

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
JUNE 23, 2008

The Council of the City of Ruidoso Downs met in regular session on June 23, 2008. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Peggy LuJane 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:

Carol Virden, City Clerk/Treasurer
Steve Dunigan, Planning & Zoning Director
Jay Smith, Museum Director
Alfred Ortiz, DPS Director
W.T. Martin Jr., City Attorney
Terri Mosley, Finance/Procurement/Asset Control Director

APPROVAL OF AGENDA

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

Mayor Armstrong entertained a motion to approve agenda with changes.

Councilor Olivo moved to approve 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.

Mayor Armstrong entertained a motion to approve the Consent Agenda.

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

Councilor Williams said he would like to remove a couple of items from the Consent Agenda for discussion. He said those were Accounts Payables and Monthly Reports. Mayor Armstrong asked if there any certain ones or did he want them all? Councilor Williams said just a couple of them

but he wanted to make sure they approve the Consent Agenda accordingly and then they can go through the process.

Councilor Williams said on page 1 of Accounts Payables under License & Permits, 2138 Great Lakes Construction. He said we were refunding their building permit and asked if that was something they didn't want to do? Steve Dunigan, Planning & Zoning Director said no construction had started and the prospect of it going forward they decided wasn't going to happen. They decided it best for customer service to admit it was never going to move forward and to refund it at that time and if they come back we'll start over again. Councilor Williams asked what that permit was for? Steve Dunigan said it was for renovation of a house for Mr. Lewicki.

Councilor Williams said on page 5 of Accounts Payables under Public Safety Department 702. He said he had a question about Employee Eye Exam for Tom Gavin. He said Tom Gavin is the Ruidoso Fire Chief. Chief Ortiz, DPS Director said he was the Fire Chief for Ruidoso. Councilor Williams asked what the exam was for? Chief Ortiz said that was a physical requirement at the time Mr. Gavin was employed with the City of Ruidoso Downs and was a prerequisite to enter the police academy. Councilor Williams asked if the bill just came in? Chief Ortiz said yes.

Councilor Williams said on the next page of Accounts Payables under Lodging in Silver City and Per Diem, who would that be? Steve Dunigan, Planning & Zoning Director said that was for New Mexico League of Zoning Officials, his annual conference.

Councilor Williams said he would like to address the Monthly Reports under Public Works and ask the mayor about the number of man-hours that was provided for graffiti removal? He asked if there was a specific number and where the graffiti was removed? He said it was on the Street Department summary. Mayor Armstrong asked if he wanted to know what it was for or what? Councilor Williams said he wanted to know what areas were taken care of so he had an idea of what problems they have with graffiti in this town. Mayor Armstrong said some of it was from what the residents turned in and some was from the Police Department but he did not know exactly which streets. Councilor Williams asked Chief Ortiz, DPS Director if he knew? Chief Ortiz said some of it was in the city park on the tables and benches and some was on signs and fences.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

APPROVAL OF MINUTES OF BUDGET WORKSHOP MEETING OF MAY 21, 2008 and MINUTES OF REGULAR MEETING OF MAY 27, 2008.

Motion was made by Councilor Holman and seconded by Councilor Hood to approve the Minutes of the Budget Workshop Meeting of May 21, 2008 and Minutes of Regular Meeting of May 27, 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 Holman and seconded by Councilor Hood to approve Accounts Payables. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

APPROVAL OF MONTHLY REPORTS

Motion was made by Councilor Holman and seconded by Councilor Hood to approve Monthly Reports. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye, Councilor Olivo, Aye. Motion carried.

UNFINISHED BUSINESS

Mayor Armstrong stated next item on the agenda was Unfinished Business. There was no Unfinished Business.

OTHER BUSINESS

Mayor Armstrong stated next item on the agenda was Other Business and that items were for discussion only and no action will be taken.

Carol Virden, City Clerk/Treasurer said she wanted to report that they had a monitoring on the CDBG project #05-CR-S-1-I-7-G-35 and that Ruby Rael is the City of Ruidoso Downs project manager for this project. She said at the next council meeting we will be updating the local relocation policy and update the anti-displacement and relocation assistant plan as well as a fair housing/equal opportunity plan. She said the ones that we have are old and in order for us to get involved and apply for the 2009 CDBG these are federal requirements that need to be updated and we will take care of that during the July 14th council meeting. She said the monitoring went very well and on the agenda is the awarding for construction for the Riverside Well and the 2005 CDBG water line as well.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was New Business. The first item was a Presentation-Overview of Southeast Regional Planning Organization (SERPO) Processes-Mary Ann Burr, RPO Planner SENMEDD.

Mary Ann Burr said her purpose for being here was to give an overview of what SERPO is and what they do for the region. She had a briefing package sent beforehand for the review of the city council. She made a power point presentation and it consisted of:

- How did SERPO begin?
Transportation Legislation
- RPOs
- SERPO's purpose is:
- Description of Programs
Five Primary Programs:
Roadway Improvement Program

Scenic Byways Program
Enhancement Program
Public Transit Programs
Safe Routes to School Program

- State Transportation Programs
- The Selection and Referral Process
- RPO Membership
- For additional information:
- Contact Information

Mayor Armstrong stated next item on the agenda was Kai Brown-Humane Society-Request Budget Increase.

Kai Brown introduced herself as the president of the Lincoln County Humane Society. She said three other board members and one staff member were also in attendance tonight. They were there to talk about a crisis and the crisis is that they have an old facility, nearly thirty years old designed to hold seventy-five animals. Last year there were 1600 cats and dogs come through their shelter last year from May 1st last year through May 31st of this year. Of those 1600, 519 came from Ruidoso Downs. She said Ruidoso Downs is contributing, if you look at all of the municipalities where they are contracted to provide services for animal control Ruidoso Downs has a disproportionate share in the number of animals that is brought to them. She said they just don't have the room. There is not an easy answer. The reason she said she wanted to speak to them today was because she wants help in figuring out some options on how they can reduce the number of animals they were getting from Ruidoso Downs. She said they were also asking the other municipalities the same thing. She said they are contracted with Ruidoso, Ruidoso Downs, Capitan, Carrizozo, and the county to receive animals from Animal Control. They take so many animals from all of those communities that they don't have room to take an owner relinquished animal or a public stray. They are only able to take the animals from Animal Control and even then are not able to hold them for any length of time. She said it's a crisis and right now Ruidoso Downs is budgeted to provide \$27,000.00 per year. That average, if you took the 519 animals that averages out to a little over \$50.00 an animal. Each animal last year averaged at a \$254.00 expense. That's for sheltering, food, medical care, rabies, current vaccinations, microchips, and spay/neuter. She said each spay/neuter cost them \$55.00 to \$60.00. Ruidoso Downs is funding them \$52.00 per animal. She said she was not saying if Ruidoso Downs gave them an additional \$30,000.00 they could accommodate our animals because it still isn't going to grow the shelter. The other municipalities are averaging \$90.00 per animal last year as far as what they evaluated in their contract to the Humane Society for animal control. She said Ruidoso Downs is allocated almost half as much as what the other communities are but yet Peggy is doing so much and is an over-achiever in bringing these animals to them. She said she doesn't have an answer but they are going to have to do something because within the first two weeks of this month she brought them twenty eight animals and they are absolutely full and don't have room for one single animal. She said we have a contract to take the animals and they aren't looking to negate the contract but there are some options. The options are to not bring them all the animals if we know who the owners are, just keep it and return it to the owner. She said Peggy has those poles for her approval, that

means the three days she's off all of the animals that come in we can't do anything with that animal, we can't return it to the owner until Peggy comes back to work and they notify Peggy and she releases the animal. Another option may be that they say they will take three hundred animals a year and that's it based on our current funding. She said the only other option and because they are full is that they will hold them for the requisite three to five days and euthanize them. Members of the Humane Society don't want to euthanize animals they want animals to have happy, adoptable homes.

Chief Ortiz, DPS Director said hearing the figure given them on the number of animals brought in to the shelter our figures indicate that figure a little bit lower at 365 animals brought in for the year of 2007. He said he passed around a tally of all the animals they have documented of animals taken to the shelter. He said what he would like to point out is that of these animals they did pick up some from the Ruidoso area. There was a period of time when Ruidoso did not have an animal control officer and consequently our animal control officer helped. He said he didn't know if that figure may be skewed a little bit but our figures from the previous year also indicate sort of a roller coaster. In the year 2006 they had approximately two hundred seventy six animals picked up. Kai Brown asked if he was talking calendar year? He said from January through December. She said she wasn't talking calendar year she was talking May 1, 2007 to the end of May 2008 and there could be a discrepancy of those figures so their calendar figure are going to differ and she got four hundred six for the calendar year she is talking about plus they had one hundred thirteen animals come in that people in Ruidoso Downs picked up and are accounted for in Ruidoso Downs numbers. Chief Ortiz said people could tell you they are from Ruidoso Downs and you wouldn't have any idea so that would change that number. Kai Brown said okay, let's say three hundred sixty five, \$27,000.00 for three hundred sixty five animals, and if they don't take any of the public stray, and they know she helped Ruidoso for a time so. Chief Ortiz said he had a problem with some of the figures over the years and they are increasing. To try to find a solution to get the animal population down in some of the larger cities euthanasia is sometimes sooner than seventy-two hours. Kai Brown said that is standard and with identification it is five days. Chief Ortiz asked when the last time was that the shelter was expanded? She said it hasn't been expanded but they have a plan to create a sanctuary and maybe they've read about their vision. She said it was a three to five year vision at maybe two million dollars. The pet sanctuary would be on three to four acres and would include a dog park, adoption center, and a pet memorial park but the Gavilan Canyon facility would remain as the intake facility so Animal Control would still come to Gavilan Canyon. After the animals behavior has been evaluated and it's been inoculated, checked if it has been spayed or neutered and seems adoptable then it would be moved to the adoption center. Chief Ortiz asked if this was a national organization where they receive funding? Kai Brown said no and they receive no funding except for the municipalities that she mentioned and they contribute about 22% of their annual budget and the other 78% comes from private donations and grants.

Carol Virden, City Clerk/Treasurer asked if they have a dollar amount of what they are requesting? Kai Brown said what she could say is if you are going to bring four hundred animals, the other villages average around \$90.00 an animal so that would be four hundred times \$90.00 and that would be \$36,000.00 and that we had budgeted \$27,000.00. She said that would bring us up to what the other communities are paying and it helps a great deal in that it is that much more

they don't have to fund on their own but they also have to reduce the population. She said there is no spay/neuter ordinance in Ruidoso Downs. In Ruidoso is they haven't spayed or neutered their animal they are required to get a breeding license if they're going to breed their dog otherwise impound dogs are required to be spayed or neutered. In communities where they have strict spay/neuter programs the overpopulation decreases exponentially in two to five years. She said that's another option they should look at.

Carol Virden, City Clerk/Treasurer asked if it would be okay with her and the board members if the city council can sit back on this and take all this information in and come back at possibly mid-year with a solution if possible? Kai Brown said that would be fine and she didn't know who to work with but she would like to present a couple of suggestions on how Peggy might be able to reduce the number of animals that she's bringing to us to help out during this time when they've got a full house. Carol Virden suggested she could get with Chief Ortiz.

Councilor Hood said he knew we were collecting quite a few animals and he visited with Carol Virden, City Clerk/Treasurer and our budget has already been sent. At mid-term would be the best time to address it and Kai Brown could meet with Chief Ortiz and work out some kind of arrangement. Mayor Armstrong said he felt the same way and that we need to do one more step and that he was Animal Control for a long time. He said if there were any ideas to talk with the chief. Kai Brown said she wanted to talk with them today about what the problem is and that they are full up.

Mayor Armstrong stated next item on the agenda was Consider Awarding Bid No. 08-006 Riverside Well Equipping and Water Lines.

Mayor Armstrong entertained a motion to award Bid No. 08-006 Riverside Well Equipping and Water Lines.

Carol Virden, City Clerk/Treasurer said Thomas Knowlton with W.H. Pacific is the project engineer. She said there are two projects involved here. There is a state appropriations project, which is the Riverside Well, and then the 2005 CDBG project that she spoke of earlier. She said on May 28, 2008 W.H. Pacific assisted the city in opening bids for the Riverside Well. Four bids were received and contractors best shown in the attached bid tabulation sheet of which the council members have. The decision to award any combination of bid alternates one and two have no affect on the outcome of the rank of the bid received. The lowest responsive bid submitted was from Samcon Inc. for the base bid, bid lot number one in the amount of \$557,744.72. The base bid for bid lot number two was \$220,238.00. The additive alternate number one was \$99,200.00 and the additive bid for alternate number two was \$89,500.00 plus the New Mexico Gross Receipts tax. However, upon reviewing the bids for accuracy W.H. Pacific found that Samcon Inc. miscalculated the tax on each of the four bid items, it was corrected, and however the mistakes did not affect the overall ranking of the bid received. The engineer's estimate is considered good when it falls within 10% of the actual bid price. The grand total of the bid from Samcon Inc. including the base bid, bid lots one and two, and additive alternate one and two, plus the correct New Mexico Gross Receipts tax equals \$1,032,537.98 which is within the \$1,725.00 or 16% of the engineers estimate of \$1,030,813.26 and that was an accepted quote. They have verified that Samcon Inc. has their

contractor's license, GB 98 and their GF 09 and that their subcontractors hold a valid New Mexico contractors license and that the company has issued their bid bond. Carol Virden said there is adequate funding available for this project to award both the base bid and bid lots number one and two. However, she said the city only has enough funding at this time to award only one of the two additive bids alternates and it is W.H Pacific's recommendation that the city award additive bid alternate number two-the additional water line along U.S. Highway 70 at this time as there is ample funding from the CDBG grant which has to be used for the water line construction because that was how the grant was submitted and how it was awarded. The emergency generator included in the additive alternate number two can be constructed in the future when additional funding is obtained. Based on the foregoing we are recommending the City of Ruidoso Downs award Samcon Inc. the contract at \$926,579.98 which includes the New Mexico GRT at 6.8125% to construct the work in this project base bid, bid lot one and two, and additive bid alternate number two. This will leave \$36,048.10 in available funding for contingency during the construction. She said that is what staff is recommending, to award to Samcon Inc.

Councilor Williams asked if we know of Samcon Inc. any past projects they have been involved with? Terri Mosley, Finance/Procurement/Asset Control Director said the engineers have worked with them and they recommended it be awarded to them. Councilor Hood asked where they were located? Terri Mosley said she didn't know. Carol Virden, City Clerk/Treasurer said she was sure they were out of Albuquerque.

Councilor Hood moved to award Bid No. 08-006 to Samcon Inc. with a bid amount plus GRT for a total of \$936,940.79 to include base bid Lot #1 & 2 and Additive Alternate #1. Seconded by Councilor Williams.

Councilor Williams said he wanted to continue discussion. He asked what are the amounts, distance-wise of the water lines that are planned to be put in? Carol Virden, City Clerk/Treasurer said 1420 linear feet. Councilor Williams said the additional water line along US Highway 70, what area is that constructed for? Carol Virden said she was not too sure of that. Councilor Williams asked what this Riverside Well was going to do for the city? Additional water-wise? Mayor Armstrong said we've had 6-inch water lines there and this is for future growth along Highway 70 to increase the water volume. We're pulling from the Redman Tank to do a whole lot, which we've already designed to do for Wal-Mart. Now we have the other Avalon Park and this is for future construction for the larger complex and there was needed water volume for that. We're not real sure of the overall picture. The overall picture was to replace the water lines or the old water lines that was needed to be larger in areas where we didn't have water lines at all. Some areas we don't have water lines at all for businesses that may want to come in. Councilor Williams asked where the location of this well was? Mayor Armstrong said from the Riverside Well to the pump station and then up along the north side of Highway 70 all the way up to the dunes in that area there. Councilor Williams said they talked about the additional water line down US Highway 70 in this direction in the bid alternate two additional water line along US Highway 70. He asked if that was the additional line that was coming down this way toward the city? Mayor Armstrong said no, it all goes upward; it all goes to the west. Councilor Williams said so; this is basically going to be for that project that is being developed? Mayor Armstrong said no, not just for that project but it kind of puts water to it. He said we've already used all of the Redman. Councilor

Olivo said when he was on the council before there was money for this well and the Redman Tank and redo all the sites up there. Carol Virden, City Clerk/Treasurer said she wanted to make a correction. She said she thought she said 1420 linear feet and it was 14,200 linear feet of water line to construct one pressure reducing station and to install 40 fire hydrants and 40 isolation valves. She said it's for the CDBG portion. Councilor Hood asked if it was for the Highway 70 portion? She said yes. Councilor Hood asked if they approve this tonight what is the estimated time for construction? Carol Virden, City Clerk/Treasurer said we will have to issue a notice of award and that she was going to turn that over to Terri Mosley. Terri Mosley, Finance/Procurement/Asset Control Director said they would get notice to people about mid-July and then the first portion of this would be the water line to be completed about mid-September, within 60 days. She said there will be additional time for the pump station because that involves a different grant. Carol Virden, City Clerk/Treasurer said the reason they were pushing 60-days for the water line to be completed from the notice of award or notice to proceed is because that would allow the City of Ruidoso Downs to meet the threshold requirement to apply for the 2008-2009 CDBG Grant money. She said we need to be totally completed with that CDBG Grant and that means the finishing product of interviews, holding Public Hearings on what were the accomplishments of that grant and a lot of other little things they need to do to close out that grant.

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 was Discussion and Consideration of Lincoln County Solid Waste Request-Increase of Surcharge of Fuel Rates and Additional Poly Karts Increase.

Debra Ingle said several years ago the council approved an ordinance to do a five-year cease consent hoping we'd stay in that 60-cent range during that five-year period. She said the extra Poly Karts got left out of that. The extra Poly Karts in the Downs remained at \$5.00 and did not get that increase for the last couple of years. They are asking us to add them in. The additional will be \$1.20 and then the remaining 60 cents through the time limit of the ordinance. This year the Solid Waste Board looked at the budget and presently they run twenty-two trucks and they're all big ones and the fuel is killing them but the board did not want to consider that as the permanent rate so they only went with the rate of 60 cents. They are asking for an additional dollar on the fuel surcharge. Increasing that from one dollar to two dollars that resolution allows them to increase or decrease every ninety days.

Carol Virden, City Clerk/Treasurer said the process would be to issue a Notice of Intent to the public that the mayor and council will be holding a Public Hearing to consider the request for the increase for the \$1.20 to the additional Poly Kart only. She said they will schedule that under the direction of the mayor and council.

Councilor Hood asked if they need to make a motion before asking any questions? Carol Virden, City Clerk/Treasurer said to just direct her to start the process of Notice of Intent. Councilor Williams asked if there was any time frame that they want this implemented? Debra Ingle said she would like it July 1, 2008. The first billing would go out mid-July. Councilor Hood asked if they

approve this it would go to \$17.05? Carol Virden said no. The only request by Lincoln County Solid Waste is to add the \$1.20 to the additional Poly Kart of the \$5.00. Debra Ingle said that was correct and you'll see under extra Poly's which is the fifth line item of \$5.60 of the extra Poly in the initial ordinance.

Councilor Williams asked if they were going to vote tonight? Carol Virden, City Clerk/Treasurer said no, she will put out the Notice of Intent to adopt at the Public Hearing for July 14th Council Meeting. Debra Ingle asked if they could actually approve it on July 14th and make it effective? Carol Virden said yes and they could certainly insert that in their ordinance.

Mayor Armstrong stated next item on the agenda was Consider Approving Wastewater Treatment Plant Operating Invoices for February 2008, March 2008, and April 2008.

Terri Mosley, Finance/Procurement/Asset Control Director said they received this three-month billing just last week or rather the first part of June. She said on two of them they did need to make corrections and unfortunately she was not able to get a revised billing from the village and that was the reason it was hand-written and that this is the dollar amount that needs to be paid. She said they had mistakenly included some cap out purchases that we don't pay as part of the agreement.

Councilor Holman asked Terri Mosley if that amount was increasing or if it was staying the same? Terri Mosley said it was increasing but she didn't know by how much. Councilor Holman said the Village of Ruidoso at some point had a contract with Mescalero. This includes the Travel Center, the Inn, Palmer Loop and some of the FEMA housing that has been brought in. He said that this increases the total water. He said Ruidoso, the village gets compensated for this and the city does not. This has contributed to the totals that goes into the Wastewater Treatment Plant and therefore affects the city. He said 15% of more is more. Councilor Hood said he agrees with him. Councilor Holman said his suggestion is that we address this at some point in the near future and bring it up in one of the Joint Use Board meetings and see what response they get from this. He said he recalled they funded the line that goes to Mescalero. He said he wasn't too sure that affects us but what he was saying was is that we are supplementing the Mescalero account. He said the bottom line is that 15% of more is more.

Councilor Williams asked if the original agreement between the two entities of the 15% was between Ruidoso and Ruidoso Downs? Carol Virden, City Clerk/Treasurer said it was established in the Joint Powers Agreement in the late 1970's. Councilor Williams asked if Mescalero was involved with that? Carol Virden said no. Councilor Holman said he was not questioning the 15% percent, he was questioning the total volume and it hasn't been addressed. He said we should at least get an explanation and see how they claim it because we don't get compensated and they do. Councilor Olivo asked if the village brought Mescalero in as a customer? Councilor Holman said yes. Councilor Olivo said that's where they don't have an agreement like we do. He said what we need to do it meter it to see the flow and that way we can see how much is Mescalero. Councilor Williams asked when Mescalero was brought in as customers was the Downs included in that discussion? Councilor Holman said no. Councilor Williams said we are part of that agreement between Ruidoso and Ruidoso Downs as part of that wastewater so are we being blind-sided by

the village? Mayor Armstrong said that was a question for the JUB and were questions we need to take at a different meeting. Councilor Holman said if the council feels that way then we should address it. Councilor Hood agreed it should be addressed and asked when the next JUAB meeting was? Carol Virden, City Clerk/Treasurer said the mayor of the Village of Ruidoso has asked that the Mayor Armstrong ask for a joint meeting of the Village of Ruidoso councilors, the joint members, as well as the City of Ruidoso Downs mayor and council for July 9th, 10th, or 11th. She said the 9th and 10th were not good days for our legal counsel. Councilor Hood said how about Friday the 11th. Carol Virden said they will have the joint meeting first and then in the afternoon they will go into the JUAB.

Councilor Williams moved to postpone any discussion on the wastewater invoices until they have a clear understanding of what's going on. Carol Virden, City Clerk/Treasurer said we don't have any choice but to pay these and that we have three months and we're already in June. Councilor Hood asked how much it would cost to meter this? To meter our flow? Councilor Holman said he was trying to remember but thought Mescalero was paying \$11,000.00 a year in that original contract.

Councilor Hood moved to approve WWTP Operating Invoices for February, March, and April 2008. Seconded by Councilor Olivo.

Councilor Williams said our people caught this mistake and asked if possibly it had been going on in the past? Carol Virden, City Clerk/Treasurer and Terri Mosley, Finance/Procurement/Asset Control Director said no. Councilor Williams said this was quite a bit of money we were saving on these two months that we found out about and hoped it hadn't occurred in the past.

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 was Consider Approving Personnel Recommendation CDO-DPS-Position April Merrill.

Chief Ortiz, DPS Director said Ms. Merrill was not able to be here this evening to be introduced and said she would be filling in a vacancy they currently have in the Communications Dispatch operations.

Mayor Armstrong entertained a motion to approve Personnel Recommendation to hire CDO-DPS-Position April Merrill.

Councilor Hood moved to approve Personnel Recommendation to hire CDO-DPS-Position April Merrill. 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 was Consider Approving Personnel Recommendation-Visitors Service Rep-HMAW-Paul Giessinger.

Jay Smith, Museum Director said Mr. Giessinger was interviewed and passed the drug test and physical as necessary. He said he is a gentleman who has spent most of his career in engineering at Northrop Grummond research department so he said as you can imagine he is a very bright individual. He said he is retired and moved to Ruidoso and upon arriving he took all of the local history courses and right now is a part-time volunteer at Fort Stanton. Jay Smith, Museum Director said he heartily recommended him for the VSR position and thought he was uniquely qualified to work the front desk and fill the needs they have at the museum. He said he could not be here this evening but that he would be a good hire for the museum.

Mayor Armstrong entertained a motion to approve Personnel Recommendation-Visitors Service Rep-HMAW-Paul Giessinger.

Councilor Hood moved to approve Personnel Recommendation-Visitors Service Rep-HMAW-Paul Giessinger. 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 was Expenditure for Fiscal Year 2006-2007 Budget-Invoiced Fiscal Year 2007-2008-Southwestern Wireless-Amount \$69.43.

Terri Mosley, Finance/Procurement/Asset Control Director said this is expenditure from last fiscal year but was not billed until April of this year. She said because of state statute 6-6-11 Abatement Act we were not allowed to pay from a previous fiscal year without approval. She contacted DFA and they told her this was the route that we need to go. Councilor Hood asked if the only reason was because we didn't get it in time? Terri Mosley said yes and that it was a year old and that we did budget for it.

Mayor Armstrong entertained a motion to approve Expenditure for fiscal year 2007-2008 Southwestern Wireless-Amount \$69.43.

Councilor Hood moved to approve Expenditure for Fiscal Year 2006-2007 Budget-Invoiced Fiscal Year 2007-2008-Southwestern Wireless-Amount \$69.43. Seconded by Councilor Olivo. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye, Councilor Olivo, Aye. Motion carried.

PUBLIC INPUT

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

Jim Burrow said this Wastewater Treatment Plant has been a thorn in his side for a number of years. He said when Mr. Waters was here that he tried to get a breakdown of what all of these expenses were for and said that Carol Virden could verify this. He said personally he thought we were getting billed for something we weren't getting. He said he didn't know what we could do to make them present invoices and he doesn't trust this. He would like to see us put them on the spot and make them show it. He asked Councilor

Holman if it was an annual event or a monthly event that they bill us for? Councilor Holman said he thought the original contract was an annual amount but since then it has been renegotiated. Mr. Burrow said he thought it needed to be negotiated again and when they have their meeting in July it is something that should be brought up again.

Wayne Williams said he has concerns about the Riverside Well. He said the previous mayor and city manager stood here in this council meeting and guaranteed residents in the area that the well would be a deep-water well and that only a deep-water well would be used. He said when they were digging the well they also dug a shallow-water well right next to it. He asked Tom Armstrong to check into it at the time and the city manager told him it was just a vent hole. He said if you were going to hook on to these wells he said he would hope they hook on to the deep well and not the shallow well because that will suck up all of the wells in that whole area. He said he does have a well as do most of his neighbors and it will suck them dry in a heartbeat. He asked that someone get back to him on that as to whether they are going to hook up both wells or just the one.

Carol Virden, City Clerk/Treasurer said it was a typographical error when she typed, "Wells" instead of "well". Mayor Armstrong said he would get back to him about it. Wayne Williams asked if it was the one well and if it was the deep well? Carol Virden said it was the Riverside Well and that Mayor Armstrong will get that information back to him.

Sharon Paul said she has been speaking with Steve Dunigan, Planning & Zoning Director and that he has been very good about getting her information on the Escondido Hills development and Agua Fria Subdivision. He has showed her everything she asked for and she said she appreciated that. She said Steve Dunigan had set some timelines for Mr. Rowe and that those were approaching the end now. She said she noticed they were saying they have a 60-day limit on when they want the water line for our grant put in. She said they have lived with this subdivision being dug up for two years and three months and this is the third time they have set these water and sewer lines. She said they have a water truck out there that they don't use and they have inundated our offices with calls on dust abatement that doesn't happen. She asked what was going to happen at the end of July and that Mr. Dunigan had asked Mr. Rowe when this was going to be completed and it was put off again. She asked when and where is the end? What was going to happen when he doesn't get to the end? Mayor Armstrong said he would just have to follow up on what we say and if we have a deadline on it then it will happen. Sharon Paul asked if he doesn't meet those timelines would those permits be pulled to stop that development from going any further? Carol Virden, City Clerk/Treasurer said it would be turned over to our legal counsel. W.T. Martin Jr., City Attorney said they will look at the status of those deadlines and approach him that he needs to meet those and what course of action we need to take.

Edna Rodriguez said she was a resident of Agua Fria and was also concerned about the Escondido Hills project. She asked Steve Dunigan if the name of the company was Terracon that was going to do the compaction tests? She asked when that test was going to be done? Steve Dunigan, Planning & Zoning Director said he does not dictate the day they test. He said what would have to happen is they would have to reach that stage where that company would have to be called in. He said he was working with Scott Rowe on meeting with these people when it gets a little bit closer. They would have to reach the patch and test stage on the utility lines. Once they're inspected and begin to be covered there are requirements on compaction of that soil over the tops of those and also location of the road through there. This is all being coordinated with their developer and he dictates when those things are called for. We ask for proof. He said he is working closely with him; he doesn't have a date that he could give her today when he'll get the first test. Edna Rodriguez asked if they would be notified when the compaction test would be? She said some of the residents would like to be there because they would like to point out where the compaction test should be done. She said they might say two miles out of here or two miles out of there and nothing is going to show. