

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
RESCHEDULED MEETING  
JULY 30, 2008

The Council of the City of Ruidoso Downs met in a rescheduled regular session on July 30, 2008. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Jay Smith to lead the Pledge of Allegiance. Mayor Armstrong asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Hood  
Councilor Holman

Councilor Williams  
Councilor Olivo

Carol Virden, City Clerk/Treasurer informed Mayor Armstrong there was a quorum.

Also present:

Cleautus Richards, Public Works Director  
Steve Dunigan, Planning & Zoning Director  
Jay Smith, Museum Director  
Alfred Ortiz, DPS Director  
W.T. Martin Jr., City Attorney (via teleconference)

APPROVAL OF AGENDA

Mayor Armstrong stated next item on the agenda was approval of the Agenda.

Councilor Olivo moved to approve the agenda. Seconded by Councilor Holman. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Armstrong stated next item on the agenda was approval of the Consent Agenda.

Councilor Hood moved to approve the Consent Agenda. Seconded by Councilor Holman.

Councilor Williams asked Planning and Zoning Director, Steve Dunigan that on the minute's page 11 dealing with Todd Fuqua on the questions he presented. Councilor Williams asked if he received answered to his satisfaction? Mr. Dunigan informed Councilor Williams, that both himself and the building inspector actually went out to the site and measured it and called Mr. Fuqua and informed him of the findings and was satisfied with the answers.

Councilor Williams also asked Mr. Dunigan that Sharon Paul had questions on the deadlines requirements for the Escondido Hills did we give any responses to her on the development?

Mr. Dunigan informed Councilor Williams that many efforts have been made since that conversation to setup a meeting with Mr. Cliff Rowe and other parties that were supposed to be in town. At this point the last conversation was that they would be here next week. No deadlines have been established at this time. Mr. Dunigan stated that a face-to-face conversation with the developer is scheduled for next week.

Councilor Williams had questions on accounts payables and asked on page 2 General Fund 1408 Roswell Clinic Corp pre-employment physical. Finance Director Terri Mosley informed Councilor Williams that was Randy Reynolds our new payroll/personnel employee.

Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

#### APPROVAL OF MINUTES OF REGULAR MEETING OF JULY 14, 2008.

Motion was made by Councilor Hood and seconded by Councilor Holman to approve the Minutes of the Regular Meeting of July 14, 2008. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

#### APPROVAL OF ACCOUNTS PAYABLES

Motion was made by Councilor Hood and seconded by Councilor Holman to approve Accounts Payables. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

#### PUBLIC HEARING

Mayor Armstrong stated next item on the agenda was Public Hearing on the City of Ruidoso Downs Final Budget for fiscal year 2008-2009.

Mayor Armstrong stated that he hereby opened the Public Hearing for comments and comments will be accepted in the following order:

Interested persons must approach the podium one at a time, state their name, and present their testimony. There is a three-minute time limit allowed for each person.

Mayor Armstrong asked if there was anyone that would like to comment in opposition of this action?

There was no one to comment in opposition.

Mayor Armstrong asked if there was anyone that would like to comment in support of this action?

Finance Director, Terri Mosley informed Mayor and members of the Council that we had a preliminary budget that we submitted to the Department of Finance at the end of May. It was approved on June 27, 2008 and now it is time to submit the final budget with a few minor line item changes as follows:

There is a correction on the calculation of the property taxes and revised the revenues for property taxes to reflect an additional amount of \$29,871.00; the final distribution amount for the Law Enforcement Protection Fund 31 is \$24,200.00, the preliminary budget was based on the estimates. The third item was the recap sheet; the Museum Fund was correct on the detailed sheet and now is corrected on the recap sheet. The City of Ruidoso Downs does meet the required 1/12<sup>th</sup> reserve as mandated by the Department of Finance and Administration. This is our final operating budget but as you are aware, we update it on a quarterly basis with budget adjustments.

Councilor Williams asked what the amounts of the reserves are? Finance Director Mosley stated that the 1/12<sup>th</sup> reserves are at \$290,491.00 for the General Fund and estimating ending cash balance for June 30<sup>th</sup>, 2009 in the General Fund is \$1,155,630.00; the overall ending cash balance for all is \$5,879,968.00.

Mayor Armstrong stated that since there were no other comments in support of this action that he was going to close the Public Hearing.

#### UNFINISHED BUSINESS

Mayor Armstrong stated next item on the agenda was Unfinished Business Discussion of Lincoln County Transit Joint Resolution and Joint Powers Agreement.

Carol Virden, City Clerk informed Mayor and members of the City Council that Mr. Pat White was here to answer any questions that the Council may have regarding the Lincoln County Transit Joint Resolution and Joint Powers Agreement

Councilor Williams asked Mr. White to explain what the responsibilities of the City of Ruidoso Downs would be. Mr. White stated that the responsibilities would be to pass through. The monies from the State would come to the City; the Transit would do all of the bookwork, the actual buying of materials and then back to the City for reimbursement from the State. Mr. White informed City Council that by being the fiscal agent for the Lincoln County Transit it assures that the books are accurate.

Councilor Williams asked why the City was selected for this as the fiscal agent over the others? Mr. White stated that they first approached the County and because of problems with the Nest the County did not want to get into a new venture as fiscal agents. Does not really know why the County decided not to be fiscal agent. Mr. White informed that the Downs had previously been involved in a transit system and they had said yes.

Councilor Williams informed Mr. White that we the City of Ruidoso Downs wants to assure ourselves that these employees of the transit system would not become employees of the City.

Mr. White stated that they can be but don't have to be.

Carol Virden, City Clerk stated that the question is "if the Lincoln County Transit does not get any funding for 2009-2010, what happens to those employees?" Mr. White stated that if there was absolutely no funding, in which Mr. White does not foresee. Once the transportation system is up and running, the odds of it going to zero are very small. Yes it can happen. As far as being city employees' they don't have to be. Mr. White stated that a 501 3© can be set up.

Councilor Hood asked Mr. White; if the agreement states that they become city employees. Mr. White stated that initial has been setup that way, but does not necessarily have to be setup that way.

Councilor William stated that in the agreement it states that the transit manager shall disburse all funds secured. Now reading in the very front of it, it states that each entity the Village, County and ourselves will have one voting member appointed and three as advisory board from Carrizozo, Capitan and Corona. It also says that we will pick a chairperson, vice-chair person and secretary / treasurer who will come out of those three positions. So where would we be ending up having a transit manager come from? Would that come from the City? Mr. White informed the Council that originally the previous Mayor and City Manager set it up; they wanted to run it as a city program and have the transit system inside the Downs as an entity. It does not have to be that way, but that was the original way it was setup. And yes this manager would have been a city employee under those conditions. Councilor Williams then asked if the City would have to hire in that respect the additional personnel? Mr. White stated if it is setup that way, yes sir, if it were going to run inside the Downs, they would be Downs's employees.

Councilor Olivo asked who would be maintaining the equipment? Mr. White informed that any of the three entities can maintain the equipment; including Corona as a part of their in-kind match to the State and Federal funds.

Carol Virden, City Clerk informed Mr. White that in speaking with Mickie Compton that the operating budget for the Lincoln County Transit that the funds from the County and Village of Ruidoso will come to the City of Ruidoso Downs. So anything spent from the operating or capital equipment will be on a reimbursable type situation, is that correct? Mr. White informed that it would be.

Councilor Olivo asked who is going to be in charge of the revenues? Mr. White stated that Lincoln County Transit would be essentially in charge of the revenues, but basically it would be Ruidoso Downs because they are the fiscal agent.

Councilor Williams went back to the transit manager and asked how would this person be paid? Mr. White informed that it would come from the cities match for the transit program. The money or 80% of the transit managers' salary will be reimbursed by the State. Operations are 50% reimbursable.

Councilor Williams asked Mr. White that the \$75,000.00 out there right now, is that sufficient funding now to get this project going and be able to fund for a period of time? Mr. White informed that it would fund the transit system until next fiscal year.

Mr. Martin, City Attorney did state that what Mr. White has said is helpful to everybody. But did have one question for Mr. White, at what point proposed in the document, it does set up where the employee would be an employee of the City of Ruidoso Downs and while you say it might be a remote possibility that this would fail and we would not get funding. Mr. Martin did say that the way he understands the current structuring of this should that occur, then we as the City would be sitting there with these employees and it would be our responsibility to determine what we did with these employees. Is that not the structure at the present time? Mr. White stated, "yes, that is the structure at the present time." Mr. Martin also stated that if the City chose to look at an alternative approach; that alternative approach would be to set up a separate non-profit corporation which would be the transit authority and to have the employee work directly for the transit authority and again if by chance it fails for some reason then these employees would be employees of a non defunct organization. Mr. White stated that would be correct and they do have a 501 3© that they could get on with a very short notice.

Mr. Martin City Attorney, then stated that the decision this City Council needs to make; a two fold decision: (1) Is the City as fiscal agent willing to accept responsibility of these individuals as employees with the risk factor we've talked about, all of it being remote and (2) Do we have sufficient funding at this point with the contributions of \$25,000 from Ruidoso and \$25,000 from Lincoln County and theoretically our contribution; question is " Is that enough to get this operation underway for this fiscal year?" Mr. White, stated, "Yes, that is correct." City Attorney Martin then stated to Mr. White that we are talking in terms of \$75,000 to get the operation underway. Mr. Martin asked Mr.

White, "Are you talking in terms of simply initially starting out and servicing the more populated area of Lincoln County which will be Ruidoso Downs and Ruidoso and not going into say Capitan, Corona or Carrizozo until the transit authority sees how well it works and the ability to grow and help us out with what your operation plan might be?"

Mr. White informed Council that the county placed a stipulation on the monies they put up for this project in the amount of \$25,000 that they go to Capitan. That can be and it will be done. They think they have a way to get other vehicles to make this a little bit smoother operation. To get the County money we are obligated to go to Capitan. The bulk of the service will be in Ruidoso and Ruidoso Downs; the Capitan runs will be one in the morning and one in the afternoon. Mr. Martin asked if they had done a cost projection of what the impact of the Capitan run will be: if we just started out with runs in Ruidoso or Ruidoso Downs? Mr. White stated that to be honest with you, no he has not done any cost projections. With that being said, there are no revenues in public transportation.

#### OTHER BUSINESS

Mayor Armstrong stated next item on the agenda was Other Business Employee of the Quarter- Public Works Department-Brad Beavers. City Clerk Carol Virden informed that city employees chose Brad as the employee of the quarter. Mr. Beavers was presented with a plaque.

Councilor Williams informed that the air force is very active in our area and brought up that he had received several calls today from residents including one from Carolyn Beechie at 265 MM inquiring about the noise factors that were developed by the air force in the training efforts today. Mrs. Beechie wanted to voice her concern with the fact that she has a bridge that obviously goes to her property, built by the family and obviously suffered considerable damage from this past event. Councilor Williams informed that Ms. Beechie was concerned with the continuous fly over and the release of the noise factor would continue to erode the foundation of that bridge which is pretty unstable right now. Ms. Beechie did contact US Senator Domenici's office today to ask him or his staff what we could do as a city government to address this. His office suggested to come up with a formal letter of complaint from the city government and address it to the Air Force, not only at Holloman but the higher ups plus Pete Domenici, Steve Pearce, and Jeff Bingaman to let them know about our concerns the way the fly over is affecting us. They said if we wanted to do this, we would have to do this as a governing body and address it to whomever we want and send it out with all of our signatures.

Councilor Williams just wanted to let the Council know that Ms. Beechie has concerns and that there are also 10 or 15 others that live in that area.

Mayor Armstrong informed the audience that there is phone number at the Police Department and they can call and complain on the flyovers.

Mayor Armstrong commended our Police Department, Fire Department and Public Works Department during the flooding disaster that we are still working on. They worked long hours; all departments went above and beyond of what was asked for. There is still a lot of work to be done. Mayor Armstrong informed Council and audience that he and Lt. Governor Denish viewed the damaged areas and was very distressed of how long it would take to get back to a normal living. Mayor Armstrong stated that Ruidoso lost most of the upper canyon. Again, Mayor Armstrong wanted to thank our city employees for the extra work that they did and timing on it. They got in and got people out who needed to get out.

Mayor Armstrong informed the Council and audience that Ruidoso had 7 inches of rain in the upper canyon area in which more rain fell than we had seen in a long time. Mayor Armstrong stated that we had people without water for about one day after the waters kind of receded and that has been fixed. Our water had been tested and do not have to boil our water. We had the water turned back on where the water had crossed river and was torn away; public works had the foresight to turn the water off before it got to be a problem. Some residents were without water for about 20 hours. Mayor Armstrong stated that we did lose one bridge because of the foundation and debris created a whirlpool affect on it. The other two bridges we have had damage to them we will be working on the bridge located on Friedenbloom tomorrow and bridge at Parker will be back up. At this time Mayor Armstrong asked Public Works Director Richards to talk about Parker Bridge.

Cleatus Richards, Public Works Director, stated that both the Friedenbloom and Parker Bridge damages and have been working closely through the command center for this flood incident. Ruidoso has been working very closely with us. They are helping us with equipment and manpower to start working on Parker Bridge tomorrow. The New Mexico Department of Transportation is also very involved in outlining what we are going to do on those bridges. On Parker Bridge we will be using equipment to raise the far end and put what they call mafia blocks; mafia blocks are about 4x2. Mafia blocks will be positioned on the track holes while they hold the bridge up; it will take about 2 layers on each beam of the far side and is hoping this will be done tomorrow. Public Works Director Richards stated that they have looked at temporary bridges; there is no fast solution there; temporary bridges are 4 to 6 weeks out and the cost is quite exorbitant. A temporary bridge would run us about \$750,000. We have a new bridge designed for Parker Bridge, which is going to cost us about half of that and that is a permanent solution for a two-lane bridge.

Mayor Armstrong stated that we are on the list with Lincoln County Solid Waste for roll-off containers for those residents who need to throw away debris.

Mayor Armstrong also informed the public that the City of Ruidoso Downs has applied for CDBG funds from the New Mexico Mortgage Finance Authority for residents who sustained damage to their homes.

Councilor Hood asked Public Works Director Richards that earlier he stated that on the Parker Bridge the best solution was to go with a permanent bridge; what is the time frame if they started working on it; what is the time frame for completing. Public Works Director Richards stated that in restoring the Parker Bridge work will begin tomorrow and hopefully will be finished tomorrow. Councilor Hood asked if we were going to do anymore rebuilding to the bridge. Public Works Director Richards stated no, because we're at the bid point on the new bridge and that hopefully will go out for bid within the next 30-35 days; construction time is about 4 to 6 months away depending on weather. Public Works Director informed Mayor and Councilors that there had been some delays in going out for Parker Bridge because previously the environmental clearances were pending and have been pushing very hard to get that done so we can go out for bid.

#### NEW BUSINESS

Mayor Armstrong stated next item on the agenda was New Business 12 A. to Consider Approving Resolution No. 2008-11 Final Budget Adjustments.

Mayor Armstrong entertained a motion to approve Resolution No. 2008-11 Final Budget Adjustments.

Motion was made by Councilor Hood to approve Resolution No. 2008-11 Final Budget Adjustments. Seconded by Councilor Olivo. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda is 12 B. Consider Approving and Adopting Resolution No. 2008-12 City of Ruidoso Downs Final Budget for fiscal year 2008-2009.

Mayor Armstrong entertained a motion to approve and adopt Resolution No. 2008-12 City of Ruidoso Downs Final Budget for fiscal year 2008-2009.

Motion was made by Councilor Hood to approve and adopt Resolution No. 2008-12 City of Ruidoso Downs Final Budget for fiscal year 2008-2009. Seconded by Councilor Olivo. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda is 12 C. Consider Approval of Resolution No. 2008-13 Southeastern New Mexico Economic Development District/COG and Agreement.

Mayor Armstrong entertained a motion to approve Resolution No. 2008-13 Southeastern New Mexico Economic Development District/COG and Agreement.

Councilor Williams moved to approve Resolution No. 2008-13 Southeastern New Mexico Economic Development District/COG and Agreement. Seconded by Councilor Hood.

Councilor Williams asked if Mr. Quintana had been in town recently? Mayor Armstrong informed Councilor Williams that he had been. Councilor Williams asked if Mr. Quintana brought any information with him that we are using right now? Mayor Armstrong stated that Mr. Quintana was very interested to hear that we held a town hall meeting with all committees and board members from the City of Ruidoso Downs and would like for us to setup another town hall meeting so that he may participate in.

Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda is 12 D. Consider Approving Resolution No. 2008-14 Support of Veterans Museum at Fort Stanton. Mayor Armstrong read Resolution as follows:

**RESOLUTION NO. 2008-14  
SUPPORT FOR VETERANS MUSEUM AT FORT STANTON**

**WHEREAS**, Fort Stanton, originally established in 1855 as a Cavalry Post to protect the citizens from marauding Apache and bandit attacks, has stood at the heart of Lincoln County and southern NM for over 150 years of service to the state and nation... transitioning from Cavalry post to a tubercular hospital in 1896 the fort continued to care for Merchant Marine sailors. From 1898 until 1953 the care and assistance given aided not only these men but also the community at large; and

**WHEREAS**, in 1953 the post transitioned to a state hospital for the mentally handicapped and today continues its service with a drug rehabilitation program on site and on August 11, 2007 yet another transition occurred bringing this venerable cavalry post to the nation's attention once again as it was proclaimed New Mexico's newest State Monument. This designation allowed for a mantle of protection to preserve the incredible, multi era-multi-faceted cultural and architectural history of the site; and

**WHEREAS**, all of the above being recognized as part of our noble heritage, the City Council for the City of Ruidoso Downs acknowledge that the Governor’s Task Force established to select a site for a state veterans’ military legacy museum under the Department of Cultural Affairs should consider Fort Stanton, New Mexico as that location; and

**NOW, THEREFORE, BE IT RESOLVED**, that there is no better way to honor our veterans from all eras, wars and duty to country than by selecting an authentic military fort of this caliber, and one in whose soldiers fought from the Indian Wars, Lincoln County War, Civil War, W W I and II; and therefore gives it unanimous support to recommending Fort Stanton as a most appropriate site for the State of New Mexico Veterans’ Museum. A fort for the veterans!

**PASSED, APPROVED AND ADOPTED this 30<sup>th</sup> DAY of July 2008.**

City Councilors Of The  
City of Ruidoso Downs

\_\_\_\_\_  
Tom Armstrong, Mayor

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Dean Holman, City Councilor

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Rene G. Olivo, City Councilor

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Tommy Hood, City Councilor

\_\_\_\_\_  
Gary Williams, City Councilor

ATTEST:

\_\_\_\_\_  
Carol Virden, City Clerk

Mayor Armstrong entertained a motion to approve Resolution No. 2008-14 Support of Veterans Museum at Fort Stanton.

Councilor Williams moved to approve Resolution No. 2008-14 Support of Veterans Museum at Fort Stanton. Seconded by Councilor Olivo.

Councilor Williams informed that he attended the Village of Ruidoso Council Meeting last night and a presentation was made by Mr. Clint Smith on Support of Veterans Museum at Fort Stanton.

Jay Smith, Museum Director recommends to Council to support this endeavor.  
Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda is 12 E. Consider Approving Resolution No. 2008-15 Lincoln County Transit Joint Resolution and Joint Powers Agreement.

Mayor Armstrong entertained a motion to approve Resolution No. 2008-15 Lincoln County Transit Joint Resolution and Joint Powers Agreement.

Councilor Hood stated that this is breaking away from our commitment but did not feel comfortable with those employees turning back to Ruidoso Downs's employees.

Councilor Olivo moved to postpone Resolution No. 2008-15 Lincoln County Transit Joint Resolution and Joint Powers Agreement until next Council meeting. Seconded by Councilor Williams. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda is 12 F. Consider Approving Memorandum of Agreement Between the New Mexico Department of Transportation (NMDOT) and City of Ruidoso Downs.

Mayor Armstrong entertained a motion to approve Memorandum of Agreement Between the New Mexico Department of Transportation (NMDOT) and City of Ruidoso Downs.

Councilor Williams moved to postpone Memorandum of Agreement Between the New Mexico Department of Transportation (NMDOT) and City of Ruidoso Downs until next Council meeting. Seconded by Councilor Holman. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda is 12 G. Approve Settlement Agreement Between the City of Ruidoso Downs and Sabrina Lundquist.

Mayor Armstrong stated that he would like to postpone this item for a future time.

Councilor Williams moved to postpone Settlement Agreement Between the City of Ruidoso Downs and Sabrina Lundquist. Seconded by Councilor Hood. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda is 12H. Approving Entering Into An Agreement Between the City of Ruidoso Downs and Molzen-Corbin & Associates For Oversight and Monitoring And Aid in Settlement Agreement Compliance.

Mayor Armstrong entertained a motion to approve Entering Into An Agreement Between the City of Ruidoso Downs and Molzen-Corbin & Associates For Oversight and Monitoring And Aid in Settlement Agreement Compliance.

Councilor Holman moved to approve Entering Into An Agreement Between the City of Ruidoso Downs and Molzen-Corbin & Associates For Oversight and Monitoring And Aid in Settlement Agreement Compliance. Seconded by Councilor Olivo.

Councilor Williams asked City Attorney, W. T. Martin for his input and clarification. Mr. Martin stated that all Council members are aware that he has been an advocate for sometime that the City of Ruidoso Downs needed to hire an outside expert individual or organization to engage in the monitoring and oversight of our compliance in the Settlement Agreements. All three-settlement agreements have deadlines and all three have technical requirements that require high-level expertise. We cannot afford as a City to take a chance and not comply with settlement agreements. We don't dare take the chance. We have waited for sometime to see if the Village of Ruidoso as JUAB if we are going to be on board with taking that step. It is unclear to him if that will ever occur we cannot wait; we've have got to come forward; we have got to take this step; we certainly are going to spend some monies; but at the same time we cannot afford to take the risk of non compliance. Mr. Martin stated that he did not want the City to get into a situation where we are sitting back waiting and relying on the Village of Ruidoso to do certain things and it doesn't get done; when we can do the best we can for our protection at our end to make sure that we have complied. Mr. Martin stated that each Council member received a letter forwarded from him about issues relating to the settlement agreement; Cleatus Richards, the Mayor, Carol and I have sat through a meeting with NMED within the last 2 weeks where it was made quite clear they expected these deadlines to be met. It is not something that can be ignored and it is just imperative that this particular motion be approved. Molzen-Corbin is willing to perform those functions; they are extremely capable and very frankly they have a massive amount of background that they don't have to go back and relearn.

Councilor Holman agreed with City Attorney and the City of Ruidoso Downs might just save a lot of money. Councilor Williams stated that he had attended the Village of Ruidoso Council meeting and they postponed their end of this discussion again.

City Clerk, Carol Virden stated that the question has come of the finances on each task order that will be given to Molzen-Corbin & Associates for the oversight and monitoring and aiding in the settlement agreement and will turn this over to our Finance Director, Terri Mosley who will inform the Council on how that will work. Finance Director, Terri Mosley stated that this will be based on task orders and it will be a "not to exceed" a dollar amount. All invoices submitted by Molzen-Corbin for this particular project will be paid out of the G. O. Bonds monies and all that is in place.

Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

PUBLIC INPUT (3 minute time limit)

Mayor Armstrong stated next item on the agenda was Public Input with a 3-minute time limit.

Betty Beaver stated that basically Mr. Cleatus Richards answered their question. Most of what she wanted to say was about Parker Bridge. Ms. Beavers says she speaks for most who live across the bridge. They felt pretty left out and like they are not even a part of Ruidoso Downs. They had been told all this week you had warning and could have gotten out. They did not. Ms. Beavers stated that she and her husband did and two other families did. They were awakened at 3:45 a.m. and told that the river was rising up. Thinks it was a foot an hour; by the time they got to bridge at their age could not or would not have driven across. Not another family across the river was notified. She had talked to everybody over there; there were approximately 45 people who were across the bridge that night. Ms. Beavers stated that Councilor Williams walked the bridge and talked with several of them; Councilor Hood has called and checked with them. Tried to talk to Mayor and Mr. Holman. Ms. Beavers stated that they felt they were being ignored and treated very shabby and they resent that because that part of town was annexed in 1974; they have no water and no sewer. When they get cut off from the bridge they have no other way out. Our neighbors, our family and we put together our walking bridge where we can get out if we had an emergency. Granted they were told that yea if there was an emergency we could fly you out. We wanted a way to walk out; the City didn't get us out; they did. But appreciates hearing from Mr. Richards because that was our big question today; Are we going to get it this week, next week, they have gotten no straight answers.

Councilor Hood stated that he know that both Betty and Warren Beaver are in the horse hauling business and besides that Betty has a restaurant. Councilor Hood apologized for the inconvenience.

Mayor Armstrong stated that they are working very hard to get this done and can't tell her how many meetings he has had with people like the Governor and his full concern was that bridge. Met with the Lt. Governor today to get help with our problems. He understands everyone's problem and we have done what we could and will continue to do so.

Councilor Holman stated that he the occasion to visit with only a few people; but Ms. Beaver did call him. Probably said 5 or 6 words and did the best he could and the only thing I could do was to convey the information given to him. He did listen and did little talking in that conversation. At this time Councilor Holman asked Tom Quigley,

whom he has dealt with if he would comment on that and would like to know if he felt that he was interested, cooperative. Mr. Quigley stated that Councilor Holman was all that. He just called for information and you can hear all kinds of rumors just wanted to get in touch with top people.

Councilor Olivo stated that he was not contacted by anybody. His first call was to the Mayor to see if everyone was okay and wanted to know how we were going to get the people across. Councilor Olivo stated that Mayor Armstrong was up at 4:30 p.m. in the morning getting involved and did a beautiful job. Mayor Armstrong did the best job he could with what he had.

Wayne Williams informed Council that he had a whole different experience. He lives in Spaghetti Flats. The gentlemen who woke him up very early in the morning was polite, his was concerned and asked about his neighbors whether they were there or living there or were they gone and thought he was very professional. As soon as the water receded there was equipment-removing debris to the side of the roads. Mr. Williams appreciates what they did and how they conducted themselves.

Councilor Olivo commended Benny Sanchez, Ronnie Randolph and Joe Ray Ramirez for a great job.

Jim Burrows stated that he had talked with Mayor Armstrong several years ago when he was code enforcement about another route, it can be done; it's going to take some money. Thinks that after this mess is cleaned up need to start doing that and hopes the City Council agrees to that. Also, thanked Tommy Hood for opening up the senior citizens for the people. Mr. Burrows asked each council members and those who are not on the council not to forget Saturday morning breakfast. That is part of our community.

Councilor Williams commended Jay Smith on the fundraiser last week.

Mr. White informed Council that he lives across from Parker Bridge was not alerted of the flooding and asked the City to come up with a plan for the citizens over there to quickly disseminate emergency information. If they're working on the bridge tomorrow will they shut off pedestrian access? Public Works Director Richards stated that they would have to. Mr. White informed that the information sent out to the public was terrible in his opinion; the City has a website and there is nothing on the website. Urges the city to use their website.

Mayor Armstrong informed the public that there would be an emergency management meeting at Ruidoso Middle School on Thursday, July 29 at 6:00 p.m.

DPS Chief Ortiz, addressed Mayor, City Councilors and audience members would take this opportunity to thank everyone for their support and kudos that were expressed this evening, not only to his department but all other city employees and staff that were involved in this disaster. Chief Ortiz stated that he takes full responsibility of the notifications that were not possibly made. He has a log of all of the individuals the citizens we did attempt to contact; maybe it wasn't to the standards that they expected, but again is very proud of his officers, his firefighters and all the volunteers who were out there. Certainly, trying to evacuate as many people that we possible could. We had everything from gas leaks to evacuations; emergency situations with elderly folks all the way from Friedenbloom down to River Bend Trailer Park. We had our hands tied in terms of notifications, but did our best.

Chief Ortiz stated that some of the things they discovered was this was a wake up call; a wake up call not only to our community, but also to the entire Lincoln County. Chief Ortiz stated that some of things they are looking at to try to learn from this experience is this afternoon is sure that they heard the sirens going off; that was for a reason; sirens had not been tested in sometime; did discover that of the three sirens throughout our community; one is operable the other two are not. Called out our technician to come out and make the repairs on the siren. DPS is making an assessment of all of ours emergency needs to try and prepare us for a disaster that may come our way; better communication with the public; adding additional telephone lines for emergency call lines; caller ID; adding a couple of more sirens throughout our community further down east and perhaps down by the public works shop area where the residents in that area can hear the emergency siren. Chief Ortiz stated that he wanted to reassure everyone here tonight that we do care for you no matter what part of the community you live at; you are not being left out. It is his hope and intent to certainly communicate as much as they can and that is his goal. Chief Ortiz informed that a meeting with the Emergency Coordinator for his area to try to setup a better communication measurer with all the citizens so that all will know what the sirens signify and what the tones will mean. We will be trying to establish some procedure on a weekly basis to set sirens off at noon just to let citizens know this is a practice call, but should there be an emergency that signal would be sound for alert for all citizens.

Councilor Williams asked Chief Ortiz if Ruidoso had notified us of the situation. Chief Ortiz said no.

Mayor Armstrong stated next item of the Agenda is 14. Executive Session Discussion of all threatening and/or pending Litigation pursuant to Open Meeting Act: Section 10-15-1 Subparagraph (H) 7: Wastewater Treatment Plant.

Mayor Armstrong entertained a motion to go into Executive Session for Discussion of all threatening and/or pending Litigation pursuant to Open Meeting Act: Section 10-15-1 Subparagraph (H) 7: Wastewater Treatment Plant.

Councilor Hood moved to go into Executive Session for Discussion of all threatening and/or pending Litigation pursuant to Open Meeting Act; Section 10-15-1 Subparagraph (H) 7: Wastewater Treatment Plant: Seconded by Councilor Williams. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong closed the regular meeting at 7:18 p.m. and invited City Attorney W.T. Martin Jr., via teleconference, City Clerk/Treasurer, Carol Virden, and Cleatus Richards, Public Works Director and called for a five-minute recess.

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

Councilor Olivo moved to go back into open session. Seconded by Councilor Williams. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong called the regular meeting back to order at 8:26 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Executive Session was that of discussion of threatened and/or pending litigation Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant

Councilor Williams attested to the fact that the only items discussed in Executive Session was that of discussion of threatened and/or pending litigation Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant and no action was taken.

There being no further business to attend to, Mayor Armstrong adjourned at 8:27 p.m.

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Tom Armstrong, Mayor

ATTEST:

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Carol Virden, City Clerk/Treasurer