CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, February 12, 2008

REGULAR MEETING

Minutes

TIME & PLACE: The Mayor and the City Commission of the City of Truth or Consequences in the County of Sierra and State of New Mexico met in Regular Session in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, on Tuesday, February 12, 2008 at 6:00 P.M.

PRESIDING OFFICER: The meeting was called to order by Mayor Montgomery who presided and Mary B. Penner, City Clerk acted as Secretary of the meeting.

ATTENDANCE: Upon calling the roll the following Commissioners were reported present:

Hon. Lori Montgomery, Mayor
Hon. Jerry Stagner, Mayor Pro-tem
Hon. Jimmy Rainey, Commissioner
Hon. Evelyn B. Renfro, Commissioner
Hon. Freddie J. Torres, Commissioner

Also present:

Jaime R. Aguilera, City Manager
Jay Rubin, City Attorney
Mary B. Penner, City Clerk

QUORUM: There being a quorum present the Commission proceeded with the business at hand.

CEREMONY: Mayor Montgomery called for fifteen seconds of Silent Meditation.

Commissioner Stagner called for the Pledge of Allegiance.

APPROVAL OF AGENDA: Mayor Montgomery called for approval of the Agenda.

Mayor Montgomery stated there was one change under other business and that item (H) being moved to Executive Session.

"Commissioner Stagner moved approval of the Agenda with the change."

Seconded by Commissioner Rainey.

Motion carried unanimously.

RECOGNIZE LT. MIKE APODACA: City Manager Aguilera stated that Chief Peterson is here and asked him to come before the Commission, and Chief Peterson asked that Mayor Montgomery read the letter provided. (Complete copy attached and made a part hereof.)

Chief Peterson added with his qualifications and because of the shortage of man-power he is used as a patrol officer.
None.

Mr. Gerald Boland and Bob Rosch came before the Commission and spoke to them about some test that they would like the Commission to take about the constitutional issue which would include open-book and closed-book questions, and indicated they would get back to them prior to the newly-elected commissioners being sworn in.

Ms. Pat Mann came before the Commission to address the Commission about the Planning & Zoning decision about the mobile home for Mr. Don St. Jeor at 803 N. Riverside Drive, and she wanted to make sure that everyone understood two things, #1 – that mobile home has in fact been upgraded electrically, and that they are quite willing and able to have licensed persons certify that so they can see that, and secondarily to re-plat that land into two lots, but they would like to be guaranteed that the mobile home be remained on the property.

Ms. Pat Moody came before the Commission to comment on the variance request for Mr. St. Jeor, and they referred to his mobile home was a public hazard, and stated there were several mobile homes throughout our City that were that old or older and some being more of a hazard than his.

Mr. Daniel Dante from the Youth Center came before the Commission to invite the Commission and everyone else, and stated that on Friday night from 6:00- 10:00 P.M., they will be hosting a free sock-hop, and that the public is invited.

Mr. Steve Green came before the Commission to publicly thank Mr. Norman Carter Dept. Head with Facility Management with the City of T or C, and one of his staff members Wes Huskins, and stated without their help this last week-end getting the Civic Center set up, they were in-valuable, and that Norman also recruited his son and his wife, and thanked them.

He stated that Ms. Marion Ross held a 40-minute press conference which was video-taped, and as soon as the tape is done they will invite the community to the Senior Rec. Center for an airing of the video.

Mayor Montgomery stated they have several items under the Consent Calendar - Regular Commission Minutes – January 23, 2008 – Accounts Payable – January 2008, Reimbursement request – 1/08 LDWI Grant, LDWI Grant Application – 08/09 & Letter of Support for the DWI.

"Commissioner Stagner moved approval of the Consent Calendar."

Seconded by Commissioner Renfro.
Motion carried unanimously.

The following are draft minutes from various boards provided to the Commission and are for information only, and are non-action items – PUAB – 1/23/08, Library – 1/28/08, DWI Substance Abuse – 10/18/07& 12/6/07, and Fiesta Board – 2/7/08.

& PUBLIC UTILITY ADVISORY BOARD – BOARD APPTS.
City Manager Aguilera stated the City Utility Board met recently and made recommendations for two appointments to their board, and received three, but one coming after their meeting. He indicated they are recommending the appointment of Mr. Mike Potia, and Mr. Al Wilkerson.

He indicated that Mr. Wilkerson is concerned about energy conservation issues, and is sure he will do well on the board, and Mr. Potia is a new business owner, and has decided to become involved, and recommendation is to concur with the recommendation of the utility board.

City Attorney Rubin suggested they do two separate recommendations...one would be to approve the removal of Ms. Lola Polley on the basis she is not available, and therefore remove her, and a separate motion for the appointments.

"Commissioner Renfro moved to remove Ms. Polley from the Utility Board, and that a letter is sent to her for her services."

Seconded by Commissioner Torres.
Motion carried unanimously.

"Commissioner Stagner moved approval the appointment of Mr. Potia, and Mr. Wilkerson to the Public Utility Advisory Board."

Seconded by Commissioner Rainey.
Motion carried unanimously.

RECREATION BOARD – BOARD APPOINTMENT

City Manager Aguilera indicated that the Recreation Board did not have a quorum at their last meeting, and they are bringing this to the Commission in a similar situation they had with the Planning & Zoning Commission.

It is recommended by staff the appointment of Ms. Carole Wheeler, and that she was recommended in the past, and recommendation is for approval of Ms. Wheeler to the Recreation Board.

"Commissioner Renfro moved approval the appointment of Ms. Carole Wheeler to the Recreation Board."

Seconded by Commissioner Torres.
Motion carried unanimously.

PLANNING & ZONING COMMISSION -

Variance Request – Donald St. Jeor -

City Manager Aguilera indicated that Mr. Chris Nobes, Building Inspector will give a report on this variance issue.

Mr. Nobes, Building Inspector came before the Commission and explained that this property is on North Riverside along the river. He indicated there was an older mobile home on the property and that the owners disposed of that existing home and brought in a newer model, in which they obtained a zoning approval permit, and have obtained their elevation certificate, and complied with the different requirements.

He stated while that process was going on...suddenly unaware to
himself that a second home appeared on the property, and he spoke to the owners about it, and they did not realize they were not allowed to bring a second home in...and it has sat there since, and that they have not done any improvements, but did pour some concrete runners under that home, but have not done any improvements on the home itself.

Mr. Nobes stated they alerted them to the fact that it was not permitted. He stated they talked about different options on how to handle the situation...they felt if they applied for a variance...perhaps the different commissions might see fit if they felt they could grant a variance, and allow a second home.

He stated the issue is...it is a RR-1 zoning district which allows only one home per lot, and it is defined in the zoning code...low density housing which is one home per lot, another factor this lot is quite large...120 feet of street frontage, and up in that zoning district...lots can be as small as 5,000 sq. feet...as small as 50 street frontage x 100 ft. depth, so in fact the land they own is large enough for 2 lots...so just a degree of confusion arose over this entire situation they came in and applied for a variance, and a public hearing was held with the Planning & Zoning Commission, and during the regular meeting they voted to deny the recommendation to allow the second home on the property.

City Attorney Rubin – Do you know why Chris.

Mr. Nobes – It was the density issue...they lumped the two together, and he is sorry that it seems confusing...they did state it as a 2nd home and a Pre-HUD home. He indicated that in 1974 HUD adopted a safety act...meant to protect the public...extra safety features...manufactured homes, extra sheet rock around the furnace and water heater...egress...escape windows out of bedrooms, copper wiring and a few certain safety features, and the City has for a long time adopted that standard, and does not allow Pre-HUD homes to come into the City, so the issue is a little bit complicated in fact that there is a second home and it is a Pre-HUD home.

City Manager Aguilera stated there is actually two issues...one is that second home is not allowed by City code because it is a pre-1974 home, and even though you look at the home it is very nice, and probably better than post-1974 homes...it still does not meet the standards that HUD had set up, and the standards that this City has set up, and then it is complicated by the fact that it is two homes on one lot, and a sub-division of the property could occur about splitting the lot...and so a sub-division could occur, and in that case with the two homes...one home on each lot...the problem would still remain that the second home is still not allowed by City ordinance, and the recommendation is to adhere to the Planning & Zoning decision to deny.

Commissioner Renfro – didn’t they say they had done some work and willing to certify this.

Mr. Nobes indicated they have an acquaintance who is an electrician, and he wrote a generic general letter that it was compliant and has been upgraded...nothing specific. He stated he tried to get a hold of the HMD Chief Inspector to ask if there was such a thing of a home inspection type of process.

Commissioner Renfro stated it appears that a lot of the people in that neighborhood think that this is an improvement.
Commissioner Rainey stated he understands the HUD requirements, and if this individual is serious about putting a second home there...then he needs to come back and get the lots split and conform to all standards of HUD.

Commissioner Stagner stated he agrees with Commissioner Rainey, and thinks that the lot needs to be split, and meet the standards that the City has...if they don't he thinks they are shooting themselves in the foot.

Mayor Montgomery thinks if that is the wish of the Commission...she thinks they need to do one before the other...if it doesn't pass an inspection to bring it up to HUD standards there is no point in having them split the lot, so it would be awful to have them go through the process of splitting the lot, and have the inspector come in and say...no the mobile home doesn't pass...they've split the lot now and they have to remove the mobile home.

Commissioner Rainey stated he has known of cases where an individual buys a mobile like this and finds out it is going to be expensive to bring it up to HUD standards, and get one that is 1980-85, so either way they need to do the lot split, and it would be their decision if they want to put the money into this one, or buy one that meets the standards.

He indicated the main thing here is they cannot give a variance on something like this...as they would be opening the door to bring anything...they have to conform to the ordinance.

Mayor Montgomery asked if they would request that they get a HUD inspector...

Mr. Nobes stated that would solve the problem to verify that in fact it was compliant with the safety code.

Mayor Montgomery...and they would be willing to go back to Planning & Zoning and request a split of that lot...would there be further issues from Planning& Zoning...

Mr. Nobes...a summary re-plat is straight forward, and this would comply with that.

City Manager Aguilera the issue before the Commission is a variance, and indicated it would be appropriate to deny the variance and have Mr. Nobes let the owners know what the City Commission's opinion was.

"Commissioner Torres moved to accept the recommendation from the Planning & Zoning to deny the variance at this time and have Mr. Nobes direct the owners on the proper procedure to get the HUD certificate."

Seconded by Commissioner Stagner.
Motion carried unanimously.

Special Use Application – Patrick Johannik

Mayor Montgomery stated they have a request from Mr. Johannik that this be removed from the Agenda at this time.

City Manager Aguilera indicated that the Planning & Zoning Commission denied Mr. Johannik's request, and stated that Mr. Johannik has re-thought how to put forth his request, and wants to
go back before the Planning & Zoning Commission and re-submit his proposal, and has asked that the City Commission not take any action and remove it from the Agenda.

"Commissioner Rainey moved that they remove Mr. Johannik's request from the Agenda at this time."

Seconded by Commissioner Renfro.
Motion carried unanimously.

PUBLIC HEARINGS: FINAL ADOPTION – ORDINANCE #579 – CREATION OF THE PUBLIC ARTS BOARD

City Manager Aguilera stated this has been reviewed by the Commission, and that it was set for public hearing and has been duly advertised. He explained the ordinance establishes a board which will be an advisory board to this Commission with issues having to do with expenditures of the Public Arts monies, and anything having to do with public art.

Mayor Montgomery opened the Public Hearing and asked if there was anyone who would like to speak for or against the ordinance, and no comments were received and the public hearing was closed.

FINAL ADOPTION ORDINANCE #579-

Mayor Montgomery stated they heard comments from the City Manager, and that they did not receive any comments during the public hearing.

"Commissioner Renfro moved adoption of Ordinance #579."

Seconded by Commissioner Stagner.
Motion carried unanimously.

RESOLUTION #23-07/08:

City Manager Aguilera stated they have a request from the American Legion Riders Chapter 5 of Elephant Butte asking to support our nations Armed Forces for fund raising purposes and to honor the wounded, and to establish May 3rd as "Wounded Warrior Day."

Mr. Mark Thorton, Vice-President came before the Commission asking the Commission to declare "Operation Wounded Warrior Day."

"Commissioner Stagner moved approval Resolution #23-07/08 proclaiming May 3rd as "Operation Wounded Warrior Day."

Seconded by Commissioners Renfro/Rainey.
Motion carried unanimously.

RESOLUTION #22-07/08:

Ms. Nola Kent, DWI Coordinator came before the Commission to explain Resolution #22-07/08 to Participate in the local DWI Grant & Distribution Program.

She explained this Resolution goes along with the grant application that they approved earlier for 08/09 funding for DWI.

"Commissioner Renfro moved approval of Resolution #22-07/08."

Seconded by Commissioner Torres.
Motion carried unanimously.

LGRF City Manager Aguilera explained that LGRF stands for Local
APPLICATION: Government Road Funds previously known as “co-op funds.”

He indicated the local government road fund is monies that the State set aside for each community for repair and construction of roads in the local communities, and they have been told for this year the funding will be less than last year.

City Manager Aguilera stated they discussed this with Mr. Don Armijo last year when they applied for the funding to finish Riverside Drive, and to put the rest of the funding in for Foch Street. He explained this continues the re-construction of Foch Street and Poplar from Sixth Street where it begins as a dirt road, and explained it will be re-constructed with a base and chip seal for about 1,000 feet.

He stated the recommendation is that the Commission concurs with the request for the funding for the two projects in the amount of $64,000 with $21,000 from the City.

Commissioner Renfro stated that they have 1/4% gross receipts that should be going to the Street Department for this type of projects, and explained they use to take all of that money and combine it with the $60,000 whatever from the co-op, and they could do that much more paving.

“Commissioner Stagner moved approval to submit this letter to participate in the FY 2008/2009 LGRP.”

Seconded by Commissioner Renfro.
Motion carried unanimously.

CONSIDER LEASE PURCHASE NEW GOLF CARTS:

City Manager Aguilera stated he provided them with a report on this issue. He indicated the City authorized $10,000 for the purchase of used golf carts in this year’s budget.

He explained when the prior golf pro was here he submitted a request to purchase the 4 golf carts as that is all the $10,000 was going to buy, and indicated he denied the request, and stated since he was going to leave they would wait until a new pro came to see what his recommendation was going to be.

City Manager Aguilera stated the new golf pro along with the Golf Course Advisory Board is recommending that they take different direction...and that is instead of buying 4 used carts every year that they but 20 new carts through a lease program.

He stated there were 4 companies that they contacted about their lease program, and explained that Club Car has two advantages over the other 3...is that they have a lease purchase process which means they can purchase the vehicles at the end of the lease and the other do not, and the other difference is that is that they are a few dollars less than the closest competitor per cart per month which is about $200.00 difference per year over a 4-year period.

City Manager Aguilera stated the issues before the Commission however is do they agree with the philosophy of purchasing a whole set of golf carts...and #2 that means it is going to cost the City an additional amount over and above the $10,000 per year that they thought they would be budgeting for the carts...and is now going to cost $13,380 per year.
He stated since they have not spent any of the money this year and in to 60% into the year...explained this is enough money in this years budget to go ahead and buy the carts, and pay the lease payment through this year, and then there will be money left over this year out of the $10,000 that they could roll into the next year, and including another $10,000 next year plus what they rolled over that makes the lease payment for the second year, and there is still a little bit left over in the 3rd year that they could roll over and make it come closer to the $13,000 in the 3rd year, and in the 4th year it would take an additional $3,330 in addition to the $10,000 that they thought they were going to budget, and that is the bad side, but the good side is they end up with 20 new carts that don't require all the maintenance that they are putting into the existing golf carts, and the recommendation is that they approve the lease of the golf carts.

He stated Mr. Tucker is here along with Ms. Imogene Starke if they have any questions.

Mr. Jay Rubin City Attorney stated what they are also contemplating is actually...the lease purchase contract shall be subject to terms and provisions of the contract executed by the parties...so I guess there is going to be a separate document forth coming.

City Manager Aguilera – that's right.

Commissioner Torres – do these carts generate money?

City Manager Aguilera stated the carts generate...no...the carts will generate...as they have structured...contract goes to the golf-pro.

Commissioner Renfro- you say lease purchase...and the way I'm understanding this...it will be leasing...not purchasing.

City Manager Aguilera – stated they would be leasing with the option to purchase and the end of the year.

Commissioner Renfro- however much at the end of the year...

Commissioner Stagner – this one says $19,000, right.

City Manager Aguilera – right.

Commissioner Stagner – at the end of the term you have to pay $19,000.

City Manager Aguilera stated after the 4th year they would have to make a decision to either purchase and pay the residual, or continue leasing and get a new set of 20 carts.

Commissioner Stagner asked how long do golf carts last.

Mr. Tucker stated they could last 6-10 years.

Commissioner Renfro – how much does the golf carts get damaged...as far as minor damage.

Mr. Tucker stated it has a lot to do with the golf course and the carts...if the golf carts are taken care of they can last 6-10 years. He indicated there is always a possibility of stuff happening...there is no doubt about it.
He stated it is a main course that pushes our golf course, and stated it is a very affordable lease.

“Commissioner Stagner moved approval the lease for new golf carts.”

Seconded by Commissioner Torres.
Motion carried unanimously.

City Attorney Rubin added subject to the approval of the subsequent contract.

“Commissioner Stagner added subject to the approval of the subsequent contract.”

Seconded by Commissioner Torres.
Motion carried unanimously.

TRAVEL FOR CITY MANAGER:

City Manager Aguilera stated the State allows the City $80.00 per diem travel expense, but in this particular case the CDBG Conference they will be asking for a $500,000 grant for the electrical department.

He explained the conference is being held at a hotel at a rate for $99.00 a night, and stated that is not covered by the per diem, so in this case he is requesting the alternate way...that the State allows travel to occur, and that is on a reimbursement basis, and that the hotel is paid for, and any expenses not exceeding $30.00 a day are reimbursable...and so the request by the City Manager is approval for the one day trip, and would not expect that to be more than $130.00.

“Commissioner Renfro moved approval the request for the travel for actuals as requested by the City Manager.”

Seconded by Commissioner Rainey.
Motion carried unanimously.

RESOLUTION #18-07/08:

City Manager Aguilera stated this is a continuation from the January 23rd meeting, and that there was a question about the use of the word shall vs. the word may, and if someone were to be found short in their cash drawer by more than $99.00...the policy as proposed is saying that they may be terminated, and Commissioner Renfro indicated well it shouldn’t be...it shouldn’t use the word may because it shouldn’t be...because it shouldn’t use the word may because that leaves room for abuse so it should say the word shall.

He indicated they were instructed to contact the attorney from the NMML, and there was documentation provided to the Commission on that issue unfortunately it doesn’t really answer the question...from his point of view the attorney for the NMML just simply said that there are problems if they use the word shall if they don’t define it...well then all they need to do is define it, but that didn’t answer the question as to whether it was better to use the word shall or may, and they are still back at the point of beginning where...from staff point of view he still...it is more appropriate to use the word may because its...even though it may allow room for abuse by some it also allows room for discretion depending on the circumstances.

Commissioner Renfro stated when you read the HR insights they are recommending that any other words, and it seems like what
they want to do is give somebody more room to either do or not do what they...you know instead of...so this says that they should use more flexibility...which okay you all can go with...I'm still gonna go with...I'm just dead set on...it opens it up for discrimination is the way I look at it...when you have the may and the shall...it's just the way I see it...but there is other opinions.

Mayor Montgomery – I think my comment on that would be...I think that you need to have...management has to reserve some rights to use investigation processes to ensure that things are done correctly, and if they do everything in a may or always type of scenario...there may be things that are outside of control of the person that's involved.

Commissioner Renfro...to me any action would be done after all of these investigations that we're talking about...I mean you're not just going to terminate somebody because it says you shall...I mean that would all be after everything...all of the investigations and everything has been listened to, and then...and to me if its...like I said I just...after due process and because then to me...discrimination being allowed then, and like I said maybe he wouldn't, but then you might get somebody else who would.

Commissioner Stagner what I get from the jest of the conversation, or the memo is that shall creates more of a strict liability problem for them than may...so they are recommending...from a risk management stand point of liability that they use may and not shall...and I kind of agree with that because if you lock it in too tight then it is interpreted as a contract...and the less liability then they leave themselves open for then the better, and he thinks they should stay with the may just for liability purposes.

City Attorney Rubin stated since he was asked to investigate this...I should also chime in, and he thinks may is the appropriate word, and he has a lot of respect for Commissioners Renfro's opinion, but I think really just looking what the HR insights say, and from reading Jamie Sullivan's letter, and just my opinion may probably is the better way to go...so that's how I see it, and appreciates Commissioner Renfro calling me and discussing it.

“Commissioner Stagner moved they use the phrases recommended by the NMML Attorney for may instead of shall with the current language in Resolution #18-07/08.”

Seconded by Commissioner Rainey.
Mayor Montgomery, Commissioners Stagner/Rainey.
Voted for
Commissioners Renfro/Torres – opposed.
Vote was – 3-2.

PROPOSED ORDINANCE CREATE VETERAN'S ADVISORY BOARD:

City Manager Aguilera stated this item has been discussed with the Commission in the past, and that he met with the different Veterans boards and organizations and spoke with them in what they thought in terms of creating an advisory board to the City regarding the management of the Veterans Park and Museum.

He indicated they held a meeting last week, and that all of the organizations were represented, with the exception of Mr. Allen's organization, and he stated that he was out of town that day.

