

CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION REGULAR MEETING MINUTES  
7:30 P.M., COMMISSION CHAMBERS  
SEPTEMBER 28, 2010

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

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

**CALL TO ORDER, ROLL CALL, INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Griggs called the meeting to order at 7:30 p.m. Roll Call was taken by the City Clerk and she announced there was a quorum present. Invocation was led by Pastor Justin Crispin and the Pledge of Allegiance was led by Commissioner Ferguson.

**APPROVAL OF AGENDA**

Mayor Griggs asked for a motion to approve tonight's agenda.

**Commissioner Ferguson moved to approve the agenda. Commissioner Rardin seconded the motion. Motion carried with a vote of 7-0-0.**

**CONSENT AGENDA** (Roll Call Vote Required for Items No. 6 & 7)

Mayor Griggs asked if the Commission or any member of the audience would like to have any item removed from the consent agenda. Hearing none, he asked for a motion to approve the consent agenda.

1. **Approve Minutes of the September 14, 2010 Regular Meeting of the Alamogordo City Commission.** *(Renee Cantin, City Clerk)*
2. **Approve Agreement with Zia Therapy Center, Inc. for Public Transportation in an amount not to exceed \$68,959.00.** *(Matt McNeile, Assistant City Manager)*
3. **Approve Agreement with NMDOT accepting funds for the Community DWI Program in the amount of \$13,925.52.** *(Sam Trujillo, DPS Director)*
4. **Approve the City of Alamogordo becoming a member of Cooperative Educational Services (CES).** *(LeeAnn Nichols, Finance Director)*
5. **Approve the award of IFB No. 2010-14 for Dry-Barrel Fire Hydrants for Central Receiving stock to Morrison Supply, in the estimated amount of \$25,861.50.** *(LeeAnn Nichols, Finance Director)*
6. **Approve Resolution No. 2010-27 requesting approval to apply for House by House Owner Occupied Rehabilitation funds.** *(Maggie Paluch, Housing Authority Manager)*
7. **Approve Resolution No. 2010-26 requesting written approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico for the revised budget figures computed on September 28, 2010.** *(LeeAnn Nichols, Finance Director)*

**Commissioner Ledford moved to approve items # 1, 2, 3, 4, 5, 6, & 7 of the consent calendar. Commissioner Rardin seconded the motion. Roll call was taken for items #6 & 7. Motion carried with a vote of 7-0-0.**

**PUBLIC HEARINGS**

8. **Hold Public Hearing, and act upon, consideration of a front set back and lot width for Adam & Teddi Cardiel. [Case V-2010-0542(A); Address 1015 E. 16<sup>th</sup> Street.]** (*Matt McNeile, Assistant City Manager*)

Mayor Griggs read the agenda report and turned the floor over to Assistant City Manager Matt McNeile.

Mr. McNeile gave a brief presentation on the area in question with pictures of the existing structures. He stated the variance is requesting a front setback from 20 feet to 12.42 feet and a lot width from 60 feet to 53.98 feet. Mayor Griggs asked what we are looking at right now. He wanted to know if the variance was to divide this property into two lots or do both lots already exist. Mr. McNeile replied this is one lot with two existing structures on it. The plan will be to renovate the two existing structures and make two lots and have two separate residences on each lot. He mentioned the petitioner is here if the Commission has questions of him.

Mayor Griggs asked if he had any idea of where the proposed lot line will be. Mr. McNeile said it should be indicated in their packets. Mr. Marc South, City Planner said it's roughly five to six feet from where the house line is. Mayor Griggs mentioned he was out there today but he didn't see that particular marker.

Commissioner Rance asked if the garage and residence are habitable. Mr. McNeile was not sure but he thinks the plan is to renovate that garage into a residence, because there is a bathroom in there now and the plan would be to make this into a habitable residence. Commissioner Rance asked if the lots were being divided north and south and not to east and west. Mr. McNeile confirmed this.

Commissioner Ledford said the property behind it has quite a bit of open space, he wanted to know if the intent is to leave the building as is and not move it back. Mr. McNeile stated it is his understanding that it will not be moved. Commissioner Ledford asked if there will be a big yard behind it, because his other concern is the parking. Are they going to have assigned parking for the house? Typically we kind of know what we are getting into when we give a variance and he is not sure what the structure is going to look like. He asked if they are just going to remodel what exists right now. Mr. McNeile said that is correct and make that a livable structure.

Commissioner Ledford asked if he knows if they are going to put in a side driveway. Mr. McNeile said it looks like there is ample road to make off street parking. Commissioner Ledford said typically Public Safety signs off on this kind of stuff and we want to make sure they have fire protection and they can get in there and get around. What we're approving is the variance, if they do anything structural besides that building we would have to look at it won't we. Mr. McNeile said Chief Trujillo had his inspectors go out, and other than the question about parking; they have no concerns about the variance.

Commissioner Rentschler asked if they currently share water and sewer lines, or do they have a separate water meter. Mr. McNeile stated it's not attached to the house. Commissioner Rentschler asked if that was part of the original construction. Mr. South stated he would probably have to ask the Cardiel's about that. He knows some of the utilities have been separated and there are two electric meters, two gas meters, and he believes only one water meter.

Mayor Griggs asked the petitioners to please come forward to address a couple of these things.

Mr. Adam Cardiel introduced himself as the owner of the property. He stated they do have separate gas meters, separate sewage, and the only thing they do not have is separate water. That was scheduled to be put in but he had to stop it because of these issues we are having here. There is enough area in between the Pecan tree and the existing structure on the left to put a carport there to park a car. He was going to have a curb cut done by the city to get into it. All of the concrete in the

front of the building would be taken out so it wouldn't look like it was a driveway at one time. There would be a curb where the curb cut is now.

Commissioner Rardin asked Mr. Cardiel's about his intentions, and if he is adding on to it or leaving it the same size. Mr. Cardiel stated he was planning to add on to it. Commissioner Rardin asked if he was going to add to the side or the back of it. Mr. Cardiel confirmed he was going to add on to the back of it. Commissioner Rardin wanted to confirm he is not going to continue the 12 ½ feet, he's going to be 20 feet from the front. Mr. Cardiel said it would be more than 20 feet from the front.

Commissioner Rance asked if he was going to leave the garage doors the way they are or put them in the front of the home. Mr. Cardiel stated it would be in front of the home. Commissioner Rance said when he went by there today he noticed the foremost property is on the street. Mr. Cardiel agreed. He had plans and apologized for not bringing them because he came directly from work. There are two garage doors that he plans on trying to set back to the walls to make a porch where the garage doors are, this will make two big archways.

