

Ordinance 2010-8 – Medical Marijuana – 2nd Reading

Cordova introduced Ordinance 2010-8 Medical Marijuana on 2nd Reading. Council member Piquette moved to adopt on 2nd reading Ordinance 2010-8 Medical Marijuana; Council member Cox seconded the motion. The motion passed unanimous.

OLD BUSINESS

A. *Connect/Disconnect Policies – Resolution 2011-1*

Cordova introduce Resolution 2011-1 Connect/Disconnect Policies for review. Cordova stated that at the last meeting we asked Malouff to draft a resolution for connect and disconnect polices. After discussion Resolution 2011-1 was tabled.

B. *Annual Celebration*

Clerk stated that she has mailed out forms to vendors for booth rental and for the parade. She stated that she has received two forms back for booth rental. Stone voiced his concern stated that last month council decided not to have the annual celebration. Piquette stated that Lytle would like to be in charged and council decided to have it again for the residents of Swink. The annual celebration will be held on June 11th. The committee will consist of Lytle and Piquette.

C. *Personnel Policy Update – Evaluation Process*

Cox stated that the committee has nothing to report at this time.

NEW BUSINESS:

A. *Dog Clinic – February 5, 2011*

Cordova stated that the annual dog clinic will be held on February 5, 2011 at the Swink Community Center.

B. *Discussion for new maintenance Person*

Council discussed hiring a new maintenance person. Dell stated that it was budget for 2011 to have a third person. Council discussed the qualification of the new maintenance person. Dell stated that Victor Arellano passed one test out of four. He also stated that council gave Arellano a 10% raise when he passed the water test. Stone also asked about the firing policy for the Town of Swink employees. Cordova stated that Colorado is at will state. Stone also discussed Dell's insurance with council. Cordova stated that the finance committee will look at the insurance plan for next year's budget. Tabled until next month.

C. *Zoning – Sandra Finney – 421 Wiley*

Clerk stated that the Zoning Board met on January 3, 2011 to discuss the zoning for Sandra Finney at 421 Wiley. Debbie Schandelmeir, Zoning Board Member and also mother of Mrs. Finney, talked about the roof line and the set backs. Clodfelter stated that the zoning board saw no reason not to pass this and recommends to council to grant the 8'9" variance to Mrs. Finney. Mr. Aaron Goodwin addressed council concerning the water run off and the damage to the house, yard and sidewalk. Council member Piquette moved to grant the 8'9" zoning application to Mrs. Finney at 421 Wiley; Council member Weber seconded the motion. The motion passed unanimous.

CORRESPONDENCE

A. *Board of Water Works*

Dell stated that he received paperwork from the Board of Water Works regarding lease water. He stated that he doesn't feel we need to lease any water at this time.

B. *State of Colorado – Annual Certification*

Cordova read a letter from Department of Local Affairs concerning our annual certification for federal laws regarding immigration as required by Article 29 of Title 29, Colorado Revised Statutes, (SB06-09). Council member Cox made a motion to have the

Mayor sign the Annual Certification regarding the federal law for immigration; Council member Piquette seconded the motion. The motion passed unanimous.

Executive Session

A. *Terry Clodfelter – December 26, 2010*

Council member Weber made a motion to go into executive session at 8:10 pm 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 with all council members; Council member Piquette second the motion. The motion passed unanimous.

The time is now 8:21 pm, and the executive session has been concluded. The participants in the executive session were all council members.

For the record, if any person who participated in the executive session believes that nay substantial discussion of any matters not included in the motion to go in to 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, I would ask that you state your concerns for the record.

Seeing none the next agenda item is Clodfelter Evaluation.

Cordova thanked Clodfelter for a good job this passed year and informed her she would not be getting a raise for 2010. Clerk asked council why; as the evaluation was for 2010 and it was budgeted for a raise for all employees. She stated that Dell, Arellano and Gribble are received a raise for 2010.

Mayor Cordova adjourns the meeting at 8:25 pm.

ATTEST:

Town of Swink

**Terry Clodfelter
Swink Town Clerk**

**Mayor
Steve Cordova**