

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
JANUARY 23, 2006

The Council of the City of Ruidoso Downs met in regular session on January 23, 2006. Mayor Miller called the meeting to order at 5:30 p.m. and asked Jim Burrow to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller	Councilor Morales
Councilor Olivo	Councilor Garrett

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  
Dan Gens, Public Works Director  
Robert Denny, Department of Public Safety Chief  
Tom Armstrong, Licensing, Planning & Permitting Supervisor  
Jay Smith, Museum Director

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES OF JANUARY 9, 2006 REGULAR MEETING

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve the Minutes of the January 9, 2006 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 Morales and seconded by Councilor Garrett to approve the Accounts Payable. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

MONTHLY REPORTS

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

Fire Report	Animal Control Report	
Court Report	Code Enforcement Report	Public Works Report
DPS 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 item on the agenda, consider awarding Re-bid No. 06-007 City of Ruidoso Downs Southwest Quarter Sewer Extension on Miriam Drive.

Councilor Olivo moved to table this for further study. Councilor Garrett seconded for discussion only.

Councilor Olivo said I was down there yesterday to take some pictures. It is my understanding that the sewer is going up the street and it is only going to cover seven houses. In order for one of the residents to hook up to sewer it is going to cost her at least \$20,000 if she has to go sixteen feet down from her property line. I am pretty sure that is solid rock down there. If you go down the ravine there is no problem.

Administrator Waters said first of all I will tell you we had extra borings up and down the side to proceed with checking after we had the last one with only one bid. We checked to see whether or not the rock was in the area particularly in the deep areas around the street, which is where the project is going. The project has always been in the street. It has been on any of the documents provided you. It has not been in the ravine because of substantial issues over having to negotiate the easement and archeological resources. We would then have to have an archeological clearance as required by the granting agency, the Environment Department and the EPA. We don't currently have that easement. We have a time limit on the monies the EPA is making the track pay us towards this project. Therefore, there wasn't significant time to go after the property in the ravine. Within the street, however, we have been moving forward. The first bid was very high because of possibility of rock in the area. We have a geotech firm that did several tests up and down the street and there was no rock encountered in that area. That is the deep area in the street. Remember that sewer is a gravity flow. There are two residents there that do have deep lines. In other words the end point of their sewer service line is not going to be sixteen feet but fourteen feet deep. I reviewed it with the engineers this afternoon and they have profiles of every single house. Originally, there was a certain resistance to putting grinder pumps in, which would

have required the residence to put in small pump stations or lift stations at their house that would take the sewage and put it into the system. The engineer was aware of the two properties. Ms. Branum is the deepest one and it is a fourteen foot particularly at the crest of the hill which occurs right at the street. About a third of the line to Ms. Branum's house will be at the level around ten to fourteen feet deep and then it actually gets very shallow at that point. We know the quotes were \$12,000 to \$14,000 that Ms. Branum received to hook her house up and that does concern the City. However, that includes somebody to come out to actually do it and set up. It was not an original quote from the folks that are actually going to be doing the project that have the equipment already set up there. I spoke with the engineers this afternoon and asked them to see if they could at least get the folks from the Cherokee Construction Company to negotiate with the two folks that will require special equipment to get that deep. This is typically what is done in most cases, and what we did on East Circle, the construction company actually cuts side deals with the residents and gives them a good price because they don't have to charge them for bonds and all of the things you have to do for a municipal project. They don't have to do that with an individual. The mobilization fee will be eliminated. I think that is certainly something those two individuals that have a deep area will be able to make use of and the company has already agreed to talk to them. They say they do this all of the time. The other side of the coin is it doesn't matter whether there are five homes or five hundred homes there, the EPA has told us, and we have agreed, to put our neighborhoods on sewer. Wait until we tackle Rainbow. Rainbow is completely isolated. North Parker road may require a lift station. It doesn't matter to the EPA that these subdivisions may have just seven homes, the fact is all of our places have to be hooked up to sewer. The EPA approved it in the beginning to proceed; they knew how many people were there. It is not only seven homes, there are also two buildable lots there. We are asking that the Council pass this item through. Certainly if a negotiation with the landowners in the area proves to be something that is out of the ordinary, we can issue a change order any time in the process to make a line shallow and put in grinder pumps.

Jackie Branum said I live at 275 Miriam and I guess my house is the bugaboo because my sewer comes out the back and comes out lower. In checking with different people around we found out to have somebody come up there and do it would run between \$14,000 and \$20,000. This is like if I call Manny Guardiola or Barney Rue because of getting to the place and getting equipment in there is almost impossible because you are working on a 45 degree hill. John says we can do the back much shallower. I was assuming we had to do the whole thing down to get any kind of flow. What we tried this afternoon, Joe took the figures that the contractor gave John and we took those figures of what it would cost per foot to do it. That price came out to \$14,007. Even if it is half of that, it is still \$7,000 just to hook on. All we were figuring was for the digging and for the pipe and I don't know what else there might be to it. I have no idea what it involves to put the sewer in but it is just too much. I am trying to figure what I could do to make it a reasonable amount to hook up. Bob, Margie and Judy know that I have pushed for

sewer in the Miriam area since 1982 because I really wanted to get on but when I am looking at that much money I don't know.

Councilor Olivo asked do you think we would have a lot of problems to get an easement from the neighbors to put it under the ravine. Ms. Branum said I don't know how far you go to the ravine. I assume it is just my neighbor on the left and my neighbor on the right, Jesse Cardena and the people that own the little log house. I am sure the three of us would give an easement. John said there were a lot of artifacts down there; I found more right across the street. The ravine used to be running water and most the Indians did not camp right by the running water; they camped on the hill. I would say you would find more artifacts up on top and I know you do around my house if you start digging down. Somebody told me since there was already a road they weren't as strict. Some of you might remember when we did the road out by Bonito they had to stop it for six months because they found some artifacts there and they had to go down and excavate that. What I want is for the City to do it as cheaply as they can and still let me not have to pay a giant amount to get hooked on.

Councilor Garrett said I don't know if we would ever be able to do yours for less than what you are saying and that is a lot but it is a long way. Councilor Olivo said her other concern was her water well because that water well is right in the way. Are they going to go around it?

Administrator Waters said we are aware of that and did talk to the engineers. They are aware of where it is. It can be addressed. Obviously they will have to be careful because it is in the general area. I wouldn't call you a bugaboo but your house is at the low point and it is driving the process. Unfortunately, I did walk the property behind your house before we started and I picked up a handful of pottery. That is enough to stop a project. The process, right now according to NIMFA, is if you find materials and unfortunately over 1000 to 2000 years old over that period of time the erosion is substantial. If there is any digging the State Historic Preservation will require you to mitigate the site. Chances are probably better if we stay in the road and we don't have to clear it. I would certainly think you would get a respectable deal from this company because they already have the equipment out there. It has been my experience that the companies generally make very good deals. I would ask that you get a quote from them directly. The other option I would like to present to the Council is if anybody has a serious problem affording getting this in, we have two options at our disposal as a City. We can offer time extensions that have lasted historically up to five years, which gives the individual a chance to save up the money. It is generally acceptable to the EPA. The other possibility is getting home assistance grants. There are several agencies out there. We have a new one this year that is providing a lot of services although it is not plumbing. The Southeast New Mexico Community Action is going to be fixing up sixty homes across Ruidoso and Ruidoso Downs. We, as a City, would be willing to help find assistance to put in something like that because I know they are out there. Those are

two options I can offer. Unfortunately what I can't say that we will leave this neighborhood unsewered because the City has already obligated itself through its report to the EPA that we would take everybody off of septic tanks and put them on the sanitary sewer system. As you know, Wood Lane is next on the list.

Mayor Miller asked how far is the stub out. Administrator Waters said they are required to put stub outs to everybody's property. Essentially everyone will have about a foot into their property line so there are taps there.

Councilor Morales asked why is there a \$50,000 difference between Bidder No. 1 and Bidder No. 2. Administrator Waters said I don't exactly know why although I know Bidder No. 3 was still concerned about rock. Bidder No. 1, after he saw the soil test, was not as concerned about rock. I do know Cherokee is a new company with us. They are trying to get their feet on the ground so perhaps they had a lower bid just to get some public projects under their belt. They actually checked out O.K.

Councilor Miller said I know quite a few people that would like to hook up to sewer but don't have the money. We need to check into resources to help people hook up to sewer. Councilor Garrett said even in this area it has been in four years and people aren't hooked up.

Mayor Miller asked Councilor Olivo has the discussion caused you to want to withdraw or amend your motion. Councilor Olivo said I withdraw my motion to table with the understanding that I want it in writing that Jackie will get a discount on her water account. Administrator Waters said we can't do that but we can facilitate negotiations with Ms. Branum and possibly her neighbor. Please understand there are only two this deep; the rest of them are pretty standard depth. You would have to get it in writing from the contractor. If a grinder pump is the most agreeable way to do it, a change order could be issued at that point. At this time it is my recommendation to proceed.

Councilor Olivo moved to remove his motion. Councilor Morales moved to award Re-Bid No. 06-007 City of Ruidoso Downs Southwest Quarter Sewer Extension on Miriam Drive to the low bidder, Cherokee Enterprises. Seconded by Councilor Miller. Councilor Morales asked where is Cherokee Enterprises located and Administrator Waters answered Alamogordo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

#### OTHER BUSINESS

Councilor Garrett said I appeared before the last County Commission meeting about the ETZ. It has been a couple of years ago they were given the document. I asked the County Commission if they would please get the Authority together, Councilor Miller, Commissioner Hobbs and Commissioner Simpson to have their meeting and make a recommendation to both of the Boards. In revolving around that because it

has been a long time, the Committee would really like to continue. The Committee cannot continue until a decision is made as to whether or not the entities allow us to go forward.

Councilor Olivo said in the paper you stated you have a complete Board. Do you still have a complete Board? Councilor Garrett said we have a complete Board at this moment. The complete Board as affects the County is not a Board made up of the proper degree of county and city residents. Until they make a decision we are really not a working Board at this point. I think if they decide to go forward then we will sit down and decide who would like to stay and who would like to go. Right now I think we have five city residents, one county resident and one at-large resident. Until we have that document come back there really isn't any reason at this moment to do that. The County reappointed theirs and we reappointed ours. I don't think it will be necessary until we meet again. Attorney Bryant said no, but it is one of the first things we will have to do. Councilor Garrett said I did ask the County to look into it and for Attorney Morel to get with Attorney Bryant and discuss it. They said the Authority would probably get together by the end of March.

Councilor Miller asked are they agreeable now. Councilor Garrett said I think they are agreeable to at least to meet and discuss it. What happens next is the three of you will meet, you will bring back a recommendation of the Authority to this Board and their Board and we will all vote and at that point decide whether or not it will go forward. Commissioner Simpson is supposed to be setting up the meeting.

Administrator Waters said for those of you who read the Vamanos section of the newspaper you know they did a very nice article on our museum and certainly a great interview with Mr. Smith and Mr. Mandel. If you haven't read it yet I invite you to read it or if you would like to talk to Jay in person as there are a lot of neat things coming up for the museum.

Administrator Waters said we have a planning process on our drainage system although it probably needs to be revamped in a serious way. We have a wastewater collection system master plan, a water master plan and a comprehensive master plan. Everything we have plans for makes it much easier for me or you to represent the City and ask for money for grants. Master plans are great. The museum, however, being a new, large department of ours does not have a plan now. That is one of the things Mr. Smith feels is important to plan the museum's future out.

Museum Director Jay Smith said I have talked with you early on in my tenure as director about the need for development of a long-range plan. We are now in the process of getting what I assume will be about a six-month process for us that will include benchmarking with other similar museums of kind and type. We will be surveying our members, surveying our visitors. We will be conducting internal analyses with staff. We will be conducting external analyses with City staff. I will

also be calling on each of individually to meet with me to talk about your ideas as well as having a public session with you at a date to be determined by myself and Mr. Waters. We will also be meeting with the Board of Directors we have put together. We will have meetings with people that have tremendous interest in both growth of the museum as well as the growth of the economy in the area, growth of the tourism industry and generally the growth of Ruidoso Downs. What I am here to announce tonight, however, is a public meeting. I do have a sheet for our friends in the media. We will be having the first of three public meetings on February 11th, which is a Saturday at 10:00 a.m. The second one will be on Sunday, February 12th at 2:00 p.m. and a third on Monday, February 13th at 7:00 p.m. All of those will be at the museum. The general public is invited to attend. We want to get input from the public about this facility. I am a firm believer in getting the public voice involved with the museum. I am a museum professional but I will be the first to tell you that some of the best ideas for museums come from the rank and file public. I think in this particular circumstance since the museum has just recently been taken over by the City or a transition from Hubbard Enterprises to the ownership of the City of Ruidoso Downs, this is the perfect opportunity for us to do it. We are learning a new process at the museum. We are recognizing that we now have 2,800 bosses and we want to here from each of our 2,800 bosses. I think it is important to avail yourself to give the public this opportunity in the planning process. I hope to have a plan put together perhaps by May. We hope to have final approval of the plan in mid-June. We will keep you abreast of what is happening as we go. We are looking forward to taking the museum to the next step. The more you are involved in this process the better the plan will be.

Public Works Director Dan Gens said I passed out to you three estimates we received for the furnace at the Billy the Kid Center just for your information. Administrator Waters said the furnace at the BTK Center went out over the New Year's Eve holiday. Since that time they have taken every single space heater from City Hall and put them in the building to provide some warmth to our two employees there. Ruidoso was informed of it. We haven't had any response to repairing it yet. I think they are still trying to determine whether or not they are going to gift it to us. At this point making any big repairs to the building we have been holding off on. We were told this was going to be a fairly simple process that seems to be getting more complex as the days go by. As soon as we make a determination on the BTK Center which I hope is very soon we can determine if we need to send Dan to take care of it or turn it over to Ruidoso.

Councilor Garrett said she didn't think it was fair to the employees to work under those conditions. Museum Director Smith assured her that they are monitoring the situation everyday.

#### NEW BUSINESS

Mayor Miller stated first item under new business, presentation and consider approving City of Ruidoso Downs Audit 2004-2005.

Ronnie Hemphill said we recently completed your audit and it was completed on time. We issued an unqualified opinion. I believe the opinion is on pages 6 and 7. This is the second year that the City has been under the reporting requirements of GASB-34. There is a positive thing in that a portion of the report is called Management Discussion and Analysis and that begins on page 8. On page 8 and the actual numbers on page 9 reflect that the City's total net assets increased by \$782,000 from the prior year as net assets as determined by the new reporting model. Under the old reporting model of governmental funds you had an increase of \$56,000. On page 11, the City had total long-term debt outstanding of \$502,000 and that number decreased by \$142,000 from the prior year so another good, positive direction for the City. I encourage you to read all of the Management Discussion and Analysis pages 8 through 11. On page 12 begins the financial presentation. In addition, I encourage you to look beginning on page 23 through page 36, the notes to the financial statement. On page 75 are your audit findings and recommendations. For the current year we found three items that we consider to be reportable audit findings. The first one was procurement procedure violations. These procurement violations came largely as the use of credit card to purchase items. We think the reason why the problems were there was they were made by staff members new to the City and unfamiliar with policies and procedures. I believe our recommendations have been accepted, the problem has been cured and I don't expect that we will see this problem in the future. The second finding, utility accounts receivable write-off. As you all know the Council has to approve any write-off of utility accounts receivable accounts. You did that in the prior year in approving Resolution 2004-13 in writing off a long list of utility customer accounts that were uncollectible. The problem on the resolution it only had the principal amount due and did not include the interest and penalties that had accrued on those past due accounts. Those interests and penalties are placed there by ordinance. It is our recommendation that you write-off the total amount due. The third finding, it is unfortunate I even have to mention it but it a State law that we have to, there was one fund you had expenditures greater than what was budgeted by the amount of \$248. You did a clean-up resolution that caught everything else but this one fell through the cracks. It certainly isn't a procedural problem. I just want to take the opportunity to say your staff is doing a great job and is very cooperative.

Councilor Miller moved to approve Audit 2004-2005 as presented by Ronnie L. Hemphill CPA. 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 corrected Resolution No. 2004-13, Uncollectible Accounts.

Clerk Virden said first of all I would like to apologize for the oversight of Resolution 2004-13 that was adopted on the 12th of July, 2004. As Mr. Hemphill stated, we are

trying to correct one of the violations tonight and asking the Council to approve the corrected Resolution No. 2004-13 that reflects the amount of \$20,205.17 as per the audit of 2004-2005.

Councilor Garrett moved to approve corrected Resolution 2004-13, Uncollectible Accounts. Seconded by Councilor Morales.

Administrator Waters said we have a little over \$2,000 in actual water and sewer sold the Council passed in the original resolution. Note that the penalties and interest are over \$20,000. This is after we shut them off. As many of you know there is a very extreme penalty clause in there. We are going to address that in future council meetings in the next couple of months. We do recognize there is a problem with that and Carol has already worked on some changes to the ordinance that need to be made.

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

Mayor Miller stated next on the agenda, consider approving Resolution No. 2006-01 in support of appointment of a resident Federal District Judge in Roswell, New Mexico.

Administrator Waters said at the Council of Governments meeting last week the City of Roswell brought forward a resolution that was passed unanimously by the COG to support the appointment of a resident Federal judge in Roswell. As you know it is unfortunate that we only have two places in the State of New Mexico where they have Federal district courts, either in Albuquerque or Las Cruces. Roswell does have some support from Senator Pete Domenici to get this created. What we are asking for here is support to show the local governing body believes it is important as well. He then read the resolution:

**In Support of Appointment of a  
Resident Federal District Judge  
in Roswell, New Mexico**

**WHEREAS**, Senator Pete V. Domenici has introduced legislation in the United States Senate to create three new federal judgeships in New Mexico, and

**WHEREAS**, the federal courthouse in Roswell, New Mexico is the only one of four federal courthouses in New Mexico without a resident federal district judge, and

**WHEREAS**, currently all the federal district judges in New Mexico are located along the Rio Grande corridor in Albuquerque, Las Cruces and Santa Fe, and

**WHEREAS**, the need exists in New Mexico to have a federal district judge to serve the people of eastern and southeastern New Mexico, and

**WHEREAS**, eastern and southeastern New Mexico are currently experiencing unprecedented economic expansion, and

**WHEREAS**, the City of Ruidoso Downs has spent thousands of dollars over the past 5 years attending federal court-related business in the distant cities of Las Cruces and Albuquerque, and

**WHEREAS**, the appointment of a resident federal district judge in Roswell, New Mexico will aide in providing accessibility to residents of eastern and southeastern New Mexico of the federal court system, and

**WHEREAS**, the appointment of a resident federal district judge in Roswell, New Mexico would solidify a keystone tenant in the federal courthouse building and create new jobs, protect existing jobs and bolster the region's economy, and

**WHEREAS**, the appointment of a resident federal judge in Roswell, New Mexico will assist in the reduction of the growing caseload existing federal district judges in New Mexico are currently handling.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Ruidoso Downs that we support the efforts of and legislation introduced by Senator Pete V. Domenici to create three new federal judgeships in New Mexico, and

**BE, IT FURTHER RESOLVED** that one of the new judges be appointed to serve as the resident federal district judge at the federal courthouse in Roswell, New Mexico.

**PASSED, ADOPTED, APPROVED and SIGNED** this 23<sup>rd</sup> day of January 2006.

Councilor Morales moved to approve Resolution No. 2006-01 in support of appointment of a Federal District Judge in Roswell, New Mexico. Seconded by Councilor Miller. 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 personnel recommendation of Cameron Allen for DPS police officer position.

Chief Denny said I would like to recommend for employment Cameron Allen. He could not be here tonight. He lives in Wyoming. He is retired from the Air Force. He has been working as a police officer in Wyoming for the past three years. When he was here his wife and kids said he could go back and they would stay here until he returns but they opted to go back anyway. We had a great recommendation on him.

Mayor Miller asked will he be certified on waivers and Chief Denny answered yes, he will be certified on waivers after a three week class. Councilor Morales said when would he be here. Chief Denny said if he gets approved I will call him tonight and he could be down here in about two weeks; he is ready to go.

Councilor Miller moved to approve Cameron Allen for the position of police officer. Seconded by Councilor Garrett. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

#### PUBLIC INPUT

Jim Burrow said on this sewer, I know Mr. Waters is familiar with grinding stations, pump stations and I have lived in an area where we had grinding pumps and lift pumps and they work out very satisfactory. They are expensive. Where I lived they went into a deal where the city financed it and the people paid so much a month for that service. The city did the upkeep on it and told you that if you have any trouble don't call a plumber, call us first. Each house had a grinding station and pumped it down to a holding station where they picked it up and pumped it out. We may have to look into that a little bit more on some kind of a bond deal but I don't know. I think Mr. Waters has gone into it to find some help for the citizens of Ruidoso Downs. It is something we really need to look into. Also, Mr. Jay, I am glad to see that he is going to start holding meetings and get input from the citizens of what is going on for our museum. I think that is a very good idea and I hope he is successful in his undertaking and I am behind him one-hundred percent.

Councilor Olivo said I would like the citizens to know that Benny Sanchez, Joe Ray and Ronnie Randolph who work in our water department, two weeks ago worked on five water leaks on Wood Lane for three solid days. They were exhausted and asked for a day off. If you see them on the street, pat them on the back for a good job in fixing those leaks. Public Works Director Gens thanked Mr. Olivo.

#### EXECUTIVE SESSION

Mayor Miller entertained a motion to go into Executive Session for the discussion of Threatening and or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H)7, Forest Guardian and Terlecky case and Real Property and Water Rights pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H)8.

Motion was made by Councilor Morales to go into Executive Session for the discussion of Threatening and or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H)7, Forest Guardian and Terlecky case and Real Property and Water Rights pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H)8. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye; Councilor Miller, Aye. Motion carried.

Mayor Miller closed the regular meeting at 6:45 p.m. and invited City Attorney Bryant, City Administrator Waters and City Clerk Virden to attend the Executive Session and called for a five-minute recess to clear the Council chambers.

Motion was made by Councilor Miller and seconded by Councilor Garrett to go back into regular session. Roll call votes: Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye; Councilor Miller, Aye. Motion carried.

Councilor Morales attested that the only item discussed in Executive Session was Threatening and or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H)7, Forest Guardian and Terlecky case and Real Property and Water Rights pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H)8 and no action was taken.

Mayor Miller entertained a motion to adjourn.

Motion was made by Councilor Garrett and seconded by Councilor Miller to adjourn at 7:29 p.m. Motion passed unanimously.

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Bob A. Miller, Mayor

ATTEST:

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Carol Virden, City Clerk/Treasurer