Mayor Griggs asked if he did work on the home next to it. Mr. Cardiel confirmed that he had.

Mayor Griggs asked if there were any additional questions for Mr. Cardiel or Mr. McNeile. Hearing none, he asked for a motion on this item.

**Commissioner Rardin moved to approve the variance for the lot size reducing it to 53 feet wide and to approve the variance of front set back to 12.42 feet. Commissioner Rentschler seconded the motion. Motion carried with a vote of 7-0-0.**

**9. Hold Public Hearing, and act upon, consideration of lot width for Christian Science Society. [Case V-2010-0543(A); Address 1023 E. 16<sup>th</sup> Street. (Matt McNeile, Assistant City Manager)]**

Mayor Griggs read the agenda report and turned the floor over to Mr. McNeile.

Mr. McNeile began by saying this is the second variance for 1023 E. 16<sup>th</sup> Street. He showed a slide of the location of the property. This is a variance for a lot width setback from 60 feet to 53 feet. The intention is for a plat of a subdivision to build houses for Habitat for Humanity. In your packet you do have a one page letter from Habitat for Humanity explaining what they are going to do. They plan to build four- two and three bedroom homes for low income families.

Commissioner Rardin asked Mr. McNeile to go back to the picture that showed the Church. He asked if there used to be housing along the edge of the church. Mayor Griggs said no, the property that is adjacent to Puerto Rico is still owned by Grace Methodist Church. He said we've got a lot of property cross hatched; the only property you're really talking about is that northern part. Commissioner Rardin asked if they would build on Greenwood.

Commissioner Ledford said he takes these letters of protest seriously and he understands they came in late. Mr. McNeile confirmed this. Commissioner Ledford said he went to look at the house they were talking about and it has not been maintained. It's a Habitat for Humanity house. He doesn't think that's Habitat for Humanity's problem, but he suspects they are a phone call away from turning them in. He said maybe you're dealing with it now, but there were some tall weeds near that house. Then you have some other houses around there that were mentioned. It's just a matter of taking pride of your house and keeping it clean. People need to do that, it doesn't matter who builds it. A \$120,000 or \$130,000 appraisal is a pretty good price for a home. It looks like they are going to be pretty nice homes. If people would take care of them and cut their weeds like everybody's suppose to do, it ought to be nice. His concern is about the letters, that's something we're dealing with in separate issues. In looking at it he thinks this would be ok.

Commissioner Rance said as he stopped by this afternoon, and spoke to one of the local homeowners there. He was outside with a cup of coffee wondering why he was looking at his

property. We started a conversation. Although he does not feel this way, he lives immediately two doors down from the property. He advised him that most of the homes in the area are at a value of \$60,000 to \$70,000 give or take. He also was in opposition of the Habitat Homes building for the reason he felt the qualities of the individuals that moved into Habitat homes were less than desirable. And after a conversation with him, his understanding how Habitat works and the sweat equity in that process, he was enlightened a little bit and turned to the pro side in just a matter of 20 minutes. Again, looking at the properties, he thinks it is a good fit for that particular area. Mr. McNeile said staff agrees we do have a shortage of affordable housing in the city.

Commissioner Rardin asked if it would increase the property values by putting these homes in that area. If they build a \$130,000 house in a \$60,000 neighborhood he would think it will benefit the area and do a little in field development and get rid of some vacant land in the city. Mr. McNeile agreed that is a good project.

Mayor Griggs made a comment to the Habitat Group. The house that was built on the corner didn't have a garage or carport. He is guessing that may not be the plans for these to have a carport or a garage. He would certainly state his preference that as you address the property and houses you intend to build is that you put some sort of covered carport on the houses. The majority of those houses in the area have some sort of single car carport. There's a few that don't, but most of them do. It opens the door for the homeowner to be forced to buy their own and some of those do not improve the appearance of the home. He let them know they are doing a great job on what they do, but that's just one thing you need to look at hard and address. He is not going to withhold anything from that because he thinks this is a good idea and good project. But he would certainly recommend that they do that in order to keep the appearance of Alamogordo and their projects at a higher level. He would just ask that it be looked into.

Mayor Griggs asked if there were any additional questions on this item; hearing none, he asked for a motion.

**Commissioner Rardin moved to approve the lot width variance as requested. Mayor Pro-Tem Cole seconded the motion. Motion carried with a vote of 7-0-0.**

## **NEW BUSINESS**

- 10. Consider, and act upon, the first publication of Ordinance No. 1385 to amend the zoning map to change the zoning of part of 2172 Stanford Avenue to C-1 Neighborhood Business District, from R1 Single Family Dwelling District, property owner Destiny Horizon, LLC (Bonnie Deeds). [Case # Z-2010-0695(A)] (Matt McNeile, Assistant City Manager)**

Mayor Griggs read the agenda report and turned the floor over to Mr. McNeile.

Mr. McNeile said our third planning and zoning item this evening is a proposed rezoning at 2172 Stanford on a current split zoning half R-1, half C-1 to completely C-1. He showed the property on a slide that was in the Commission's packets. We attached a worksheet that shows all of the activity you can do in C-1 zoning for your reference. He believes the intended use of this property is to build a residence and perhaps an accessory building so the owners of the residence will have an office inside of their house for their business. He believes it's a real estate business, but is not certain.

Commissioner Rentschler said we have 14 letters of protest here and most of them are in form letters. He then asked Mr. McNeile if he knew who carries these form letters around. Mr. McNeile said he was not sure who kept the letters.

Commissioner Rardin asked if the property owner owns all the property up to Indian Wells or does the property stop just shy of Indian Wells like it shows in that picture there. Mr. McNeile said there are a couple different owners and there is also a private easement in the street.

Mayor Griggs asked Mr. McNeile if the current owners own from that line or from the Indian Wells line. Mr. McNeile explained where the property lines began and ended. Commissioner Rardin said the problem he has with that is if we zone that C-1 we could run into the same problem we had with the tower where you've got a piece of commercial surrounded by residential areas. If we rezone that C-1, we've got a whole strip there where they're unlimited to what they can do. If they want to build a house and a garage, he thinks we can still zone it R-1 and they can still build those structures.

