

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
NOVEMBER 13, 2003

The Council of the City of Ruidoso Downs met in regular session on November 3, 2003. Mayor Miller called the meeting to order at 5:30 p.m. and asked Pappy Bell to lead the Pledge of Allegiance.

Upon roll call, the following were present:

Councilor Miller Councilor Morales
Councilor Garrett Councilor Olivo

Administrator Waters informed Mayor Miller there was a quorum.

Also present:

Dan Bryant, City Attorney
John P. Waters, City Administrator
Carol Virden, City Clerk/Treasurer
Ken Mosley, Public Works Director
Tom Armstrong, Licensing & Permit Supervisor
David Hightower, Assistant Police Chief

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the Agenda. Motion was made by Councilor Garrett and seconded by Councilor Olivo to approve the Agenda. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Miller entertained a motion to approve the Consent Agenda. Councilor Olivo moved to approve the Consent Agenda. Seconded by Councilor Morales. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF OCTOBER 23, 2003 REGULAR MEETING

Motion was made by Councilor Olivo and seconded by Councilor Morales to approve the Minutes of the October 23, 2003 Regular Meeting. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

ACCOUNTS PAYABLE

Motion was made by Councilor Olivo and seconded by Councilor Morales to approve the Accounts Payables. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

MONTHLY REPORTS

Motion was made by Councilor Olivo and seconded by Councilor Morales to approve the following reports:

Fire Report	Animal Control Report	Maintenance Report
Court Report	Public Works Report	
Police Report	Permits & Licensing Report	

Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

UNFINISHED BUSINESS

Mayor Miller stated next on the agenda, consider approving Resolution No. 2003-25 Local Emergency Planning Committee. Attorney Bryant said we tabled this last time and asked the Councilors to look at the Bylaws, Article II, Membership on Page 1 of 8. The makeup of the Local Emergency Planning Committee is specified in the Federal Regulations and State Statutory scheme that creates them. On Page 2 of 8, you will see that Item No. 7 in terms of membership that says there is one representative from each area: White Oaks, Lincoln, Hondo Valley and Item No. 6 is one representative from each area: Corona, Capitan, Carrizozo, Ruidoso, Ruidoso Downs. The concern that I have is when you look at membership, it is the responsibility of the Executive Board to submit potential candidates for open positions. It does require them to fill the positions according to the rules on Page 2. My concern is the way a LEPC works, they can have fiscal impacts on the municipalities and on the businesses that do business in our municipalities by requiring inventories of hazardous materials and things of this nature. The way this is set up, you all do not have any input into who is representing your interests. The county has already approved this as written. I have visited with Alan Morel about this concern and I have to tell you that he is not as concerned about it as I am. I would like you to approve this upon the contingency that the Ruidoso Downs representative is submitted by the Mayor and approved by the City Council and then made a member of the LEPC. I believe we are the only municipality in the county that has not approved it yet and I am the only one that is raising the concern but that is what my concern is.

Administrative Waters stated not only is No. 7 troubling but if you read further on, to remove somebody from the Board, it has that same clause that they have to be approved by the LEPC. It would mean, for instance, if you change the Public Safety Director theoretically, although I hope this would not happen, they could maintain our former fire chief could be our LEPC representative even though the City Council wishes for someone else to be on there. It is along the same lines as the problem Dan pointed out with actually putting someone on there in the first place. Once they are on there, it requires the same process to get them off. I would ask the City Council to consider taking that into account as well under a contingency if we pass it; we have the ability to remove people if we need to and put people on if we need to. Councilor Miller said you are saying that we should appoint our representative and Attorney Bryant answered right.

Councilor Morales moved to approve Resolution No. 2003-25 with the contingency that Ruidoso Downs can appoint and remove their representative. Seconded by Council Miller. Mayor Miller asked if there was any other discussion.