City Manager Aguilera stated the consensus from the different organizations was they would like to have a board created by the
City, and that each organization have a representative on the board, and that board would make recommendations to the City about the management of the Park, and indicated they would like to have more authority vested in order to direct the operations of the Veterans Park, and once the budget was approved they would make recommendations to this Commission on the budget, and once the budget was approved they could oversee the expenses of that budget...similar to what the golf board does, and recommendation at this point is to set the ordinance for a public hearing.

"Commissioner Torres moved approval for publication the Proposed Ordinance to Create a Veterans Memorial Park."

Seconded by Commissioners Renfro/Stagner.
Motion carried unanimously.

OLD BUSINESS: None.

REPORTS: CITY MANAGER -
City Manager Aguilera reported that the HR Building is close to completion, and they will be holding an open house/ribbon cutting next Tuesday at noon. He stated he is proud of the work that Facility Management has done.

He also reported that the sidewalk is underway on 3rd Street as well as all of the complaints.

Commissioner Renfro mentioned that she has received complaints about the drainage...has that been looked at.

City Manager Aguilera stated that the sidewalk was specifically constructed to not change any of the drainage...that was the instructions given to the engineer...whatever the drainage is historically that's how they want it to continue to be, and that they are not going to try and fix anything, or make anything worse.

Commissioner Renfro stated she understands there is not going to be anymore drainage into the Pine Street ditch.

City Manager Aguilera stated he received that call also, and stated he is going to meet with Don Armijo tomorrow morning to look at that to make sure that's true...but those were the instructions to the engineer...as a matter of fact that is why...originally it was going to be put next to the street, or as close to the street as possible, but they moved it away to leave that drainage ditch that comes off the street into the ditch that is why they moved it away about 5 feet or so...so that was the intent, so if tomorrow he finds that they didn't meet that...they will figure out how to make sure it continues to drain the way it use to.

Commissioner Torres - curbs and gutters all the way.

City Manager Aguilera - no...no curb and gutter...they are only putting in the curb and gutter on the corners because of the ADA requirements to allow the ramping.

He also reported the Booster Pump Station is near completion, and will possibly have a ribbon cutting in two weeks.

CITY ATTORNEY – No report.
COMMISSIONERS –

Commissioner Stagner – No report.

Commissioner Rainey – No report.

Commissioner Torres – No report.

Commissioner Renfro – Asked the meetings for the Veterans Board...if they are going to be a City board will they follow our policies on our open meetings.

City Manager Aguilera stated they will have to comply with our open meetings act.

Commissioner Renfro stated this says they will have meetings as needed...wouldn't it be better if they have meetings once a month...or something, and will someone be taking minutes.

City Manager Aguilera stated what it does it allows them to set their meeting schedule, and they will leave that up to them.

Mayor Montgomery announced that the next City Commission Meeting will be February 28th instead of February 26th.

EXECUTIVE SESSION:

“Commissioner Rainey moved that the meeting be closed for Executive Session – Personnel 10-15-1H(2) - Update Position Classification & Pay Classification Policies, Purchase, Acquisition or Disposal of Real Property or Water Rights 10-15-1H(8) Consider HS Motorplex Amendment to Option Agreement.”

Seconded by Commissioner Stagner.
All 5 responded Yes to a Roll Call Vote.
Motion carried unanimously.

OPEN MEETING:

“Mayor Montgomery stated that the Commission was now in Open Session.”

CERTIFICATION

“Commissioner Rainey certified that only matters pertaining to Personnel 10-15-1H(2), Purchase, Acquisition or disposal of Real Property or Water Rights 10-15-1H(8), were discussed in Executive Session, and no action was taken.”

Seconded by Commissioner Renfro.
Motion carried unanimously.

“Commissioner Stagner stated on the Personnel issue that they instruct the City Attorney and City Manager to proceed as discussed regarding the employee compensation.”

Seconded by Commissioner Rainey.
Motion carried unanimously.

“Commissioner Renfro moved that the City give the Motorplex the 10-day grace period as discussed.”

Seconded by Commissioner Stagner.
Motion carried unanimously.

“Commissioner Rainey moved approval Resolution #21-07/08 subject to the Finance Director preparing the paperwork for the budget adjustment and providing copies to the Commission.”
Seconded by Commissioner Renfro.
Motion carried unanimously.

ADJOURNMENT: There being no further business to come before the Commission the meeting was adjourned.

APPROVAL: PASSED AND APPROVED this 28th day of February 2008, on motion duly made by Commissioner [Stagner], seconded by Commissioner [Rasley], and carried.

LORI S. MONTGOMERY
MAYOR

MARY B. PENNER
CITY CLERK