

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
MAY 14, 2007

The Council of the City of Ruidoso Downs met in regular session on May 14, 2007. Mayor Miller called the meeting to order at 5:30 p.m. and asked Marlene Bell to lead the Pledge of Allegiance. Mayor Miller asked John Waters, City Manager to take roll call. The following were present:

Councilor Hood  
Councilor Holman

Councilor Miller  
Councilor Garrett

John Waters, City Manager informed Mayor Miller there was a quorum.

Also present:

John Waters, City Manager  
Carol Virden, City Clerk/Treasurer  
Alfred Ortiz, DPS Chief  
Steve Dunigan, Planning & Personnel Services Director  
Jay Smith, Museum Director  
W.T. Martin Jr., Attorney  
Mark Lewis, Acting Public Works Director

APPROVAL OF AGENDA

Mayor Miller asked for Item 10A to be removed. Mayor Miller entertained a motion to approve the Agenda.

Councilor Miller moved to approve the Agenda. Seconded by Councilor Garrett. Roll Call Votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Miller entertained a motion to approve the Consent Agenda.

Councilor Miller moved to approve the Consent Agenda. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF APRIL 23, 2007

Motion was made by Councilor Miller and seconded by Councilor Hood to approve the Minutes of Regular Meeting of April 23, 2007. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

### APPROVAL OF ACCOUNTS PAYABLE

Motion was made by Councilor Miller and seconded by Councilor Hood to approve Accounts Payable. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

### APPROVAL OF MONTHLY REPORTS

Motion was made by Councilor Miller and seconded by Councilor Hood to approve Accounts Payable. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

### UNFINISHED BUSINESS

Mayor Miller stated next item on the Agenda was Unfinished Business. There was no Unfinished Business to discuss.

### OTHER BUSINESS

Mayor Miller stated next item on the Agenda was Other Business. There was no Other Business to discuss.

### NEW BUSINESS

Mayor Miller stated next item on the Agenda was Consider Approving Wastewater Treatment Plant Operating Billing of 15% for month of March 2007.

Mayor Miller entertained a motion to Approve Wastewater Treatment Plant Operating Billing of 15% for month of March 2007.

Councilor Miller moved to Approve Wastewater Treatment Plant Operating Billing of 15% for month of March 2007. Motion died due to lack of second.

Mayor Miller stated next item on the Agenda was Phyllis Reed-Ruidoso Public Library.

Phyllis Reed introduced herself as the Director of the Ruidoso Public Library. She then introduced Sue Auburn, Carmen Chisholm, and Sandra Scarborough as members of the Public Library Advisory Board. Phyllis Reed said Carmen Chisholm lived in Ruidoso Downs and represented the City on the Library Board. She said she comes to the City of Ruidoso Downs Council each year near budget time and has done so for the past four years. The purpose was to ask for money to purchase library books. She said in 2004 the City of Ruidoso Downs did give the library money for library books and she thanked the City for that. She said a packet was provided for the meeting and would show how many members of the Ruidoso Downs community have a library card and how many check books in and out. The children utilize the summer reading program, story time, teen time. The adult citizens come to the Book Club, Brown Bag Informational lunches, art receptions. The library has 29 public-access computers that are also used by the citizens of Ruidoso Downs. Recently there was a cultural program on adult literacy and half of the people in attendance were citizens of Ruidoso Downs. Sue Auburn said in 2004 the City of Ruidoso Downs gave the library \$1,500.00 for assistance in purchasing books. Ruidoso Downs' citizens represented 12% of borrowers

of books and was based on the mailing address provided to the library. The percentage translated to 1,847 people that have been issued cards. The total budget for the library for the year was \$429,000.00. The state allocates \$4,000.00, Lincoln County recently designated \$25,000.00, outside sources donate approximately \$7,000.00 and the Village of Ruidoso funded the balance. If Ruidoso Downs were to fund for just its own residents to use the library facilities she would be asking a donation of \$51,480.00. She said reference books get worn out, classics need to be replaced and borrowers lose some books. The library is attempting to build the most extensive southwest collection available in the region. There were 6,893 transactions conducted by Ruidoso Downs residents for the year. She asked that the Council consider their request for assistance with their budget in the amount of \$5,000.00

Councilor Garrett asked if the library accepted hard cover bound books as donations and especially in large print. Phyllis Reed said they would and would also provide a receipt for tax purposes. Councilor Miller said she loved the library and had spent many hours there.

Mayor Miller stated next item on the Agenda was Consider Approving Resolution No. 2007-02 LGRF GRIP 2.

John Waters said Governor Richardson's improvement program across the State passed in the Special Session. Ruidoso Downs amount was one of two communities that were unaffected and stayed the same. He said it was probably because the City usually matches the amount higher than the 5% to 10% as required. The project used figures from 2004 when the grants were submitted. It had been before the legislature twice and failed last year. The project was for \$261,000.00 toward the Parker Road Bridge. The bridge will cost approximately \$450,000.00 to \$500,000.00. The City would still need more funds and would be addressed in budget meetings that week.

Mayor Miller entertained a motion to approve Resolution No. 2007-02 LGRF GRIP 2.

Councilor Garrett moved to approve Resolution No. 2007-02 LGRF GRIP 2. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the Agenda was Consider Confirmation-Acting Public Works Director.

Mayor Miller entertained a motion to approve his confirmation of Mark Lewis as Acting Public Works Director.

Councilor Holman moved to approve Mark Lewis as Acting Public Works Director. Seconded by Councilor Garrett. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

## PUBLIC INPUT

Mayor Miller stated next item on the Agenda was Public Input with a three-minute time limit. There was no Public Input.

Bill Speegle said he had lived in Ruidoso Downs for 11 years. He said he was very interested in the needs of the Ruidoso Public Library. He asked that Ruidoso Downs do anything they could to help the library.

Jim Burrow said his wife was blind in one eye and had to use books with large print. He said his wife said the library had a fairly good selection of large print books but she would like to see them improve it. Mr. Burrow said he would like to see them also get a bookmobile and possibly come to Ruidoso Downs once a week. He said he was glad that Mark Lewis would be Acting Public Works Director and hoped he would put on as Public Works Director.

Sharon Paul said she had used the Ruidoso Public Library for many years and came to the meeting in support of the library.

Jean Lacewell said she had lived in the area for 20 years and had used the library throughout those years. She said she uses the library primarily for books on tape because she travels a lot and much of that time is alone. She said she thought \$5,000.00 was far too little and would like to see Ruidoso Downs give more.

Carmen Chisholm the library was a regional library for all of Lincoln County. There was a misconception because it was called the Ruidoso Public Library. She also hoped Ruidoso Downs would give more than \$5,000.00.

## EXECUTIVE SESSION

Mayor Miller stated next item on the Agenda was Executive Session: Discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7.

Mayor Miller entertained a motion to go into Executive Session for the Discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7.

Councilor Hood moved to approve to go into Executive Session for the Discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7. Seconded by Councilor Miller. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller closed the regular session at 5:55 p.m. to go into executive session. Mayor Miller invited John Waters, City Manager, Carol Virden, City Clerk/Treasurer, W.T. Martin Jr., P.A., and City Attorney, into the Council Chambers after a five-minute recess.

Mayor Miller entertained a motion to go back into open session.

Councilor Garrett made a motion to go back into regular session. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller called the regular session back to order at 7:22 p.m.

Councilor Garrett attested to the fact that the only item discussed in executive session was that of threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7 and no action was taken.

Councilor Miller moved to authorize City Attorney to pursue any legal means available to get hearing officers decision set aside and pursue the possibility of a settlement if feasible regarding the Riddle case. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

#### ADJOURNMENT

Mayor Miller entertained a motion to adjourn. Councilor Garrett moved to adjourn at 7:23 p.m. Motion seconded by Councilor Miller. Motion passed unanimously.

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Bob A. Miller, Mayor

ATTEST:

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Carol Virden, City Clerk/Treasurer