Councilor Garrett asked under Section 5. Quorum, it says a quorum shall consist of a minimum of 12 active members but they have 42. That bothers me that 12 members can make a decision out of 42. Attorney Bryant said the unfortunate part about that is the 42 members are established by the SERA legislation which is passed by the Federal Government. If you had come to me and said you wanted me to draw up the bylaws of the Local Emergency Planning Committee and we didn't have these federal rules to deal with, we never would have created a number of 42. I guarantee you they will not be able to get 42 members together on any occasion ever. The reason they have set the quorum number so low is because they recognize that and they are trying to overcome some of the difficulty of the structure that was created by the federal laws.

Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, consider approving Lincoln County Local Emergency Planning Committee Bylaws. Attorney Bryant said I think the same motion of approval with the contingency will work for this as well.

Motion was made by Councilor Morales and seconded by Councilor Miller to approve Lincoln County Local Emergency Planning Committee Bylaws with the contingency that Ruidoso Downs can appoint and remove their representative. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

NEW BUSINESS

Motion was made by Councilor Olivo and seconded by Councilor Morales to approve advertising Request for Proposal for Design and Construction Management Services for 2004 CDBG Colonias Emergency Water System Phase Ic. New 2.5 MG Spring Reservoir. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

Motion was made by Councilor Olivo and seconded by Councilor Morales to approve advertising Request for Proposal for Design and Construction Management for 2004 CDBG Community Infrastructure Emergency Water System Phase I b 2: Water Lines/PRV's/Hydrants. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving Resolution No. 2003-26 Budget Adjustments for fiscal year 2003-2004 - Quarter ending September 30, 2003.

Administrator Waters stated this is the quarterly budget adjustments that we have to submit to the Department of Finance and Administration. The majority of this is clean up in nature; if items need more money budgeted in one place versus another, the street lights for instance. The mid-year adjustments are generally more comprehensive as we take a look at our revenue projections at that time. Last year we upgraded our projections. If the gross receipts continue as it is going right now, it appears this year's revenue projections are not going to be affected by any takings on the gross receipts tax because the governor elected to push that issue to the regular session in January. I don't see that issue coming up until perhaps July of the next fiscal year. If things continue we are possibly looking at another upgrade of our revenue projections. We are looking at gross receipts increase up between eight and ten percent a month over the prior year so we are in good shape. We have had only one month in the past two years where revenues were less than the previous year. We are doing well with our gross receipts this year.

Councilor Miller moved to approve Resolution No. 2003-26 Budget Adjustments for Fiscal Year 2003-2004, quarter ending September 30, 2003. Seconded by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving agreement for Professional Services - Attorney for one with option to parties to renew agreement on an annual basis for up to three additional renewals.

Councilor Garrett made a motion to deny as it is presented. Seconded by Councilor Miller.

Councilor Garrett said I have a couple of questions. We haven't, as a Board, seen your monthly report and I would like to see that. I only know this because we spent so much time at the wastewater treatment plant Board meetings. I called and checked today and that is not a part of the regular contract of Ruidoso; it is a separate contract for their attorney. Are you spending a lot on that? Attorney Bryant answered of course and I think that is only going to get worse. Councilor Garrett said it bothers me just to raise your salary but it wouldn't bother me to possibly to look at it in a different light which would be as some kind of agreement on the attendance and the work that you put in on the Wastewater Treatment Board. I don't know how everyone else feels.

Councilor Morales said I do know that in Ruidoso the wastewater treatment plant is what they consider a special project so that is not part of the monthly billing. My question is normally do court cases like the wastewater treatment plant are they all thrown into this dollar amount of your contract except for possibly mileage.

Attorney Bryant answered actually with no exceptions. The way we are currently set up it is a flat fee arrangement and I do everything I am asked to do and I get paid

that no matter what happens. Every month I send you a detailed itemization of all of the time that my staff and I spend. I would hope that those are available to the Mayor and Council at any time for you to look at and go through. The one concern I have that in order to address the auditors concerns that were raised back in 1998, I put so much information in those statements that they are attorney-client confidential documents. I express in there the results of conferences, advice given, action that was taken, events that occurred or promises or commitments that were made back to the city as a consequence of the work that I do. Review those but remember when you are looking at those it is a confidential document. I brought this up at budget time and came into a budget session right at the end of June to let you know that I would be asking for an increase. I put a tickler in my calendar system and was suppose to bring it up in August because my contract renews August 8th of every year. This is the start of the second year of a four-year renewable contract. Looking at calendar year 2002, we were on the flat fee of \$7,000 a month and that is \$84,000. The billing statement you got when I removed gross receipts tax from it reflects time commitment of \$142,113 so it is a \$58,000 deficit. In the first nine months of 2003, the deficit is \$17,000 which is really good. I was looking at that and feeling pretty hopeful but I want you to know that October was a killer. We did the annexation hearing and we did mountains of work on the JUAB stuff. Linda hasn't gotten all of her work done to get that October statement out to give to you so I can't give you the time accounting but I am scared of what it is going to look like. I think it is going to add \$10,000 to that deficit; I think that is a fairly optimistic estimate. What I am really worried about is going forward in time. The Joint Use Advisory Board issues are so critical and I bring so much experience and expertise to the table and to the group of people that are working on that, work is naturally given to me because I am the one with the experience to get it done. When we went to the EPA, I had it all set up; I worked real hard for two days to let the political leadership lead the EPA to the discussion and that lasted about six minutes and then we did the presentation from there. My experience is that is what has happened in every discussion we have had with the Environment Department, the EPA, with Representative Pearce. Every time we go, it gets shifted back over. That is O.K. What I am just trying to do is find a way to stay afloat financially and pay the overhead and still be able to do all of the commitments. I am here to talk to you and find a solution. I started this back in October of 1998 because I saw what was happening to us. Within a month or two after I was hired, I told the Mayor and the Council that my vision for this village, because that is what we were at the time, was for years we had been in a position where anyone came to us, came with a hand out open to help. Because of the move of Wal-Mart and the move of the other merchants into Ruidoso Downs, from Ruidoso largely, I thought that was going to change. I think the last five years have borne that out. Now people come to us and their hand is out but it is not an open hand to help; it is often a hand that is wanting to take something from us. I also, as I look at this city and look at where we are and where we are going and the things we are accomplishing, I believe absolutely this is going to level out and taper back down. I think it is going to take another two or three years to get there. One of the things I can do is come to you and say let's just make this \$8,000 a month and let's put an annual cap on it or let's put all of this

other stuff outside. That solves my problem; it puts me in a position to keep the commitment close to the income and I can manage the overhead issues. What it doesn't do for you is that it doesn't give you a hard budgetary number so that you when you set your budget this is what it is going to be. It creates uncertainty down on the end of the fiscal year if things get out of kilter and then someone has to scramble around trying to find how do we cover these expenses. That is the benefit of a flat fee. The other side of the coin is I don't think it is fair for the City of Ruidoso Downs to pay me to do JUAB when JUAB is a partnership and separate entity. I think that Ruidoso recognizes that is a separate project and that is why it is outside. I think we are going to have a tough time getting an agreement from Ruidoso for JUAB in addition to paying Mr. Underwood's expenses as well as my expenses. I haven't done anything for you if I make it a special project; it is still money coming out of your pocket and our citizens' pocket.

Councilor Garrett said what bothers me is we pay the 15 percent for their attorney and then we send you too. Councilor Miller said I feel like they should pay 85 percent of everything our attorney does for the Joint Use Board and we should pay 15 percent and they ought to look at it that way. Attorney Bryant said the Mayor or Mr. Waters may have a perspective on this but my perspective is if we do that what is going to happen is they are simply going to say Dan, don't do any JUAB stuff. I am sorry but that is not good for these communities. Councilor Garrett said the actual agreement has to be between Ruidoso Downs and Dan Bryant. Pass that we can try to approach the Joint Use Board and see what they will do. Basically, we need to have someone that is going to represent us in this matter; we can't just drop it. Councilor Miller said another thought I had on the extra \$2,000 a month, could we have it there on contingency only if we need it for that month, fine and if we don't, fine. Councilor Morales said what I see is that we are not going to have things get easier; if anything, they are going to get more and more difficult. Anything and everything now is a dogfight; people aren't happy with anything. I don't know that a contingency would work because I think it is getting where everything is just more complicated and I think we have to realize that we have to pay the money for it whether we like it or not. It is just a sign of the time.