Commissioner Rentschler asked if the owners of 2172 Stanford also own half of the right-of-way at the street on the eastside. Mr. McNeile replied that the City Attorney has done some research on this and he believes there are several people who own properties who also have ownership of that street. City Attorney Thies said it is his understanding that Stanford, from a little beyond its northern boundary is a private easement that was created 40-50 years ago and everyone's assumed it is a street but it's still held by the property owners who bought the property from them. Commissioner Rentschler referred to the one on the corner on the cross side is the old Aubrey Dunn property. City Attorney Thies said Aubrey Dunn is the one that granted the easement to those individuals.

Commissioner Rentschler said we really have a bunch of landlocked lots right behind there. He asked if there are any plans to look at that road. The people on that road have asked him and he has also wondered if there were any plans to bring sewer and/or water closer to them right now. Those lots all have water meters out on Indian Wells which is quite a ways through the road; they would have to tear up again. He is just curious what other plans could be used to improve immediate problems, particularly the road and maybe utilities adjacent to it. Mr. McNeile said we do not have immediate plans to make any improvements. Commissioner Rentschler said so this one zoned as C-1 can build a house there. Mr. McNeile said currently a house with an office or a business and an accessory building. Commissioner Rentschler asked if they own where it says C-1 in front of that property or is that separate. Mr. McNeile said yes that is their property there; they want to make all of this C-1. Commissioner Rentschler said they also have a ditch that runs to the west side, all the way down, that is essentially a canal that runs all the way down through there. The people that really matter will be the people adjacent to the canal to the east.

Commissioner Rance also weighs the protest letters heavily. He doesn't personally see any reason to go against the protests. Even though they were hand carried letters, they still took the time to put their names on them. Maybe there are different comments city staff can offer, but he believes we need to really consider them. Mr. South said for your reference to the importance that was placed on the protest letters, part of the reason for the protest letters was a mistake that the Planning & Zoning Department made. In the original application for this stage, depending on how you read the application and we're really not sure about what's showing up there. Commissioner Rance said he doesn't know if, according to the information they have, they can look at it any differently. Mr. South agreed.

Commissioner Ledford said the problem he's having is if you have a business and put it near a house, with a C-1 that could change in a heartbeat. He feels that is what the response of the protest letters are saying. Maybe what was described got misread or blown out of proportion, but the fact is down the road it could change and he thinks that would bother him when you've got that kind of surrounding protest. He promotes business and he can sure appreciate that, but when you get down to residential area, you've got to try your best to protect those areas. The only thing he could look at is to somehow restrict what they could do in C-1. If something was to change down the road and they could put something else in there, he would have a hard time supporting that based on what he sees here. He doesn't know if the applicant would be able to do that, or if they have any comments about what we can do, rather than trying to speculate what we could do. He knows what they can do, and that's what scares him. We have restricted it in the past and that might be a possibility, if all they want to have is an office and a house, but other than that he would have a problem with the zoning. And that's a lot of commercial property right in the middle of the residential.

Commissioner Ferguson asked how much of the property is already zoned C-1. Mr. South said approximately 35 to 40 percent of 300 feet. Commissioner Ferguson said because if Ms. Deeds wanted to build and have an office, she could build her house on that side of the property because

you're allowed to have a house on C-1. Mr. South, City Planner said as it stands right now, she could build her house on the back side of the property.

City Attorney Thies asked to clarify something Mr. South just said. Its one lot for zoning purposes, what happened in 1999 is a property owner came to the city and they asked to rezone the south 300 feet into C-1. What they should've been required to do to follow up on that is split the parcel into two lots and subdivided it similar to what individuals are proposing to do on 16<sup>th</sup> or 18<sup>th</sup> Street. The way it stands now it's one lot. We only allow one primary use on one zoning parcel right now. Commissioner Ferguson said if they built their house with the office on the C-1 side of it, then that's perfectly legal. City Attorney Thies confirmed that is correct. But they cannot build a stand alone commercial structure above that lot. Commissioner Ferguson said from what I understand that's what she wanted to do was have her office inside her house. Did he misunderstand that she wanted to have a separate building for her office or that it was suppose to be inside her house. Mr. McNeile said as it stands now, the office would be inside the residence. The accessory building would be the detached garage. It has nothing to do with the business. Commissioner Ferguson said she couldn't build that on the other lot that was zoned R-1, she couldn't build a garage. City Attorney Thies said it was an accessory structure, accessory to the primary use. In that case it would be the residence. So she could build a detached garage on the north portion of the property. Commissioner Ferguson said so what's the problem? Unless she just absolutely wants to build up, if she builds on the lower part of the whole thing, we wouldn't need to do anything. Mr. South said the other problem it's not unheard of that renter's don't look overly kindly on properties like this that are multiple zoned or split zoned. When Ms. Deeds first came to Planning & Zoning it was two zones. We would be quite happy to see either way, when the options are to make it all one or split the lot.

City Attorney Thies wanted to address the issue Commissioner Ledford brought up. It would be a variation of conditional zoning. You would condition the rezoning on the person taking a building permit, building a residential structure on the property. Once you know there are residents building the property, you would then rezone the property. You put a time limit on it for, let's say, two years. If they don't build a residence on that structure within two years it stays as it is. In the past what you did is, use the new parcel and try to restrict its use which is problematic. Here you would say, yes, you're going to tell us you're going to build a residence on that. We'll rezone it once we know there's a residence on that structure. If they drop \$200,000 in building a house, it's unlikely they're going to demolish it within the foreseeable future to build some other one that permitted uses on a commercially zoned lot. Commissioner Ledford said that lot looked big enough to me to put a lot more than a house. City Attorney Thies said they would have to subdivide that. Right now it's one lot. Commissioner Ledford said let's say we do what you said and come back later to subdivide it, the part that's not occupied would be an R-1 to start with, so they would have to rezone to C-1. City Attorney Thies said once they build the residence on the North path then you would rezone that portion to C-1 and the entire lot would be zoned C-1. It will not prevent them from coming in and drawing that line again and saying now we want to subdivide it. And depending if the subdivided lot was conforming, they could even build a commercial structure on that front half. Commissioner Ledford said to build a house there is not my big issue as much as after they've done that they can put a commercial structure on the North or South side and its C-1 already. City Attorney Thies confirmed that is correct. Commissioner Ledford said what we've talked about in the past, when you rezone something to C-1 it allows for residence to restrict it to be that if there's an office in the house. City Attorney Thies said there's a problem associated with that. Commissioner Ledford would say let's restrict the deed or some kind of restriction. City Attorney Thies said the property owner would have to come forward and voluntarily agree to put those deed restrictions on the property. To leave it for residential purposes it's appropriately zoned or a portion of it is appropriately zoned. You could rezone the south 300 feet to R-1, but we would have to start that process because we haven't done the procedure for rezoning. But that could be done, and then you could have the one big lot that's R-1. Commissioner Ledford said the C-1 is close to Indian Wells and that's good. When you get further back in there that makes C-1 much more inclusive. You can a put a house or a bar so you can get a liquor license but I probably wouldn't want it in my neighborhood. And I'm not saying they would do that, I'm saying if they sold it someone else might. So I think that's the concern the Protestants might think based on what Mr. South said. City Attorney Thies said when there's a request for rezoning they need to show you is there's been a change in the circumstances that are allowed for the appropriate zoning

designations for this particular lot. They also need to show it fits with our Comprehensive Plan and it's not inconsistent with that. His understanding is designation as a commercial lot would be consistent with the comprehensive plan. Whether there has been a change in the circumstances since the property was zoned R-1, that's for you guys to make a determination.

Commissioner Rardin would like to see instead of rezoning it all C-1 maybe make her subdivide that. If she wants to keep the commercial part, keep it commercial. But subdivide it at that 300 foot line and keep the rest of it residential. He just doesn't want to go back in there and build the buildings and commercial properties right behind those people's homes. So let's either rezone the whole thing to R-1 or subdivide it into two different lots and keep your C-1 and R-1. Commissioner Rance would like to say the homeowner at 1608 on 23<sup>rd</sup> Street told him that entire property north of that blue line was just recently surveyed last week. Which tells him there's an additional something going on there for acquisition. He doesn't know what it is, but this applicant is a realtor and I think there is something else in the works there. At this time, he cannot look favorably upon this request.

Mayor Pro-Tem Cole asked Commissioner Rance if he said the figure is 14 of other owners of property in that area. He also thinks that weighs very heavily not to support this request. He cannot support the request as it is this evening. He respects the property owners and their concern.

Mayor Griggs asked if there are any members of the public who would care to address their concerns on this item.

Alfred G. Berghold just wanted to thank the Commission very much, he was the one that worked on the letters of protest and wanted to confirm it and say he appreciates it a lot. What they were concerned about is what could be done with this. We've had this change hands so many times and there's many different things. It just cuts straight through the back of there and we don't know what could ever go back in there if it ever gets rezoned. As mentioned, they do have a liquor license as far as he knows, and we don't know what could go back there and that's what we're very concerned about. And he would have had more but some people weren't home. Mayor Griggs said he would be happy to give him the list that shows what things are in C-1 just in case this comes up again. The zoning of C-1 would be the absent of residential zoning things that could go in it but for practical reasons because it could not be accessed by a major street, it probably wouldn't. But there are things that could go in there that you guys might not think are the best uses. Mr. Berghold said they were going to put storage units in at one point and light it all up about ten years ago. The other thing from what he understands is they're able to do what they want to do with it the way it is right now. That's why he's concerned with what do they need the rest of this for if it can be used for what they're saying right now. Commissioner Ledford said he thinks the office in the house are not R-1 compatible, correct. City Attorney Thies replied the office in the house would be. A Home Occupation would be permissible in R-1. He said you could always have traffic issues if they have a lot of traffic coming to the house.

Mayor Griggs said with this particular property it's hard to say what the best use is for it. He thinks the comment Mr. South made hit on the issue as far as loaning money on it. The lender would like to see it one way or the other. He thinks if that's her issue, then she may need to replat and move forward. He think she would have better success if she's looking at some sort of commercial type development in there, to come to the Planning & Zoning Department and the Commission with those plans in mind. So not only did we wind up knowing about it, but the property owners nearby would know just what the plan would be that they're looking at doing. If it's storage units for instance, that might be quasi acceptable. If it was a big long retail Liquor Store, that might not be what they're interested in. So he thinks it would behoove the applicant to address those issues before bringing it further. He thinks the simplest and most supportive thing the Commission might do is zone it all R-1, but he doesn't think that's what's intended or requested. In this moment the thing to do is to deny the change and have it go back to P & Z and be re-worked and re-developed. He asked if the Commissioner's have any different thoughts other than that.

Mayor Griggs asked if there were any additional questions or comments. Hearing none, he asked for a motion on this item.

**Commissioner Rardin moved to deny Ordinance No. 1385 in an attempt to amend the zoning map to change the zoning of 2172 Stanford to C-1 from R-1. Commissioner Rance seconded the motion. Motion carried with a vote of 7-0-0.**

Mayor Griggs asked Mr. South and Mr. McNeile to work with Ms. Deeds to see what might be the best solution for her because it certainly could be that a replat would address the current meeting.

**11. Consider, and act upon, amending the Monte Vista Cemetery rules and regulations to allow mausoleums at the cemetery. (Matt McNeile, Assistant City Manager)**

Mayor Griggs read the item and turned it over to Mr. McNeile.

Mr. McNeile said we had a family approach the funeral homes and the City and their wish was to construct a mausoleum at the Monte Vista Cemetery. Our Monte Vista Cemetery Rules and Regulations were silent on mausoleums, if you could or couldn't build them. We held a special meeting of the Cemetery Board several weeks ago with staff and the Cemetery board and would like to adopt some industry standards for construction of mausoleums at the cemetery.

Commissioner Ferguson said his biggest question is where you are going to put these. He doesn't want them to be where the guys working at the cemetery now have to work around these mausoleums to work on other graves. Are they just going to take a section and say this is where we're going to put mausoleums and that's it? Mr. McNeile said the staff met with the Cemetery Board and they identified Section K where the mausoleums would be constructed. As indicated in the agenda report, they can't be any larger than 14 x 14 feet. They can't interfere with existing irrigation and there has to be 36 inches between the mausoleum and existing infrastructure and grave sites. Commissioner Ferguson doesn't want somebody to have a mausoleum 3 feet from where a grave is, that would still meet the requirements over where you said that the mausoleum area is on a corner of the property line. You could say okay nothing can be built in back of it. This is a space we prefer to be in the rules so the cemetery staff doesn't have to work around back of it. Mr. McNeile agreed.

Commissioner Rance said as he read this he is confused himself. We're not talking about one family mausoleum; we're talking about multiple mausoleums being built, correct? Mr. McNeile said potentially, it would be another option for families to consider when burying their loved ones at the cemetery. Commissioner Rance asked if the carrier of this agenda report was a business entity. Mr. McNeile replied no, it was a family that approached the city and the funeral home to build a mausoleum. In our rules and regulations we were silent as to whether you could build one or not, so that's why we met and got these specs together.

Mayor Griggs asked if Section K is currently in use for grave sites or not. Robert Ortega, Alamogordo Funeral Home stated Section K is in use for burials at this point in time. There are several lots available there and as we mentioned before the family is willing to buy ample plots to accommodate to where the structure is not going to interfere with future other potential graves to be sold in that area. If we set aside Section K still limits a whole bunch of other area amount of that for other earth atonements. Mayor Griggs asked if what he's saying adequately addresses Commissioner Ferguson's concerns. Mr. Ortega said as in space between, oh yes. The mausoleum the family is potentially looking into right now is a six crib, which the size and dimensions is 10 feet x 10 feet and they're aware of purchasing 8 plots which still give ample room.

Commissioner Rardin asked what other cities do. Mr. McNeile said he's more familiar with mausoleums from back east. They are very common. Commissioner Rardin asked if they have different sections they limit to or do they spread them out throughout. Mr. McNeile said yes, it just depends on how old the cemetery is and how many people live in that particular city.

Commissioner Rentschler asked for a picture of what it looks like. Mr. Ortega passed one out to the Commission. Mr. McNeile said Section K would be located in our perpetual care section. Our perpetual care section is designed to when you purchase the plots it goes into a fund that generates

interest so when all of the plots are eventually sold in the cemetery, we have an operating account to maintain the cemetery. Commissioner Rentschler said so the long term maintenance care would be picked up by the maintenance crew. In other words, what you typically see over long term, this is a pretty heavy structure. If this starts to sink or tilt off or break apart in 20 to 50 years from now. Mr. Ortega said he understands the concern, but the manufacturer working with us out of Hobbs; it will be no cost to the city, no special equipment from the city. They will do all of the maintenance needed. There will be some upkeep on the family's part, but on the city, nothing. Mayor Griggs would think the concern of Commissioner Rentschler's is you've got a big old building, I don't know what the requirements are for a mausoleum as far as footings and other things. Mr. Ortega said the footings and so forth, he visited with the gentleman today who said there has to be a drain fit in the middle with the footings averaging anywhere between 10 to 12 inches thickness in the footing. If there are ever any possibilities of it settling or anything, they will be responsible to take care of that as well.

Mayor Griggs thinks we may need to look into the construction requirements to be sure the support is there to keep these things at ground level to where there is a lot of water that goes through that area and the potential to sink is there. Mr. Ortega said that is based on back east where you see more mausoleums and that's their requirements of a minimum of 10 to 12 inch thickness. Of course, when we install the upright monuments, there is a six inch thickness that is required by us; by the rules and regulations of the cemetery board for upright headstones. Theirs is double that.

Mayor Griggs asked if there were any additional question on this item, if not, he asked for a motion.

**Commissioner Rance moved to approve the Cemetery Rules and Regulations to add Mausoleums. Commissioner Rardin seconded the motion. Motion carried with a vote of 7-0-0.**

#### **12. Appointments to Boards & Committees. (Ron Griggs, Mayor)**

Mayor Griggs announced the Boards and Committees with current vacancies and reappointed Lance Grace to the Airport Advisory Board, before appointing the second he would like the board to reevaluate the ex-Officio member position because he thinks it's more appropriate for the FBO or any FBO at the Airport to be an Ex-Officio member instead of a voting member. He would like the board to review that to see what their thoughts are and bring that back to him. He also reappointed John Whitaker to the Mayor's Committee on Aging; and appointed Casey Waterhouse to the Parks and Recreation Board. He directed Mr. McNeile to prepare something for Tammie to recognize her service on the Parks and Recreation Board.

### **UNSCHEDULED COMMUNICATIONS**

#### **A. Alvin Stokes commented on the following:**

- 1) He said his sister is the one who passed away and on behalf of the family he thanked the Commission for the mausoleum. Anytime you have the means and opportunity to do something for your loved ones, and anytime you have a City who is willing to help back you, it is a great thing.

#### **B. Angelo Trunzo commented on the following:**

- 1) He said he lives on 1205 Juniper Drive and he would like to address the traffic on the street. He has lived there for 14 years and the traffic and the speeds have gotten horrific. All the building that has gone on near Indian Wells, with the gym, and the doctor's offices and the New Mexico State offices there; it has become a highway there and the 30 mile an hour speed zone is not even honored. Since he has been there, he has had a car hit on the street, and it is very difficult to even go out into the driveway without upsetting the people driving on the street. As a residential area, there is not one stop sign from one end to the other, so there is nothing stopping the traffic coming from Indian Wells all the way to Tenth Street. What he is recommending is that be looked at very carefully, and at a minimum have a few stop sign put in at least at 18<sup>th</sup>, 15<sup>th</sup>, Aspen and Pine. He lives on the part where the four lanes, with the divider, go into the two lanes, and he won't even work on his car on the street because he is afraid of getting run over. It has gotten to the point

where it is a real hazard, his garage probably sits 20 to 30 feet off the street, and at 45 mph, which is 66 feet a second, it would not take somebody much to come around that bend and come right into his house. He knows times have changed, because when he got here, Indian Wells didn't have all of the commercial entities that are present now. He would think they would use Scenic Drive, but they are using Juniper as a highway. As far as property value, he would think if he ever tried to sell his house, one of the factors would be how could a young family with children move in when the traffic on that street is as bad as it is. He would like to bring it to everyone's attention because it is a serious safety hazard.

Mayor Griggs said we are currently looking into doing a traffic study on that street, but Assistant City Manager Threadgill's department is responsible for that department and they are currently looking into several areas in town, as far as traffic control and traffic motion or movement. We will hopefully have some of those numbers in the near future, and we hope as we look at that, some of things could be done and some of those things could be addressed. He added that Commissioner Rentschler did bring to us a thought on the type of street that Juniper might be classified, which would then allow us to move for additional funding to help with that roadway; but all of those things are in the works.

Mr. Trunzo offered another option, could be lowering the speed limit in residential areas to 15 mph, and if someone is caught speeding in those area, maybe have more severe fines. That may be a state matter, but when the speed on a residential road is the same as that going down 10<sup>th</sup> Street, it says something. Businesses coming off 10<sup>th</sup> Street area further off the road, but the houses are right off the road and there are cars parked on the street, kids play there and people walk out there as well. There are cars flying up and down the street during all times of the day and night. In the mornings, he has to wait quite a while until he is able to pull out of his driveway to go to work.

Commissioner Rentschler asked how he would feel about widening the street to the sidewalk, which would allow two cars to pass on the street. Mr. Trunzo said he doesn't have much of a front yard, and he was not sure what the rules were then they zoned that area, but it does scare him that we would widen the road so that people can go that much faster, and it also reduces the distance between the road, the moving vehicle, and the residence. He feels stop signs would help because people would be forced to stop. The speed limit would need to be reduced because it is a residential area and they would have to slow down and obey the stop signs. He also suggested speed bumps like the ones put in down by Mountain View School and the High School.

## **CITY MANAGER'S REPORT**

- 1) He said he has asked Mr. McNeile to address this weekend's Community Clean up that will take place this weekend. It is basically this Saturday we have our big community clean up, which is a real opportunity for all our citizens to do their part and clean up their properties and anything they have to dispose of. He has asked Mr. McNeile to go over the procedures and what we have available, what materials are available at the sites so we can let the community know what they can do to help.

Mr. McNeile introduced Erik Marion, who is the Parks Supervisor and also our Keep Alamogordo Beautiful Director. This Saturday we are having our kick off of our Trek for Trash Event. This is a state wide event and we participate here in Alamogordo. Our plan is to start at 8:00 a.m. at the Washington Park Pavilion. We will have registration at that time, currently we have 16 volunteers signed up and we will welcome and encourage more volunteers to participate. We will have dumpsters located throughout the community, one at Desert Foothills entrance, one at the Washington Pavilion, one at Hooser Ball field and one at Maintenance Yard on North Florida. We will have volunteers stationed at each location, from 8:00am until 4:00pm, to help residents accept trash. Any bulky items, we will send them to the Convenience Center, and the Convenience Center will be opened on Saturday free of charge so residents can take those bulky items there.

Mr. Marion added there are a lot of activities that people are interested in participating in on

Saturday and he hopes to see a lot of people out there to help clean up on that day. From 8:00am until 12:00pm, will be when the bulk of the work will be completed, and at 12:00pm, we will be having a cookout with sodas, hamburgers, hotdogs and brats.

City Manager Roath mentioned we will also have the Convenience Center opened on Sunday, just in case someone misses dropping things off on Saturday; so we can continue cleaning up the community.

Mr. Marion said they have identified several areas around town, and we will have all the equipment available, the vests, bags, grippers, gloves, etc. And everyone who participates will receive a t-shirt for helping out.

Mayor Griggs asked if there were any Public Service Announcements going out over the radio or in the papers. Mr. McNeile stated they do have them going out. City Manager Roath said that Mr. McNeile and Mr. Marion were on the radio on Monday, and we are also asking for volunteers from this City organization to do some additional clean up on Friday afternoon. We have designated an area but we still want to ensure City offices are still operational during that time. We also want to utilize some of our City Employees to clean up some of the area of the community on Friday afternoon. Mr. McNeile said it will basically be from 10<sup>th</sup> Street to the Wright House.

Commissioner Rardin asked if we put anything on the front page of the paper that talks about this clean up event. Mr. McNeile stated they put it in the City Profile, City Web Site, we provided the newspaper with an article that explains it as well. Commissioner Rardin asked if there is any way they could put that on the front page of the paper to let everyone know about it. He thinks it would be a good idea because a lot of people don't listen to the radio and don't read the City Profile.

Commissioner Rance asked what the funding mechanism is for this event. Mr. Marion explained that the funding is coming from a state granted program, from New Mexico Clean and Beautiful.

Mayor Griggs thinks this would be an opportunity for people to take care of some of their business without a whole lot of real trouble. They would not have to haul their stuff out to the Convenience Center or all the way out to the landfill. He thinks this is an awesome opportunity and thanks everyone who is involved in it.

## **PUBLIC INFORMATION**

Mayor Griggs said before we go into the remarks by the Commission, we had an incident occur out near Kids Kingdom recently, where a young man was shot. The people who shot him are still being looked for, they are at large, and he believes it is because of that, that the school elected to cancel the Homecoming activities. He asked Chief Trujillo to come forward and fill everyone in on what went on between the City and the School Superintendent.

Chief Trujillo explained that they were advised that the Homecoming activities were not being cancelled, they were being postponed and there will be new dates planned for the normal activities for the week. Yesterday, we were contacted by the School system and asked to attend a meeting they had to discuss the Homecoming activities. The purpose of that meeting was to brief them on the events that occurred that involved a couple of their students. We provided information to them as far as our investigation was concerned, specifically that the two suspects we are looking for are still at large and we were not receiving a lot of cooperation from the victim in this particular case. The School was considering making some changes to the Homecoming events, and we had personnel assigned to those events, but the discussion from the school was to go ahead and postpone the activities, and so we did make arrangements to make adjustments that we would be providing them. The biggest event that will occur will be the football game, which has been rescheduled from 7:30pm until 4:00pm,

and we have made those adjustments for our personnel. We have personnel that attend various events that occur at the school on a regular basis, but with the Homecoming events, there are several more activities they have, including a parade, a bonfire and a dance, and we were providing additional resources to those locations; which is something we do every year.

Commissioner Rance said because he has received several calls and comments; he wanted some clarification as to whether the City was responsible for stopping the Homecoming events or was it the School System. Chief Trujillo explained that in order for him to go in and try to stop an event, he would have to have a specific complaint for that event, and we do not have that. What we did is provide them with information of what we have as far as our investigation is concerned, but it is the school's determination on whether to continue an event or stop it. What we would do is just adjust our resources in order to accommodate their changes.

Commissioner Rance appreciates that, because the safety of the children is first and foremost in our minds. On the other hand, there were numerous events planned throughout the community, a lot of airplane tickets bought for graduations, high school reunions and things of that nature. In his opinion, quite a lot of business is being lost because of this incident. He is not saying there is anything we can do differently, but he would like us to be able to reiterate that to the individuals from the schools who are making these decisions because we can not get into the fear mongering of this incident, life must go on.

Chief Trujillo stated one message that he received is that these events are also taking place for the privilege of the students, and although there are only a few students involved here who are misbehaving, and these are some of the consequences that occurred as a result of that. It is a decision made by the school and we will abide by their decision.

## **REMARKS AND INQUIRIES BY THE CITY COMMISSION**

### **Commissioner Rance commented on the following:**

- 1) He said there was an article in Sunday's paper targeting one market of individuals. He's had numerous phone calls and e-mails, all in support of the article. That being said, there was a caveat to most of those calls, and that is why he wants to bring this back to the City Manager. The caveat is they are in agreement with that, but the city needs to look at itself. Before we start pointing fingers, we need to address our City properties. He is excited to hear that during this upcoming clean up, we are taking a portion of Friday to look at some City properties and do some clean up. He asked the City Manager if we have the opportunity, once a week, we can have City staff take a look at property that they work in; whether it be the yard, City Hall, what have you, just take a look at it and pick up any trash they might see. If each person took a small piece of it, over time we would get it all cleaned up.

### **Commissioner Rardin commented on the following:**

- 1) He asked City Manager Roath for an update on how the letters were coming along for all the condemned houses that we listed and the procedures that we are going to follow.

City Manager Roath explained that staff had a meeting earlier in the week, but he did not attend that meeting. He knows staff is preparing the documentation on a test property and they have met with the City Attorney and worked out the details on how to proceed, at least on a test case, and Mr. Threadgill and his staff are working on the paper work.

Commissioner Rardin asked if one of the properties that we had listed will be the test property. City Manager Roath said it will probably be more than that, but obviously we will prepare some of the test documents and have those available and start the process through the City Commission. Commissioner Rardin asked how much longer it will be before we start sending letters out. City Manager Roath asked Mr. Threadgill to address that issue since he did not attend the meeting.

Mr. Threadgill said as the City Manager mentioned, we developed a test case for a single property, all the way from the first letter of notification all the way to the time where we bring it before the Commission as a resolution to finally take some possible destructive action against a property. This would include leveling the structure, removing the debris. We would also have to decide if we wish to do it using staff or by contractors. We chose one case to test because we don't want to make any mistakes when we bring it before the Commission because we don't want to have any mistakes with the resolutions. We want to go through the whole process in a bate format. Once we are certain, and we are working with the City Attorney because this is a legal issue, because the Commission is going to have to find that this property is blight, a nuisance or hazard to the community, it becomes a legal action. We will bring it to the City Attorney and once we are satisfied that everything is correct and we are comfortable in bringing you a resolution, on not just one property, but on all subsequent properties, we will then bring that before you. He believes there are five properties right off the top that will be in the first batch that come before you. There is one that has had a previous history and in such a state of disrepair, that will be first on our list.

Commissioner Rardin asked what type of timeframe we are looking at. Mr. Threadgill said maybe a month. Part of the hesitation is that when we get to that resolution that we are asking you to pass, there is some definitive action that is going to take place, and that is when the property is going to be cleared. There is no going back once we begin. Commissioner Rardin said he is ready for it to get cleaned up.

**Commissioner Ferguson commented on the following:**

- 1) He would like to see us send a letter to the Governor since he's going to be using \$3 million stimulus money to employ people, but he is going to buy a ranch instead. He thinks even a small portion of that will help us to hire 40 or 50 people and put them to work.
- 2) He would also like us to get serious about expanding our detention ponds for the low water, because we are losing millions of gallons of water every winter and we are expanding more and more on using effluent water. He thinks pretty soon we will be running out. If we build a desalination plant, that water could be run through there and could actually become potable water and would actually save us water in the long run. He is going to try and get on the agenda in a few weeks to discuss this item in more detail. We are getting plenty of rain right now, but a drought could be coming and he would like to see us better prepared.

Mayor Griggs asked Mr. McNeile if we have plans for the expansion of the ponds, or the relocations of those. Have we pushed to gain additional funding for that stuff, or are there other projects ahead of them; where are we going on this. He knows we have been looking at the state for some help on this and he know we have not received any at this time. Mr. McNeile said probably in the past three or four years we were successful getting some State Legislative money to build additional storage up near the Griggs Sports Complex. Other than that, he believes as part of the Waste Water Treatment Plant study, they looked at the expansion of the ponds at LaVelle and at the existing Waste Water Treatment Plant. We should be getting some cost estimates, but we have not applied for any grant funding, that he can remember, in the past several years for that purpose.

Commissioner Ferguson said we have those two tanks over there by HWY 82, on the bypass, he knows there is one we can't do anything with, but doesn't the other one hold 1.2 million gallons of water. They have been setting there for years and we haven't done anything with them. Mr. McNeile confirmed this. Commissioner Ferguson asked if we had any idea when we will start using those tanks. Mr. Threadgill explained that the Westside infrastructure project is in the final stages of completion and we are running the electrical, powering up the booster station and doing some erosion control on the northwest side of the project. Once that is completed, we will start making plans for testing and ultimately filling those tanks. We are probably still concretively six months out, one of the issues is going to be having enough

water on hand to flush and then fill the tanks. Commissioner Ferguson asked if he was saying we don't have enough water to fill those tanks. Mr. Threadgill said not in a short period of time that he is talking about. two million gallons of water taking out of the system is going to take some time, it will have to be a staged test.

Commissioner Ferguson said his understanding is that those tanks were built to take care of the area around Mesa Verde, but where else where those tanks take care of. Mr. Threadgill could not tell him at the present time, but promised to get back to him on the areas.

Commissioner Ferguson said that tank has been sitting there for five years, and he thinks we could leave the foundation there, because we could always put a new tank there, and move it and put it over to where our other pond is right now, and we would have a place to store another million gallons this year. When it did come to when we did start needing to use that, we would already have the foundation and we would just have to purchase another tank and install it. He is just looking for a less expensive way to do this. He gets a lot of calls asking why those tanks are there, and all he can tell them is they are for future expansion.

**Commissioner Ledford commented on the following:**

- 1) He received some calls regarding weeds around the Sahara Apartments. He spoke with Mr. McNeile and asked if he could give an update about it.

Mr. McNeile spoke with Chief Trujillo and the Code Enforcement Supervisor Baker, and they have an active case pending on that, abatement is ready to be scheduled sometime next week. We did contact two individuals and spoke with them this morning about the weeds. Commissioner Ledford said his concern is that the abatement process could be in the winter, he knows we are still dealing with weeds, but it is just becoming a safety issues due to the tall weeds. There is a lot of public out there and he is just curious as to how fast this is going to happen.

Chief Trujillo said this case actually highlights some of the difficulties that we have been having in this area. We actually received the first complaint at this complex on July 27<sup>th</sup>. We were able to send a certified letter to the property owner, which in this case lives in Las Vegas, Nevada. When we send the certified letter and the post office makes three attempts to deliver the certified letter, which is a requirement in our ordinance. We have to have the letter signed by the property owner or we have to have the letter returned to us as undeliverable, before we can move forward on our process. They were originally contacted on August 20<sup>th</sup>, and they signed the letter, so that starts our process according to the ordinance. They have 15 days to come into compliance, and if they do not come into compliance, we contact local vendors and they come and bid on the property. This was one of eight properties that we had bids going out on, and we accepted them and set them up the following week for abatement. In this particular case, they are set up to get the property abated this week. After they are finished, the property owner is going to be charged our cost for the abatement, plus a \$200 fee.

Commissioner Ledford wanted to confirm if the clean up is going happen this week. Chief Trujillo confirmed this. Commissioner Ledford thinks it is pretty bad, so that will come in very handy. He asked if basically we had a property owner who did not respond to the letter. Chief Trujillo stated from our paperwork, it looks like the post office was unable to deliver the certified letter, and they did make all three attempts; which is the standard practice. In this case, they were unable to get into contact with the owner. Once we receive that letter back, it starts our time limit and then we began the abatement process.

Commissioner Ledford asked if they made any attempts to get the property clean. Chief Trujillo confirmed that they did not get the property cleaned or make any arrangements to get it cleaned either. The property owners did not try to make any contact with us, and so we moved forward on the abatement.

Commissioner Ledford also mentioned that the apartments look like they are abandoned as well, has that been looked at to see if that property has any vandalism. He is concerned about kids and the whole safety issue. Chief Trujillo informed him that several of the apartments were occupied earlier in the summer, this is part of the location that got flooded this year, during the monsoon, and it was not safe for them to go back on the property. Until they can get that property safe, the residents will not be able to move back in. If they don't get it fixed, it will fall into our dilapidated building procedure.

Commissioner Ledford said he doesn't know that it is that far gone, some of the units look okay from the outside, but he is not sure about the others. Mr. Threadgill notified the Commission that the Public Works Inspectors actually have two cases open on this property, for violation of the property maintenance code. They have everything from non-existing sewer pipes and water pipes, to loose gas lines going to non-existent water meters. There is body damage on the inside; there are holes on the walls, ceilings, and the floors. We have two active cases on this right now. We had to notify the property owner who lives in Las Vegas, they made representations to us, but they didn't follow through on those representations and we had to make another notifications. We just recently had the water disconnected because there were multiple water leaks flowing out, which is why the weeds grew so fast. In addition to the rain and the water leaks, the weeds grew very fast.

Commissioner Ledford asked if all the utilities were off on the apartment now. Mr. Threadgill said water is off and but he can't speak for the rest of the utilities. We have notified gas and electric, but he can not answer as to whether or not they have been shut off.

**Commissioner Rentschler commented on the following:**

- 1) He asked if there has been any progress made with the fees for the dilapidated buildings we have been talking about. City Manager Roath indicated that we have. Staff has discussed that issue and the suggestion that is being floated around at this time, among staff, is that each property that would be declared dilapidated and approved by the Commission, the Commission at that time would adopt, as part of their resolution, that those tipping fees be waived as one possibility; rather than a blanket of waiving the tipping fees.

City Manager Roath said he thinks we should also keep in mind the issues of the commercial side. Say the property owner hired a commercial company to come in and tear the structure down, whether or not you would want to waive that in lieu of somebody's attempt to tear it down on their own. There may be a difference there, depending on the commercial side of it.

Commissioner Rentschler said he also had a discussion with Bill Gentry. They let him know that if it was a contract of that sort, they would waive the fee, if they could prove there were no leads or asbestos in the debris. At the same time, they said if we go after and take possession of the building that burnt on 9<sup>th</sup> Street; they would actually come out and use their equipment and personnel as a service to the City to assist in beautifying Alamogordo. They mentioned they would be willing to do that in other parts of town as well, as long as we have it written in an ordinance type of format.

City Manager Roath said there is an issue there because the process we are looking at is not to take the property, but to get the owner to either bring it up to code or to have it raised and assess those property owners once we pay to have the work done; if they are not willing to do that. The issue of actually taking the property and it is actually a separate issue, and he will defer to the City Attorney to discuss that process because it entails a whole different set of issues involved there.

City Attorney Thies said the process does not actually involve the taking of property. The process is that the Commission passes the resolution allowing the property to be demolished, it runs its course and the owner doesn't remove the building, the City would then go in and place a lien against the property for their cost. At that point, if the City so chose, it could

foreclose on the lien, to recover it's cost. If no one stepped forward to recover the debt, the City could chose to acquire the property for the amount of the clean up cost.

Commissioner Rentschler said the problem he foresees in that if the property is only worth \$2,000 and it cost us \$5,000 to remove the structure, we may be stuck with that property. City Manager Roath said there may be some value to looking into that effort; to buy properties and have them belong to the City instead of assesses properties. It will have to be a judgment we would have to evaluate each time.

Commissioner Rentschler said the objective is to clean these properties out somehow and the eventuality of it is to have the owners do the work.

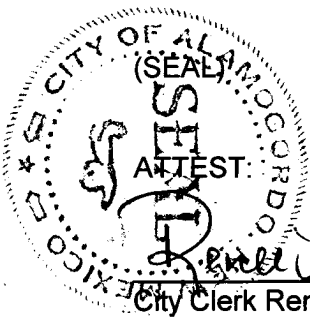
- 2) He had the opportunity to attend the Southern New Mexico Mayor's meeting which was generally very positive. The big problem the south faces trying to getting the gas prices to come down.

Mayor Griggs said there is another meeting scheduled for October 14<sup>th</sup> and may be changed again. He said the City Attorney Thies has a meeting that he had to attend on the 14<sup>th</sup> in Santa Fe, dealing with the rate case. It may be wise to delay that meeting another week or so, depending on what City Attorney Thies finds out when he is up there.

**ADJOURNMENT**

Mayor Griggs stated there is not a need to go into executive session tonight and asked for a motion to adjourn.

**Commissioner Ferguson moved to adjourn at 9:21 p.m. Commissioner Rardin seconded the motion. Motion carried with a vote of 7-0-0.**



*Renee L. Cantin*  
 \_\_\_\_\_  
 City Clerk Renee L. Cantin

*Ron Griggs*  
 \_\_\_\_\_  
 Mayor Ron Griggs

*(Prepared by Renee Cantin, City Clerk and Marsha D. Brady, Deputy Clerk)  
 Approved at the Regular Meeting held on October 12, 2010.*