

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:30 P.M., COMMISSION CHAMBERS
MARCH 9, 2010**

**MAYOR RON GRIGGS
MAYOR PRO-TEM ED COLE
COMMISSIONER MARION LEDFORD
COMMISSIONER JOE FERGUSON
COMMISSIONER ROBERT RENTSCHLER**

**COMMISSIONER JOSH RARDIN
COMMISSIONER AARON RANCE
CITY MANAGER MARK ROATH
CITY ATTORNEY STEPHEN THIES
CITY CLERK RENEE CANTIN**

Call Meeting to Order, Roll Call, Invocation, and Pledge of Allegiance.

Mayor Griggs called the meeting to order at 7:30 p.m. Roll Call was taken by the City Clerk. Invocation was led by Mayor Pro-tem Lujan. The Pledge of Allegiance was led by Mayor Pro-tem Lujan.

1. Accept the Canvass of Returns for the March 2, 2010 Regular Election.

Recommendation: Accept the canvass as presented.

Mayor Griggs began by reading the agenda report and asked the City Clerk if they would need a motion to accept the canvass. Reneé Cantin, City Clerk said they would. He then asked if there were any questions from the Commission.

Commissioner Rentschler moved to accept the canvass of returns for the March 2, 2010 Regular Election. Commissioner Rardin seconded the motion. Motion carried with a vote of 7-0-0.

Mayor Griggs recognized the passing of two Alamogordo citizens who have been active in the community for many years, Millicent Shyne and our fixed base operator out at the Airport, Ed Pavelka. Both of those people donated a lot of their time and life to Alamogordo.

2. Presentation of plaque to outgoing City Commissioner.

Mayor Griggs presented the plaque to Mayor Pro-tem Lujan.

Mayor Pro-tem Lujan thanked all of his supporters, all his critics and everybody in Alamogordo. He wanted to thank the Commissioners, he has learned a lot from everyone. The thing he learned the most is to be quiet and listen. These guys have been here for awhile and they have a lot of wisdom. Everyone knows we don't get paid much, but these guys are here for a reason, they love what they do, they love helping the City. It is not just the Commissioners either; the Staff here loves the City as well. He once asked Edward Balderrama why he did not work for an engineering firm that pays good money and he said this is where he grew up, he loves the City and wants to make sure that things are built and done right and he wants to take care of the City that he grew up in and that his child is growing up in. We learn really quickly that we are in charge of one person and that is the City Manager, and he is in charge of all the staff. When we go to Staff, they don't have to do anything we ask them to do, if they don't like what we are saying, they can go against it and talk to their boss and change it. There are a lot of times that they don't like what we are asking them to do but he cannot remember one time when he had gone to Staff and they fought what he was asking them to do. He knows there were times when they did not want to do what he asked them to do, but they were there and they helped him out. Brian Cesar has been great, he is the guy that he needs all the time; he is always taking care of things. He had a lady call him up today, it was an emergency issue that has been going on and on and he knew it needed to be taken care of right away so he called Mr. Cesar and he said that they would be taking care of it at another time, but she wanted it taken care of right now. Mr. Cesar stated he would take care of it the next day and when he called the lady back, she thanked and praised him, like he was the one who did something great. A lot of time people say the Commission is blamed for

everything but we also get a lot of credit. People thank us and look up to us and they don't understand that it is Staff coming to us and saying they will get it done right away. He wants all the Staff to know that he thanks them very much because he would not have the support he had without them. If he decides to run for another office and win, it is because of Staff. He personally thanked every member of the Staff who was present in the Commission Chambers. He also thanked each of the Commissioners for everything they had done. He appreciated everyone putting up with him and he thanked everyone again.

3. Swearing in of the newly elected City Commissioners.

Mayor Griggs began by asking Commissioners Cole, Rardin and Rance to step down in front so Judge Stokely could swear them in. Magistrate Judge Richard Stokely did the swearing in of Commissioner Aaron Rance, Commissioner Josh Rardin, and Commissioner Ed Cole.

4. Reorganization of the City Commission.

Mayor Griggs stated that after each Regular City Commission Election, the Commission is required by the Charter to reorganize. What that means is the Commission must select a new Mayor and Mayor Pro-Tem. He then entertained nominations for the office of Mayor.

Commissioner Cole Nominated Ron Griggs for Mayor. Mayor Griggs stated he had a nomination for Ron Griggs, are there other nominations. Hearing no others, the nominations were then closed. **Motion carried with a vote of 7-0-0.**

Mayor Griggs entertained nominations for the position of Mayor Pro-Tem. **Commissioner Rentschler Nominated Ed Cole Mayor Pro-Tem.** Mayor Griggs stated he has a nomination for Ed Cole, are there other nominations. Hearing no others, the nominations are now close.

Motion carried with a vote of 6-1-0. Commissioner Ferguson voted against.

A brief recess was taken for Commissioners to take their seats.

Mayor Griggs personally addressed the Commission and the public. He congratulated the newly elected Commissioners. As a Commissioner, we face many issues here in Alamogordo but by working together, we can address those issues and establish priorities and we can move Alamogordo forward. He does not mean to say we should initially agree on how to solve these issues, constructive debate and discussion can open the door to creative and sound solutions. He does not want to see argument just for argument sake. We will soon discuss one issue that has been mentioned more and more; that issue is the appearance of Alamogordo. He has asked City Manager Roath to review many ideas that he gave him in an attempt to address that particular issue; he and staff are looking at those ideas and others that they have. He also knows that most of the Commission has ideas to include in that discussion. Recently the City won the law suit concerning the Snake Tank Well Field yet the EIS still remains. We must dedicate the resources necessary to insure the completion of this project. The availability and deliverability of this water gives the City options and opportunities we have never had. We are currently in the process of repaving and rebuilding many of our major streets. It now appears we will be able to do many more than initially planned. Working together, we can select those streets that help Alamogordo and each district the most. Our Waste Water Treatment Plant and its funding will be a major challenge; to this end, we must continue to seek State and Federal dollars. If they are unavailable, we must look at as many other funding sources as possible, even a property tax bond, before we look to raise rates. While there is much to be done, we need to celebrate the City's accomplishments. Few Cities in New Mexico are undertaking an as ambitious a street improvement program. We are a national and international leader in the use of reclaimed water. We have replaced and are continuing to replace miles and miles of old water and sewer lines. We are constantly improving our water delivery and supply system. Alamogordo has one of the absolute lowest violent crime rates in New Mexico and among Air Force communities. We should be proud of all of these things and many others. He wanted to thank the Commission for choosing him as Mayor; he will do

his best to represent you and our citizens. He knows all of them want Alamogordo to be able to reach its full potential. Let's see what we can help happen.

PRESENTATIONS:

5. Presentation on status of various City projects by Mark Threadgill, Community Development Director and Brian Cesar, Public Works Director.

Recommendation: None.

Mayor Griggs began by reading the agenda report and turned the floor over to Mr. Cesar

Brian Cesar, Public Works Director stated tonight he will be giving an update on the 2008 Gross Receipts Tax Projects and also the water update. Right now we have 7 streets that are going to be ready to pave beginning May 3rd; we have set that date with Cutler Repaving. You will also see that College from 10th Street to Indian Wells is about 85 percent complete. General Hydronics has assured us that not only that street, but North Florida, which is 70 percent complete right now, will be ready to pave in that first round. Hamilton Road, we are 100 percent complete with the preliminary engineering; within the next two to two and a half weeks, Engineers Inc, the engineering firm the City has hired, will need the City to acquire the necessary right-of-way. Final engineering is scheduled to be complete by August 2010 and still go out to bid for construction by September 2010. The 18th Street re-use line from Washington up to Juniper, the plan is to bid this by March 21st. The packet for the bid process is in legal being reviewed at this time. The re-paving of the first half of the streets will begin on May 3, 2010. We are still on schedule to pave the second half in September 2010. On your laptops, you have this presentation and also a spreadsheet and he will go over the spreadsheet as he goes through the slides. On the first water update slide, the blue line at the top is the actual water that is produced for the City of Alamogordo from 1990 up to 2010. It is a yearly number; the 2010 number will continue to go up throughout the remainder of this year. If you look at the next line down, that is the La Luz Fresnal System that is surface water flowing into our La Luz plant. As you can see, that is were we get the majority of our water. The next line down, that is actually our city wells. As you can see from about 1990 to about 2001 or 2002, we started to spike, that was during the height of the drought and we were using our surface water and we were not collecting as much so we had to pump our wells often. As you can see, that has dropped off to very low levels for at least three years. The yellow line represents Alamo Canyon which is also surface water just south of town. That has stayed fairly consistent throughout the years. The last line at the bottom of the slide is actually the water that we take in from Bonito Lake. For a number of years we were not collecting anything because it was a very unreliable line, the Air Force came in and upgraded the line and now it is a very reliable system and we have increased production over the last few years and have become less dependent on our wells. The second water slide represents the first two months of this year. In January and February we produced about the same amount of water for each month. In January we were at 112 million gallons and in February were at 109 million gallons. To give you an idea of where we have been getting the water, the third slide shows the production for this year; 64 percent of the water this year has come from the La Luz Fresnal system. The next largest contributor is the Alamo Diversion just south of town that was 26 percent. There was just under 10 percent coming from Bonito Lake and less than one percent of the waster has come from City wells. That number is actually a little lower, but we do run the wells so that if we need them, they are available. We do exercise those to keep the pressure up. This is not the traditional water update that you have received up till now, for many years what the Commission has received is just a snapshot in time for this date last year and the current date. It really did not give a lot of information, we could have had a water break that day, could have be draining a reservoir; it really didn't give the information he though was important. He can continue to give them updated spreadsheets every month if they wish. This is the spreadsheet he uses to track trends, it goes all the way back to 1990 and gives every source of water coming into the City, the percentage of the water right we are using, and where the water is coming from. It has a lot of information to take in, so instead of going over it all tonight, he will meet with them at another time to ensure they have any questions they may have answered.

Mayor Griggs said he believes the City Attorney is working with our water council to determine a time where he can come down and brief the entire Commission on our Snake Tank Project and what led up to that and all that has gone into it. He believes that it will probably be some time next month when Mr. Brockmann has his first availability. He expects that the City Attorney will be getting something out to the Commission soon so we can look at our calendars to ensure we can work that time in. He thanked Mr. Cesar for his presentation.

Mark Threadgill, Community Development Director began by saying he will be giving an update on the Community Development Projects. We have LaVelle Road going on, we have had some weather delays but fortunately we have had a streak of good weather here which is unusual for this winter. They have made excellent headway; we still expect substantial completion in July or August 2010. For the North Scenic Project, again we have had minimal weather delays and they have more than made up for any weather delays and are slightly ahead of schedule, however we are still looking at substantial completion sometime in August or September 2010. For the ARRA Projects, these are the guys he really feels sorry for, they got out there and were building in an active drainage ditch during a very wet winter, and they have had nothing but delays. With the rash of good weather we have had lately, they have been able to make substantial improvements, they now have the CBC completed, the main walls completed and today they were backfilling and compacting as well as tearing through some fiber unintentionally and that is being repaired. It was scheduled to be completed at the end of March; we now think it will be early April, as long as we don't have any more weather delays. He thinks that everyone who used to use 9th Street will be happy when it is reopened. Mayor Pro-Tem Cole asked if they had conducted any soil test for the construction of the bridge, how they are testing that soil to ensure they are building that to last.

Mr. Threadgill explained that there are standardized testing. We contract with an environmental firm that does the testing and the contractor is responsible to ensure the compaction and dryness of the soil is there and our inspectors make sure the tests are completed. That is why you saw a lot of over excavation on that project, there is a rather large mound of soil that is called over excavation that is how much extra damp soil they had to take out and replace with dry soil to ensure they have a solid foundation for the bridge.

Mr. Threadgill went on to say our other ARRA Project which is sidewalk and ADA improvements along 1st and 10th Streets. Anyone that has driven down 1st Street this past week has seen considerable progress on those. We see no reason why they will not make the May 2010 deadline to complete that project. The Tennis Complex, the last time he was there a month ago, there were just parts covering freshly poured slabs, the slabs have now been fenced in and they are waiting for the slab to cure and then they will go out there and coat and stripe it so it looks like a tennis court, the nets will go up and the only remaining construction work will be the ADA and sidewalk improvements to the front to allow easy access to the courts. On Fairgrounds Road, we are continuing to work with Gerald Champion; we had a bit of a problem with them in that they were not getting back responses as quickly as we should. We spoke with them today and they are actually split between two projects right now. They have a medical complex that they are ready to go with as well as the road and they are balancing their time between the two. Janet Buckman has assured him that it is still on their radar, but it is one notch below their number one priority. We are still working with them to get that finished. The other projects that we have are the two Public Housing Authority Projects, the GFI outlet update and the electrical upgrade; those should be completed May 2010. For the Waste Water Treatment Plant, the preliminary engineering report will be in early April, we are waiting on some information that they are putting together on their engineering report. We also have Phase 5 of the Flood Control Project. We are waiting on the final legal descriptions from the Corps of Engineers before seeking right-of-way acquisition. We have another update on our FEMA FIRM update, FIRM is Flood Insurance Rate Map, this is what determines what zone you are in which will then determine what you will have to pay for flood insurance. In December 2009, the Corps submitted a request to FEMA for a letter of map revisions for the 2008 preliminary map which is the newest map we have on record at this time. Those actually become effective in October 2010. They have submitted all the documents for the South Channel Flood Control Project for inclusion into the FIRM. We do have confirmation from FEMA that they have received that request and we expect a letter for the final determination in April 2010. What

that does is the 2008 map, which is the latest update, does not include the South Channel Project primarily because it hadn't been completed at that time. It has been completed; Corps has forwarded all the information with the as built drawings to FEMA and they can take that information roll it up into the 2008 maps and do what they call a (Letter of Map Revision) LOMR which may or may not change the flood plane. We expect some sort of letter of determination from FEMA in April of next month.

Mayor Pro-Tem Cole said he recalled that a few months ago he spoke with Mr. Threadgill about the people who are South of Abbot and their home owner policies. Will this cover that section? Mr. Threadgill stated he does not want to commit to the LOMR covering any particular section of town. The information that was provided by FEMA was provided by the Corps of Engineers based on the as built drawings for the South Channel Flood Control Project. That is the Channel that runs out by LaVelle Road and the Desal facility all the way up to Marble Canyon in an around about way. That entire project all four phases of it, phase one started down on the far west side and phase four was when they completed Marble Canyon and when that was completed, all the information was put together along with the new hydrological data the Corps put together and then forwarded to FEMA. Their request to FEMA was to please take this information into consideration, hence the LOMR in the 2008 maps.

Mayor Pro-Tem Cole asked does it include the section for the south side of Abbott, running east and west, from Scenic up to the water reservoir. Mr. Threadgill stated it should, but he does not want to commit that any changes will that affect any specific part of town. He doesn't know what FEMA will decide or know how they will interpret the date. In all probability, it should be mainly favorable, but until he sees their determination, he does not know one way or another. He is not a hydrological engineer or work for FEMA and he can't make that determination.

Mayor Griggs asked Mr. Threadgill if there was anything we should do from the City's perspective. Mr. Threadgill said at this point, until we get the LOMR, he doesn't know that there is anything that the City can do. It is not a technical issue, but if there are any unfavorable issues in the LOMR, or any unfavorable issues that FEMA comes up with, at that point we may want to intervene and comment on their decision but right now he just doesn't know. Patricia Phillips, who is the Project Manager for the Flood Control Project here, is optimistic that it will be a favorable LOMR based on the data they put together on building the project. Again, those are two separate agencies working there.

Commissioner Rance asked how often this is updated. Mr. Threadgill explained that there is no regularly scheduled updates or confirms. They try to update them about every 10 years. That doesn't mean that they do total new studies. Entities and Individuals can request amendments or revisions to the map based on significant improvements or changes in their surroundings. When the 2008 revisions were completed, it was not a complete new study; it was basically an update to the 1983 and 1991 maps based on new data they had received. They did not come out and do a full new study. We now have a completed Flood Control Project and a LOMR was submitted and with the new project, a list of improvements and an explanation of what we think it does. They will update the map based on this information.

Commissioner Rance asked if his response to Mayor Pro-tem Cole's question was because of the new Flood Control, you think it will cover more. Mr. Threadgill stated we believe it will be, but he cannot comment on a specific area or address that it absolutely will or will not.

Mayor Griggs said it will be a major disappointment if it doesn't with all the time, money and effort spent on it. He thanked Mr. Threadgill for his presentation. Mayor Pro-Tem Cole added in the area of South Scenic, those individuals contacted him and said they had an increase in flood insurance after the last flood. That is why he is concerned about the Abbot area.

Commissioner Rardin asked Mr. Cesar about the paving General Hydronics was going to do from Fairground Road to about 24th Street when we had all the floods, are they going to go back and fix that or are we just going to live with it until they repave. Mr. Cesar said they went in and did those very

quickly to try and fix their trench lines. They are going to pouring out the majority of those patches at no cost to the City.

Commissioner Rentschler asked Mr. Cesar about the Florida Street paving from Fairgrounds to Indian Wells, have we been able to include the paving from North Florida up to Fairgrounds Road up to where the subdivision begins on the other side of Betty Dare. Mr. Cesar stated with the estimates we have in with the cutler that we have, we will be able to do just north of Fairgrounds Road and cutler pour just outside the curb return going north up just past Fire Station #6.

Commissioner Rentschler also asked if we were okay for sewer and water in that area. Mr. Cesar confirmed that we are. We actually had General Hydronics go past Fairgrounds Road to do their tie in so we would not have a problem in that area. We have had in the past, gone in and taken care of Fire Station #6 to the La Placita Building.

PUBLIC HEARINGSS:

6. Public Hearing to grant a transfer of ownership for Liquor License #2523, Application No. 626740, to AmRest, LLC d/b/a Applebee's Neighborhood Grill & Bar, located at 1355 S. White Sands Blvd., Alamogordo, NM.

Recommendation: Approve the transfer of ownership for the Liquor License #2523 to AmRest, LLC d/b/a Applebee's Neighborhood Grill & Bar.

Mayor Griggs read the agenda report and asked if anyone in the audience or on the Commission had any questions. Hearing no comments, he asked for a motion.

Commissioner Ledford moved to approve the transfer of ownership for the Liquor License #2523 to AmRest, LLC d/b/a Applebee's Neighborhood Grill & Bar. Commissioner Rentschler seconded the motion. Motion carried with a vote of 7-0-0.

CALL OF THE CONSENT CALENDAR:

[Roll Call Vote Required – none]

Items on the Consent Calendar are considered routine and should not require further discussion. All items marked "CC" will be approved by a single motion unless removed at the request of a Commissioner, City staff, or a member of the public. Items removed from the Consent Calendar will be heard in the numbered sequence.

CALL OF THE CONSENT CALENDAR: Items #7, 8 16, & 17.

MINUTES:

- CC 7. Minutes of February 23, 2010 Regular Meeting.
Recommendation: Approve the minutes.

CONTRACTS AND AGREEMENTS:

- CC 8. Consider, and act upon, approval of an Amendment to the NM Aging & Long-Term Services Department Agreement due to increase in funding for the Nutrition Service Incentive Program (NSIP).
Recommendation: Approve the Amendment to the Agreement.

OTHER BUSINESS:

- CC 16. Consider, and act upon, approving an Airport Storm Water Pollution Prevention Plan.
Recommendation: Approve an Airport Storm Water Pollution Prevention Plan.
- CC 17. Statement regarding the Executive Session of February 23, 2010.
Recommendation: Approve the statement.

Commissioner Ledford moved to approve items # 7, 8, 16 & 17 of the consent calendar. Commissioner Rardin seconded the motion. Motion carried with a vote of 7-0-0.

PLANNING ITEMS:

9A. Public hearing to consider surplus land sale (0.344 Acres) to Basilio Anthony Garcia. [Case #M-2009-0341(A), Lot 33, Block 4, McMath #3; location 1411 Black Street]

Recommendation: Due to the uncertainty with the surveys in this area staff recommends this item be tabled until such time as staff can verify the plat(s).

Mayor Griggs began by reading the agenda report and turned the floor over to City Manager Roath. City Manager Roath stated he will let the Community Development Director comment on this. The only thing that he wished to point out is the recommendation by the Planning Commission is to deny the request. It appears that this item came before the Commission in September and the other two in February, there may have been different members on the Commission at that time.

Commissioner Rardin will abstain from voting and discussing these items because he owns property out in that area. He is also an applicant to purchase some of the land.

City Manager Roath added that the Community Development Director will discuss some of the issues we have with these three lots.

Commissioner Ferguson moved to table items 9, 10 and 11 until the next meeting.

Mayor Griggs stated he believes the recommendation is to do that. He doesn't know if the Commission wants to hear discussion before that. We have a motion on the floor, do we have a second?

Motion died for the lack of a second.

Mr. Threadgill wanted to address all three of these lots at the same time because they all have the same basis problem. If you look at the map, what we basically have are the city parcels in the McMath Subdivision. There are eight re-plats of this area since 1954, unfortunately, they do not all line up. We have a problem with the eastern most boundaries of these lots with the western boundaries not aligning with the lot descriptions. In essence, what this means is that we are not 100 percent sure what the dimensions of where those lots lie. There are two properties at the top that have been resurveyed and were sold earlier. When they surveyed them, after the sale, which is what really brought this to our attention, is the surveyor came back with these plats and showed up the survey points and the recorded points and there were differences in feet in the area. When we went back and started plotting all of these re-plats out on the map, we found that we had a problem. The distances did not all add up on the re-plat. As an example, on the Block C Replat C, when you compare this replat with the original replat, there are 60 feet missing, the distances do not add up. We believe we know where the 60 feet are, but right now we are not absolutely sure. Our recommendation is that the three applicants went through the whole process as dictated in our Ordinance. With exception of this first application that went before P&Z before they changed membership in January, they were recommended for approved by P&Z. We would like to table these items at this time and what will most likely have to happen is we will have to have these lots resurveyed so that we can establish exactly where they are at in this block of space. We believe that the error occurred because there is a section corner and, you can see it on the map, there are actually three bearings coming off that section corner.

Each of the bearings should be equal through each of the re-plats; instead, there are three different bearings. What it does is it has the tendency to turn all these lots a few degrees to the south. With the dimensions we have now, some of the lots would go out into Highway 70 and we know that can't be, the State would have something to say about that. Our recommendation is that these items be tabled so we can get out there and survey the property that we own to ensure exactly what we have so we know what we own and what we are selling.

Mayor Pro-Tem Cole asked what the land in the center between the lots is. Mr. Threadgill stated he is not sure who owns that property. Commissioner Ledford wanted to clarify what they are asking is to survey these lots; does that affect these particular parcels? Mr. Threadgill confirmed this. He then asked, in that survey the dimensions of the property change, doesn't that affect the whole process of what the property is worth, what they are buying and they may have to start the whole process all over again. Mr. Threadgill stated they could. Commissioner Ledford then asked why we didn't know that before we went through all these steps. Mr. Threadgill admitted that they kind of knew it but they also didn't know it. The problem started when we sold the initial two parcels. The extent of the problem didn't become totally clear until we began plotting out each of the re-plats and looking at the distances that were involved. After the first two lots were sold in August of 2008, the surveys came back and in looking at those the surveyor notices there were differences, stated here is what is recorded and here is what was actually found. There were differences in feet.

Commissioner Ledford asked when you have a re-plat, do you resurvey the property. Mr. Threadgill stated typically yes. Commissioner Ledford then said in the resurvey there were mistakes made, he doesn't understand. Mr. Threadgill said there appears to have been at least three surveys in this area that started from the same section point. Each of those surveys has a different bearing going east, but they are all referencing the same area of land. That little fraction of a degree changed. The further out you go, you start to get this skew and there are actually seven different plats like that.

Commissioner Ledford said he thinks his point is because of the change in these particular proposals, does that mean they will have to start the process all over again with the appraisal process. Mr. Threadgill stated what he thinks they would do is we would look at the significance of the change. If it were a minor or an insignificant change, we would not make them go through the entire process again, but if it were a significant change, the applicant may want to change because they may be purchasing more or less property than they think they are right now.

Commissioner Ledford said in some of the discussion, you talk about the difference of market analysis and an appraisal, without getting into a heated discussion, is that one of the issues that we are going to try to address while we are doing this survey. Mr. Threadgill stated not directly. The difference between a Market Analysis and an Appraisal is something that would have to be addressed through the ordinance. We have some drafted language that we are working with but he would not want to tie it with these three proposals that are in front of you right now.

Mayor Griggs asked if there were any other questions at this time. Hearing no additional comments, he asked if we had a motion.

Commissioner Ferguson moved to table Items 9A, 9B, 10A, 10B, 11A, & 11B. Commissioner Ledford seconded the motion. Motion carried with a vote of 6-0-1. Commissioner Rardin abstained because he owns property in that area and is one of the applicants.

B. Discussion, and possible action, on surplus land sale (0.344 Acres) to Basilio Anthony Garcia.

Recommendation: Due to the uncertainty with the surveys in this area staff recommends this item be tabled until such time as staff can verify the plat(s).

10A. Public hearing to consider surplus land sale (0.344 Acres) to Josh Rardin. [Case #M-2009-0342(A), Lot 32, Block 4, McMath #3; location 1413 Black Street]

Recommendation: Due to the uncertainty with the surveys in this area staff recommends this item be tabled until such time as staff can verify the plat(s).

B. Discussion, and possible action, on surplus land sale (0.344 Acres) to Josh Rardin.

Recommendation: Due to the uncertainty with the surveys in this area staff recommends this item be tabled until such time as staff can verify the plat(s).

11A. Public hearing to consider surplus land sale (0.344 Acres) to Luis Au. [Case #M-2009-0343(A), Lot 31, Block 4, McMath #3; location 1415 Black Street]

Recommendation: Due to the uncertainty with the surveys in this area staff recommends this item be tabled until such time as staff can verify the plat(s).

B. Discussion, and possible action, on surplus land sale (0.344 Acres) to Luis Au.

Recommendation: Due to the uncertainty with the surveys in this area staff recommends this item be tabled until such time as staff can verify the plat(s).

OTHER BUSINESS:

12. Discussion, and possible action, on request by Mary Miyagishima related to a sewer connection for 2119 Pecan Dr.

Recommendation: Approve sewer charge refund for 2-years for \$437.97 and a loan agreement for only the cost of connecting to City sewer system, plus administration fees (\$2,027) with a term of no more than 3-years with a lien placed on the property until the City is paid in full. In addition, provide the loan principal to be made payable to both the homeowner and contractor for the sewer connection work.

Mayor Griggs read the agenda report and turned it over to the City Manager. City Manager Roath stated LeeAnn Nichols, Finance Director, will address the issue but he does support the proposal as written.

Mrs. Nichols said we tabled this item from the last Commission Meeting, the Commission wanted verification whether the property was connected to the city sewer system or not. It was found that the property is not connected to the city sewer system. There was discussion with the Commission last meeting about providing a refund of two years worth of sewer charges of \$437.97 and possibly doing a loan for the customer similar to the sidewalk loan program. We developed and drafted a loan for just the sewer connection. We received four quotes; she has them if the Commission would like to look at them. The lowest quote was from General Hydronics for \$1,877 and we tacked on a \$150 administrative fee to cover the lien filing fee and the release of the lien at the end of the loan and staffs monetary time for the loan; that brought the loan amount to \$2,027. We also calculated this at a 12 percent interest rate, the reason we used 12 percent is because she called several banks to get their interest rate for a credit loan. You have to have very good credit to get a smaller interest rate and this seemed like the average for not perfect credit. Payments for a three year period would come out to \$67.33. She and the City Attorney met with the customer today and explained the loan agreement to her and we showed her the payment schedule and explained it to her. She wasn't sure if she was in agreement with that because her goal was to either have the City pay for the entire work, the sewer connection and backfilling the septic tank, or at least half. Ms. Miyagishima is not present this evening.

Commissioner Rentschler said what we are looking for here and to make clear to the Commission is that this is a rental house; this lady owns this piece of property and is renting it out. What we are looking to do is essentially lend her money for this business. He asked Ms. Nichols what was the interest rate we were looking at? Mrs. Nichols stated 12 percent. He then asked if there was any precedence for this other than the sidewalk program. Mrs. Nichols stated there is not. He also asked if we were giving her the two years back for the sewer charges because of the statute of limitations the \$437.97 but he does not know that he likes the idea of the City being in the business of loaning money to a business for this kind of thing. He would like to know what the other Commissioners have to say on this issue.

Commissioner Rardin asked Mr. Cesar if the City Staff went out to the property and did some research to see if she was connected or not. Mr. Cesar stated what they were going to do originally, the customer was supposed to have her contractor expose the septic tank in the back yard, she kept flocculating between which company she was going to use, knowing that the Commission would be meeting tonight, he sent in one of his employee maintenance crews into the alley behind the property. The crew trenched to eight feet along the entire rear of her property, not on her property but in the alleyway, to see if they would come across the service line and they did not.

Mayor Pro-Tem Cole asked City Manager Roath didn't we agree to finance the bid. He doesn't think it is a good policy for the City to finance bids. He knows they agreed to the sidewalk fund but his concern is that he does not want the City to get into this. City Manager Roath said he thinks it really becomes a balancing issue our ultimate goal is having her connected to the system and financially she is not in the position to do that. Our thought process initially was to just say it is her responsibility but in talking with her, and it does appear she has at least one other rental property that we know of, our concern is still the issue of connecting her to our system. Right now her system does work but our ordinance requires her to connect. The initial goal is to get her connected because she falls within the distance that requires her to be connected. The difficulty here is that she or the tenants she had paid for the sewer for a number of years even though she was not connected. There is some feeling that she should have some return of that money. Initially at the last meeting, there was some discussion that she only paid \$30 out of the \$437 that will be given back to her if that is the Commission's desire. The thought process of how do we get her connected if she doesn't have the funds. She has requested, and Mrs. Nichols has indicated, that she desires to have the City fund the entire project and for her to pay it back for \$50 per month; with out adding interest would come to 6 to 7 years out and possibly higher and that just doesn't seem feasible for anyone. What we did fall back on is the issue of how long would we normally finance the sidewalk fund loan, and that is three years. We also looked at the question of should we finance the entire project or just that portion of the project that would connect her and meet our goal of having her connected. That was our thought process in terms of the recommendations and how we came up with it; why we are not recommending the full construction cost. She will have to bear some of that cost, go to the bank and borrow the money to fund that other portion. We thought that if the credit was given, she is looking at around \$1,500 and three years to pay that back. If that is not the Commission's desire and they only want to return the two years, then she would have to seek additional funding to make that happen. We want to get her on line. Ultimately the City would be made whole because she would pay it back, a lien would be placed on her property, and we get interest on that lien. The end goal is trying to get her connected and trying to ensure that happens.

Commissioner Rardin asked if we deny this loan agreement and we require her to connect and she can't do that for some reason, what our recourse is. Would we end up connecting it for her and putting a lien on the property. City Manager Roath stated he believes the code has a section regarding a penalty for payment. City Attorney Thies explained that if she doesn't connect to the sanitary sewer system, because it appears that she is dumping sewage into a septic tank, the City would more than likely go out there and connect her and then place a lien on her property for the full amount.

Commissioner Rardin stated so either way we are going to be footing the bill. City Attorney Thies explained that once we place the lien against her property, the City would have to decide how to proceed, whether it is to foreclose on that lien or simply let it sit for a certain time period and see if she would voluntarily pay it. City Manager Roath followed up by adding if a lien is placed on the property and the City Commission decided not to pursue that for a period of time, until she sells, we are out that money for a longer period of time than what we are recommending here.

Commissioner Ledford said staff is recommending that we finance \$2,027 at 12 percent for three years; he wants to make sure Mayor Pro-tem Cole understands that. The \$437.97, we haven't decided what we are going to do with that refund, so we may apply it to the loan or are you going to write her a check. Mrs. Nichols stated that normally when they do a refund, they credit the account; therefore that money wouldn't go to the customer. We can write a check and refund her back and that would go to the customer and we could do the loan for the difference in that.

Commissioner Ledford said he thought that is what we wanted to do. He likes this agreement. First of all, when we talk about fiscal impact, the City is not out any money, she is going to pay it all. What is happening is that she is paying half of it somehow and the other half, the \$2,027 minus the \$437.97, would be financed over the three year deal which he agrees with. The City is out zero which he thinks is pretty good when you consider we are not in the finance business and he is not proposing that and this is not a program for financing. There are lots of questions to ask like why she wasn't connected to start with. Maybe we did not catch it years ago and that is part of the reason we were talking about refunding the two years. He feels that we could be at some fault here because it wasn't originally done the way it should have been done forty or fifty years ago. He does not think we are setting precedence, he thinks we are taking a case by case basis, evaluating why we are doing it, and that is his understanding of why we are doing this, rather than trying to get into some kind of putting blame on each other. Let's try to get it fixed, get it hooked up and she is paying 100 percent of it and how she is doing that has been recommended. He agrees with the City Manager that we do this, but we take the \$437.97 apply it against the loan and have a reduced amount of the loan and have the loan payment for three years. In his opinion this has nothing to do with what we will do for the next guy. He wants to hear that case before he decided that he wants to finance that project. He wants to make it clear that this is not about financing a project, it is about taking partial responsibility as to why it wasn't hooked up to begin with.

Commissioner Rentschler said he wants to make sure he understands clearly, if she doesn't do this then we would do it anyway. By ordinance, do we have to do this or do we just turn the water off. City Attorney Thies stated we would not turn the water off; we would go out and hook her up to the sanitary sewer. Right now she is dumping raw sewage in a septic tank and that is potentially a health issue.

Commissioner Rentschler said he understands that but he still doesn't know that he fully agrees with the financing of this. He believes it will set precedence and he is curious that if this happens again, is this going to be our answer and he thinks it will be and that we are making our answer for the future and he is concerned about that. He is certainly in agreement with refunding the \$437.97; we need to do that one way or another. He does not know if she would prefer to have a check written out to her so she can use that against this cost.

City Manager Roath thinks the distinguishing fact that sets this issue apart from a future septic tank issue where someone is in close proximity and we require then to connect would be the issue that in effect either she or her tenant paid for sewer for a number of years. It would distinguish the difference between this case and someone who has not paid for the sewer service.

Commissioner Rentschler stated we saw the same story here a month ago with the gentleman who paid for trash service for 20 years or so. City Manager Roath said the Commission did take action on that item. Commissioner Rentschler stated we did exactly what he is recommending here and paid the two years worth for the statute of limitations and move on. Commissioner Ledford said there is no cost getting connected for the trash pick up.

Commissioner Rardin asked Mrs. Nichols if the total loan amount will be the \$2,027 minus the \$437.97. Mrs. Nichols confirmed this but said with that amount, the \$437.97 is not subtracted out. He then asked if the total would be roughly \$1,600. City Manager Roath replied that the loan amount would be \$1,589 and her payments would be \$52.78 for 36 months. Mrs. Nichols said she believes that is in their packets.

Commissioner Rardin moved to approve the loan in the amount of \$1,589.03 which included the credit of \$437.97 and the make that loan payable to the homeowner and the contractor.

Mayor Griggs asked the City Clerk if she had the motion clearly and could she read it back.

Ms. Cantin said we have a motion to approve the sewer charge refund for; she doesn't have the original amount, with the \$437.97 due to Ms. Miyagishima and a loan agreement for the cost of

connecting the City Sewer System. She also has an addition, the check to be made payable to both the home owner and the contractor for the sewer connection work.

Mrs. Nichols corrected by saying she believes that Commissioner Rardin's motion was to approve the loan in the amount of \$1,589.03, which includes a credit of the \$437.97 and to make that loan payable to the homeowner and the contractor.

Commissioner Rardin stated that way we can insure the work if completed and it will require two signatures on the check. Mrs. Nichols added in the motion he did mention the payments of \$52.78, which would be the three year term. Commissioner Ledford stated he would say three years at 12 percent, or whatever the payment is. City Manager Roath added plus a lien on the property. Mayor Griggs asked if we had all that, the lien on the property, the 12 percent for three years. This was confirmed.

Commissioner Rardin moved to approve the loan in the amount of \$1,589.03 which included the credit of \$437.97 and the make that loan payable to the homeowner and the contractor for three years, 12% for 3 years with a lien on the property. Commissioner Ferguson seconded the motion.

Mayor Griggs added that one of the things that makes this a little different from the garbage issue that we dealt with is that the water and sewer rates are comprised from commodity charges and base rates. Base rates are payable to take care of the infrastructure across town. Although she was not connected to the sewer system, she was required to be connected and he thinks that we need to understand the difference between those two and not make that something that we go on every time where we refund both charges. If this instance would be the case, the base rate would be the vast majority of that \$400, which he would not recommend refunding. Those are his thoughts on this and we will need to look at the case next time we have an issue like this.

Motion carried with a vote of 7-0-0.

13. Discussion, and possible action, on whether to pursue a Request for Information application requested by Google to launch an experiment in the community for ultra-high speed internet.

Recommendation: Approve staff to pursue the Request for Information application.

Mayor Griggs began by reading the agenda report and said about two weeks ago there was an article in the newspaper dealing with Farmington, New Mexico. They had asked Google for this deal, he mentioned that to staff and asked them to look into it to see if they felt it would be worthwhile and to present this to the Commission and see if they wish to pursue this application. He then turned the floor over to Mark Graham.

Mark Graham, MIS Manager introduced himself and said when he first started reading through the Google application and the prerequisites, he found that it would be a very exciting project and a large project that we would be undertaking. Basically, it is to provide an ultra-high speed of 1 gigabit per second of internet connection via fiber. They plan to offer this service to 50,000 people, not necessarily in just one community and it could be up to 500,000 people. They will be doing this across the nation. This is only a request for information, they are not guaranteeing that they will come out and do this because other cities are applying. If we do this in our community, it does not obligate us to accept it. Right now, Alamogordo is one of the considered communities. One of the items, as he was reading through this, everything in the application, we have; all the way from health care to the military community and retirees. Basically, it will not cost the City anything except time, assistance with permits, and allowing access to our fibers.

Commissioner Rentschler asked if they are planning for mostly underground or overhead or use a combination of the two. Mr. Graham said they will use a combination. They have aerial, they have some wireless, but they would mostly like to go underground.

Commissioner Rentschler asked who they would be competing with in the City. Mr. Graham stated that is another item that he read through. They will technically not be competing with anyone in the City, they will use those that are already out there and give them access to this high speed network to actually send it out through their systems. They are trying not to compete with anyone.

Commissioner Rentschler asked if we have had any complaints from Baja or Charter or anyone else. Mr. Graham said no and he also asked the Legal Department to look and we do not have any exclusive rights in our contracts with Baja and he doubts we have anything with Qwest either.

Commissioner Rance said he appreciates the proposal but he has some questions with regards to some research he did. He saw that a couple of the entities were charged later for some fees upwards of \$68,000. He asked Mr. Graham if he caught that piece of it. Mr. Graham stated he read through it and said he is not clear on that. If they do come back and say they would charge the resident a fair and reasonable rate to keep the service. Commissioner Rance said which is fair, but he wanted to make sure that there are no costs to the City except for the right-of-way and the processing of paperwork.

Mayor Griggs asked if there were any questions. Hearing none, he asked what the pleasure of the Commission was on this issue. Do we want to pursue this any further, because we can always get out of it if it doesn't meet the criteria.

Commissioner Rance asked if there is a time frame on establishing this. Mr. Graham stated the Google Corporation basically wants to announce it this year and then they will proceed with the agreements and start pushing it through.

Commissioner Ferguson said he personally thinks it will be a very good idea especially with the hospital and the base. It will give us all super high speed internet access and that will bring us closer to them, so he thinks we need to pursue it very hard.

Commissioner Ferguson moved to approve staff to pursue the Request for Information application. Commissioner Rance seconded the motion. Motion carried with a vote of 7-0-0.

14. Consider, and act upon, a Release of Lien for 538 Linda Vista Dr.

Recommendation: Approve the Release of Lien for 538 Linda Vista Dr.

Mayor Griggs began by reading the agenda report and said if the Commission remembers, this was an item where one of the title companies here in town had not identified this lien to the purchaser and now it has come to light and the title company and their underwriter are pursuing a release of that lien. They believe that lien was filed improperly. The City Attorney has talked with the underwriting attorney and at that he turned the floor over to City Attorney Thies.

City Attorney Thies stated the issue is that the City filed its lien after the mortgage company started foreclosure proceedings, it is called a Notice of Lis Pendens, which is filed with the Court Clerk to give everyone notice that a mortgage foreclosure proceeding is underway. It is their position that since we filed the utility lien after the Notice of Lis Pendens was filed, that our utility lien is extinguished as part of the mortgage foreclosure sale. He disagrees with that position. It is his position that the City has super priority, which means regardless of when it is filed, the utility lien jumps ahead of everything except for valid tax liens. He had some contract with the attorney for the underwriter and she disagrees so the issue is what we are going to do at this point in time. We have three options, one, we could foreclose on the lien; two, we could do nothing; or three, we could release the lien. In the Agenda Report, he discusses various pluses and minuses for all three options. The problem here is that we have a third party involved who purchased the property. We are unsure if she had received notice of this lien when she purchased the property. Regardless, she is now asking for a release of that lien and if we did pursue our foreclosure right, financially that will affect her. She may have the

ability to go back after the title company for negligence due to the fact that they chose to ignore the existence of the lien. Given the amount of the lien, if the title company would have brought this to the mortgage company, they most definitely would have paid it; they are not going to potentially lose the sale of this property for \$300. They routinely pay us for utility liens as part of their foreclosure proceedings. This lien was chosen to be ignored by the title company and now this third party owns this piece of property which we have the ability to foreclose on. Regardless of which option we decide to pursue, it will cost the City some money. If we foreclose on it, it will cost us some money and her some money, if we do nothing we could potentially lose the lien if we do not do anything for four years because of the statute of limitations. The cheapest option right now is for us to just walk away from this and release the lien for \$290 which includes \$140.54 in unpaid utility charges and \$150 administrative fee. To foreclose on it, it will cost us significantly more in the way of time and expenses to recover \$300.

Commissioner Rentschler asked if what he is telling the Commission is that we spent all this time for \$140 so far and it is not worth pursuing any further. He also asked City Attorney Thies if he can tell him that this situation has been rectified to where we will not see it again. City Attorney Thies stated the situation will not be rectified until either the Legislature makes it explicitly clear that under these circumstances, our utility lien is given priority over the pending foreclosure proceedings or a court decides and makes that decision.

Commissioner Rentschler said he understands this situation, but in general, are we going to be seeing it in the future. City Attorney Thies stated that we could see it. If we file a utility lien after foreclosure proceedings have been commenced.

Commissioner Rentschler said he cannot see going any further than we already have. He thinks we have spent a lot more time on this than \$140. Pursuing this at the same time, he would like to us to figure out how we can rectify this so we do not get caught like this again. City Attorney Thies stated they are looking at options and hopefully we will not be put in this similar situation in the future.

Commissioner Ledford said he agrees with Commissioner Rentschler, he thinks the time the attorney has spent on this is enough; we need to take proper notice of his time dealing with the issue. He thinks if it were \$10,000 he would pursue it further but for this small amount, it is not really worth it. He understands that it is a numbers game and he appreciates that. He thinks in this particular case, we could have recorded the lien quicker and maybe it would have been caught. He would suggest that we record things in a more timely fashion if that does help us to avoid these types of cases. He has a tendency, and he has done some checking, he would think their attorney is an intelligent attorney, but he would agree with our City Attorney. He thinks he has a good argument in this case, but he doesn't want to spend \$20,000 to prosecute \$140. He added that what upset him more than any other in this case is that the title company admitted they saw it and did nothing and that bothers him a lot because this problem would have been fixed. He doesn't think that is how you solve differences of opinion. He would recommend that we follow the Attorney's recommendation.

Commissioner Ferguson agreed that we need to figure out some way to change the policy. Apparently this was a lien for unpaid water. He asked how long we wait after the water bill remains unpaid to file the lien on the property. Do we have a policy that says if someone doesn't pay their bill, 60 days later we file a lien against the property; or 30 days or 90 days. City Attorney Thies explained that he does not believe that we have a policy that specifies when a utility bill is unpaid for 60 days, on the 61st day a lien is filed against the property. This is an individual who moved out of the property and applied their security deposit against the outstanding balance and a bill was sent to them for the additional \$140. The individuals had moved and they did not pick up their certified mail and so it was returned. Normally, we would then file a utility lien at that time. In this particular case, because of a leave of absence, the utility lien did not get filed for several months, outside of the normal perimeters of when it would have been filed.

Commissioner Ferguson said then this is partially our fault because if we would have filed it on time, we would have recouped the money. City Attorney Thies stated that if we had diligently pursued this,

the likelihood of this particular issue coming up, it would have been significantly diminished. There is always the possibility that this particular situation will occur again if the people move out prior to the commencement of the foreclosure proceedings.

Commissioner Ferguson understands that this could happen again, but he thinks we should set down some rules and start following them. He thinks the City Manager should sit down with staff and set up a policy so this doesn't happen again.

Commissioner Ledford said he agrees, but he thinks what happened is that we normally have a policy, but this situation went beyond that and it wasn't normal. Between that and having applied after the foreclosing, how often does that happen, not that often? For \$140 he doesn't care but if it was a bigger number he could see pursuing it. He thinks this is one of those rare things that happened.

Commissioner Rentschler moved to approve the Release of Lien of 538 Linda Vista Dr. Mayor Pro-Tem Cole seconded the motion. Motion carried with a vote of 7-0-0.

15. Consider, and act upon, an Appointment to the Otero / Lincoln County Solid Waste Board to replace former Mayor Pro-Tem Lujan.

Recommendation: Select a replacement to serve on the Otero/Lincoln County Solid Waste Board.

Mayor Griggs read the agenda report and said he believes this board meets once or twice a year and it is usually in the evenings. He then asked if any of the Commissioners would like to and are willing to serve on this particular board.

Commissioner Ferguson volunteered.

Mayor Griggs stated Commissioner Ferguson has volunteered and if the Commission is willing to accept him, he would nominate him in by acclamation. Commissioner Ferguson was selected to serve on the board.

18. Appointments to Boards and Committees.

Mayor Griggs read the vacancies and appointed David C. Pearce to the Airport Advisory Board and Carlos Perea to the Senior Volunteer Programs Advisory Council. He asked the clerk to notify these individuals.

UNSCHEDULED COMMUNICATIONS:

A. Commissioner Ferguson commented on the following:

- 1) He wanted to express his concerns about Commissioner Rentschler's article regarding the election. He said Commissioner Rentschler did state the truth; the problem is that he didn't state it all. He looks at it as when you only put in half truths it is just like lying. To him, when someone states a half truth, that is what it is. If he would have bothered to go and read the minutes of that particular meeting, everything is explained, but he decided that he did not want to put that in his article. He thinks that is completely unfair. As far as Commissioner Rentschler and himself, he doesn't really care, but as far as Commissioner Rardin is concerned, he was just a citizen at the time. Commissioner Rentschler put him in a bad light and as far as former Mayor Brockett, he resigned because his mother passed away and his father is very sick. The timing and the way Commissioner Rentschler did it was completely uncalled for. On behalf of himself, his district, the people of Alamogordo, and some of the Commissioners, he would like to extend an apology to Commissioner Rardin and Mr. Brockett and his family for what was said.

B. Commissioner Rentschler commented on the following:

- 1) Responded to Commissioner Ferguson and his comments. He said the Charter Amendments came about exactly as he put it in the paper, there were no half truths there and no lies there. He

doesn't feel the need to apologize. He realized what was happening and the situation certainly could have happened differently. The majority of this Commission has agreed that is why we are adjusting the Charter and the way we were addressing it.

C. Mayor Pro-Tem Cole commented on the following:

- 1) Asked Mary Scott who sets up the Otero County Solid Waste Authority, Landfill meeting to give an update on when it will be and where it will be located. Mary Scott said the meeting will be at the Senior Center in Ruidoso this year. We are having a problem with the date right now, it was set for March 25th but she needs to contact the board to make sure April 8th is okay with them.

Mayor Pro-Tem Cole wanted to make sure the Commission knew that they meet once a year. Ms. Scott added that last year they met at the Senior Center in Tularosa and we will meet there next year. This year we will meet in Ruidoso. Every other year we meet in Tularosa. Once we get the date firm, she will send the packets out to everyone.

Mayor Pro-Tem Cole asked the City Manager if he has met with Ms. Scott on this issue. City Manager Roath stated he has and are aware of this issue.

- 2) He is honored to be Mayor Pro-Tem and will do the best he knows how.

D. City Manager Roath commented on the following:

- 1) He appreciated some of the Commission attending the Pancake Breakfast for the employees. It was well attended; there were 200 plus employees present. Staff put that together and he appreciates all their efforts for making that happen and he thinks it was well received by all.

Mayor Griggs added that the pancakes were very good; the bacon was just right and his compliments to the chef as well. City Manager Roath added that we actually had a total of five chefs. He will let everyone know that he and Mr. Cesar cooked the bacon; it was pretty easy because it was already pre-cooked. Commissioner Rance commented on the chili pepper aprons that everyone wore; he said he really enjoyed them and said they were enticing. Mayor Griggs stated it was amazing. He said everyone did a great job, the food was good and everyone there enjoyed themselves.

EXECUTIVE SESSION: Adjourn into Executive Session to discuss purchase, acquisition, or disposal of real property (Airport & Old Landfill).

Commissioner Ledford moved to adjourn into Executive Session to discuss purchase, acquisition, or disposal of real property (Airport & Old Landfill) at 9:18 p.m. Commissioner Rardin seconded the motion. Roll call vote was taken. Motion carried with a vote of 7-0-0.

ADJOURNMENT.

(SEAL)

Mayor Ron Griggs

ATTEST:

City Clerk Reneé L. Cantin

*(Prepared by Marsha D. Brady, Deputy Clerk)
Approved at the Regular Meeting held on March 23, 2010.*