Attorney Bryant said I am working on your audit letter which is due right now. The audit letter this year is two to three pages shorter than it was a year ago. The torque claim notice section of the audit letter is remarkably shorter this year than a year ago and smaller by one half of what it was two years ago. When I tell you I am optimistic about this leveling out, turning around and settling down, there are real measurable items telling me that. A year ago, I probably had seven or eight active pending pieces of litigation and this year I have two that are currently pending. Things are getting better; sound management practices and consistency are paying off across the board. I am absolutely committed to the municipality. I am not here saying if you don't pay me, I am going to walk; I have never done that with any governmental entity. I have a commitment, a vision and a goal for myself and for the city that I see coming to fruition everyday as we move forward. We need to find a way to manage it and let's get it done.

Councilor Miller asked how much has it actually cost you doing the work for the Joint Use Board. Attorney Bryant said he could produce that number but would have to separate those time entries from the system. October has been tremendous; I would say between \$9,000 and \$10,000 on JUAB alone. There have been three trips to Santa Fe, a trip to Dallas, lots of drafting and preparation. Councilor Garrett said and a trip to Las Cruces. Councilor Miller asked if any other attorneys went on the Dallas trip. Attorney Bryant said Chey Rennick; Chey Rennick and I have worked on everything that we have done together. Part of it was Chey as the attorney and part of it now is Chey as the planner for Ruidoso.

Mayor Miller said we can afford this, right. Administrator Waters said we do have the money in the budget for this expenditure.

Councilor Garrett said I am going to remove my motion to deny. Councilor Miller said I seconded it but I wish we would still look into getting some feedback from Ruidoso since you are doing a lot of work on the Joint Use Board.

Councilor Morales moved to approve the increase for Mr. Bryant and I would also suggest that possibly Ruidoso and Ruidoso Downs get together to discuss the Joint Use Board attorney fees and how we can come to agreement on who pays for it. Seconded by Councilor Garrett. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving Destruction of Records, Department of Public Safety - Phase II.

Councilor Morales moved to approve the destruction of records, Department of Public Safety - Phase II. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider dates for workshop to discuss needs for Ruidoso Downs Senior Citizens Center. Attorney Bryant said I just need to let you know that either the week of December 8th or the week of December 15th, DFA will be rescheduling the finalization of the annexation hearing.

After discussion, motion was made by Councilor Olivo and seconded by Councilor Miller to hold the workshop for the Ruidoso Downs Senior Citizens Center on Monday, December 8th at 5:30 p.m. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, Proclamation - Veterans Appreciation Week. Mayor Miller read the Proclamation:

PROCLAMATION

VETERANS APPRECIATION WEEK

Whereas, this year 2003 marks the 58th year since the end of World War II, which was the longest and most costly in the history of mankind resulting in the loss of 50 million lives and was fought by our women and men on land, sea and in the air all around the world; and

Whereas, our veterans of all wars throughout the history of the United States and veterans during peace time have served our country to protect our freedom; and

Whereas, the Citizens of the City of Ruidoso Downs have joined Americans from all over the Country and World in a rally of support for the current war effort to eradicate and remove terrorism from a Civilized World, by serving in, and dedicating the service of their loved ones in the Armed Forces.

Whereas, The Congress established Veterans Day each year to remember and pay our respects to our Veterans through whose efforts we enjoy the freedoms we do today.

NOW, THEREFORE I, Bob A. Miller, Mayor of the City of Ruidoso Downs do hereby proclaim November 10 through November 14, 2003 as VETERANS APPRECIATION WEEK in our City and urge our citizens pay homage to our women and men who served their Country with great honor and deserve to be recognized for their special contributions to the security of our Nation.

Proclaimed this 7th day of November 2003.

OTHER BUSINESS

Administrator Waters said one of the things that I bring to your attention every year is the status of the Pecos River. It is the state's obligation to fulfill the compact we have with Texas. The Pecos is a ways away in Roswell, however, it does affect us. Our Rio Ruidoso does empty into the Pecos River; it is part of the Pecos River Compact. Every year we have been on the edge of our seats to see if we are going to make a credit or not. What happens if we do not make the credit to Texas as required in the Compact is eventually the state has a priority call which essentially means they take the youngest water rights off of the river. They start with the youngest to oldest to provide that water to the State of Texas. This year it appears we are going to have a 6.9 thousand acre foot credit with the state. It is not an exact number because it is a projection. It has two unknowns in it; they are estimating the flood inflow and the state line deliveries for the rest of the year. The State Engineer and the Interstate Streams Commission were fairly confident that we were going to make it with a credit this year which is good for us. It means the Denton Well which

has 1984 rights and we have been using frequently is still in good shape for at least to the end of this year. However, the projection for next year look just like they did the prior year where it could go either way. The continuation of the Council to acquire senior water rights is still a valid program and we still need to consider that as we make our water right purchases.

Councilor Olivo asked Ken Mosley why we did not use our hydro stop equipment to install a valve on Allison Lane. Mr. Mosley said one of the reasons we have not utilized this machine is we haven't purchased the sleeve it takes to install these valves. The reason we haven't purchased the sleeves is because we have so many different pipe sizes and variations. We would have to dig up each line to find out the exact size on this. Currently we have four different sizes of asbestos concrete pipe which has twenty-one different ranges and that is all for a 6 inch pipe. Until we know exactly what size the pipes are, the manufacturer hasn't even given us a manual on how to operate it until we have these things in place and ready to hook up so they can send someone to train us. Once they train us, we get a manual. We have to be selective on where we are going to utilize this. I am not sure it would have helped us as far as the water leakage because we hit the line while we were digging. I am gathering prices right now to get some of these sleeves to see if we can utilize this hydro stop. Councilor Olivo asked if he knows how much it cost to use it to put a valve in. Mr. Mosley said the prices I have are from last year and it takes about \$1,800 per valve that we install because we have loop lines. If we knew water was coming from just one side, we could cut that in half but so far we haven't found a line that water only comes from one side. I would like to let you know that the six valves that we have put in on Allison does help us direct the water when we get this system on line so we don't have to shut the water off. I have instructed the employees that every time we have a shut down like that to find the line and install a valve so we have another way to direct water. I am very new to this piece of equipment and I don't know all of the perks of it. Councilor Olivo said the only reason I brought it up is some of the citizens asked the question why we were draining the water out of the hydrants.

Mayor Miller asked Mr. Waters if he knows anything about it; this hydro stop needs to be in place. Administrator Waters said I checked with Terri today and they are checking on prices on a range of saddles that go with this. One of the other things that Mr. Mosley didn't mention is the asbestos concrete pipe, particularly if we have some of the old called "Mexican pipe" which was produced in Juarez, it is not exactly round. If we discover it, we will have to machine it to fit certain lines. Part of the problem, as Mr. Mosley discovered today, there are places where we don't know these lines exist. Somebody put them in and no one ever documented where they were. I foresee when we do have a big catalog of line sizes we should be able to keep a lot of this in stock. The smaller valves are cheaper; the six inch valves are the most expensive. We have to be trained obviously; it is a big piece of equipment. If we can find some lines to dig up and get trained on, we will have the clamps in place that fit that particular line. I certainly will be happy when we start using it because we spent quite a bit on it. Mayor Miller said I will too because it will stop

the loss of a lot of fluid we need. Councilor Garrett said my concern is like the leak on Colorado; we had water running down the street for days. I don't worry so much if it is just going to be an hour but if it is going to be two or three days and they are going to be turning on hydrants. I don't blame the residents when they call me ask how long is water going to run down Reservoir when you are telling me I need to conserve. So, anything we can do to conserve. Mayor Miller said that's right and that is what this machine does.

