

MINUTES OF THE JOINT SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF RUIDOSO DOWNS
THURSDAY, MAY 10, 2007
5:30 P.M.

The Council of the City of Ruidoso Downs met in Joint Special Meeting on Thursday, May 10, 2007 in conjunction with the Council of the Village of Ruidoso and Joint Use Board. Mayor Bob Miller called the Joint Special Meeting to order at 5:35 p.m. upon roll call the following were present.

Councilor Hood via telephone
Councilor Holman

Councilor Miller
Councilor Garrett

City Clerk informed Mayor Miller there was a quorum.

Also present: John P. Waters, City Manager
 Carol Virden, City Clerk
 W. T. Martin Jr., City Attorney

Village of Ruidoso Councilors:

L. Ray Nunley, Mayor
Dan Higgins, Village Manager
Angel Shaw, Councilor
Michele Rebstock, Councilor
Grey Cory, Councilor
Don Williams, Councilor
Ron Hardeman, Councilor
Irma Nava, Village Clerk
John Underwood, Legal Counsel
Edmund H. Kendrick, Legal Counsel
Daniel Bryant, Village Attorney
John Ramos, Regional Wastewater Treatment Plant Director

Joint Use Board:

L. Ray Nunley
Bob A. Miller
Dave Parks

Others present:

Adelmo E. Archuleta, P.E. Molzen-Corbin & Associates
Kevin Powers, RBC Dain Rauscher

Mayor Miller entertained a motion to go into executive session for the discussion of

threatening and or pending litigation pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 7. Possible Negotiations with Representatives of New Mexico Environment Department and Settlement Agreement with New Mexico Environment Department in WQCC 06-08(A) (In the matter of the Petition for Review of State Certification NPDES Permit NM 0029165 and possible negotiations with Representatives of New Mexico Environment Department.

Councilor Garrett moved to go into executive session for discussion of threatening and or pending litigation pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 7. Possible Negotiations with Representatives of New Mexico Environment Department and Settlement Agreement with New Mexico Environment Department in WQCC 06-08(A) (In the Matter of the Petition for Review of State Certification NPDES Permit NM0029165) and possible negotiations with Representatives of New Mexico Environment Department. Seconded by Councilor Holman. Roll call votes: Councilor Garrett, aye; Councilor Miller, aye; Councilor Holman, aye; Councilor Hood, aye; Motion carried.

Mayor Miller closed the executive session at 5:50 p.m.

Present in closed session were members of the Governing Bodies of the Village of Ruidoso, the City of Ruidoso Downs, and the Joint Use Board. Others present included Dan O. Higgins, Irma Nava, H. John Underwood, Del Archuleta, John Ramos, and Carol Virden, Ned Kendrick, and Kevin Powers.

Mayor Miller called the special joint meeting back to order at 7:29 p.m.

Councilor Garrett moved to go back into open session. Seconded by Councilor Holman. Roll call votes: Councilor Hood, aye; Councilor Miller, aye; Councilor Holman, aye; Councilor Garrett, aye. Motion carried.

Councilor Garrett attested to the fact that the only items discussed in executive session were that of Threatening and or pending litigation pursuant to Open Meetings Act: Section 10-15-1 (H) 7.

Councilor Garrett moved with extreme reservations to approve the settlement agreement with \$1000.00 civil penalty with directive to Attorney's that they are to immediately begin negotiations to amend or modify the agreement to correct and address the issues raised at the Attorney's meeting prior to meeting with Ron Curry and to include the letter. Seconded by Councilor Miller. Roll call votes: Councilor Hood, aye; Councilor Miller, aye; Councilor Holman, aye; Councilor Garrett, aye. Motion carried.

Mayor Miller stated next on agenda discussion and possible action on approval of Molzen-Corbin & Associates for Study and Report Phase.

Mr. Adelmo Archuleta from Molzen-Corbin stated that study would determine what the ramifications would be prior to achieving the possible highest level of nitrogen removal. Mr. Archuleta stated, after approved, his firm would immediately work on the necessary

laboratory testing, which results would be incorporated into a model to identify the different components to achieve the results wanted. Mr. Archuleta further stated the next step would be to determine the cost estimates as well as laying out the facility on the site to determine the land requirements. Mr. Archuleta stated he would be reporting back in approximately three months with cost estimates to determine which facility to build in order to achieve the best nitrogen and phosphorus removal and then proceed with design and/or required land acquisition needed.

Mayor Miller entertained a motion to approve Molzen-Corbin & Associates for Study and Report Phase.

Councilor Miller moved to approve Molzen-Corbin & Associates for Study and Report Phase. Seconded by Councilor Holman.

Roll Call Votes: Councilor Garrett, aye; Councilor Miller, aye; Councilor Hood, aye; Councilor Holman, aye. Motion carried.

There being no further business to come before the Governing Body, Councilor Garrett moved to adjourn at 7:40 p.m. Seconded by Councilor Miller.

Bob A. Miller, Mayor

ATTEST: _____
Carol Virden, City Clerk