Councilor Olivo said I gave a copy to the councilors; Mr. William E. Hall, Jr. resigned from the Ruidoso Downs Fire Department as a volunteer fireman. He gave the resignation letter to the Assistant Fire Chief with orders to give a copy to the council people which was never done. He came over to the house and gave me a copy so I could give it to you of why he quit. Mayor Miller said it looks to me it would have been better served to have given it to the Chief. Councilor Olivo said he has to report to the assistant fire chief and then he gives it to his superior which is the chief. Mayor Miller asked are you the messenger. Councilor Olivo said no sir. He came by the house and gave me this to give to the councilors. It is my duty as a representative of the citizens. Councilor Garrett asked if he has given a copy to Chief Logan yet because he is the top of the chain. David Hightower said I am not aware of it.

Administrator Waters said since Chief Logan and Assistant Fire Chief Badjar are both gone, I think it is unfair to discuss this unless we have a chance to discuss it with them. It would probably be a good idea to sit down with the Chief and the Assistant Chief and discuss it with them. This is the first time I have seen it. The Mayor and I didn't get a copy of this but I am certainly interested.

Councilor Morales said I would like to congratulate Tom Armstrong on his certification from the International Code Council for the International Residential Code and Building Inspection Certificate. I think we should be very proud of you. I would also like to congratulate Steve Dunigan on his interim appointment. I have heard a lot of good things about Steve. I like to see employees, if they can, advance.

David Hightower said the Chief asked me to publicly thank the Fire Department on his behalf and I would like to thank them on my behalf as well on the excellent job they did responding to the Ski Run fire.

Councilor Olivo said my concern is I think we have three lieutenants, one captain, an acting fire chief in the Fire Department and all of them were gone leaving Ruidoso Downs with nobody. The assistant chief, the two lieutenants and the captain was not here; they were all at the fire. The only one left was Chief Logan and maybe a couple of volunteers. Mr. Armstrong doesn't have the combination to get into the fire department. I think we should make a resolution or something that one of them stays behind and protect our city. Councilor Garrett said your chief was here. I checked and think there were three other men available. David Hightower said the chief gave me a note on this in case anyone asked. On the first night, we

had Engine 2 and Jim's Command Unit on scene with three firefighters. The next day we had Engine 2 and Engine 53 with four firefighters. Councilor Garrett said how many members do we have in the fire department. Councilor Olivo said on the books is fifteen. Administrator Waters said I did speak with the Chief the morning that the first response went out and that was one of my questions. He assured me there were more than enough people and crews; he actually kept them in reserve in case something did happen here in town. We had several vehicles on both calls that were available and there were several standby people available as well. He is very aware of that and I am sure if he were here, he would express that in person.

PUBLIC INPUT

Jim Burrow said Carol promised that we would have a sound system by tonight and I think it is a good we have it.

Councilor Morales said last night at Zia Natural Gas the Ruidoso Downs Chamber had a vision and mission statement meeting. It was very informative and very interesting.

Jane Haizlip said I want to thank Tom and Bill and everyone that was involved in the haunted house. It was wonderful and next year I hope we can do it for two nights.

EXECUTIVE SESSION

Mayor Miller stated I would like to entertain a motion to go into Executive Session pursuant to Section 10-15-1(H)8, Real Property and Water Rights.

Councilor Miller made a motion to go into Executive Session pursuant to Section 10-15-1(H)8 Real Property and Water Rights and consideration of possible action in regards to Section 10-15-1(H)8 Real Property and Water Rights. Seconded by Councilor Garrett. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated I would like to invite Attorney Dan Bryant, Administrator Waters and Clerk Virden to attend the Executive Session and closed the regular meeting at 6:31 p.m.

Mayor Miller called the regular meeting back to order at 6:58 p.m.

Councilor Morales declared that nothing was discussed except real property and water rights and consideration of possible action regarding real property and water rights and no action was taken during Executive Session.

Councilor Morales moved to authorize staff to go to public sale to sell the buildable portion of the Post property. Seconded by Councilor Olivo. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller entertained a motion to adjourn.
Motion was made by Councilor Garrett and seconded by Councilor Morales to adjourn at 7:01 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer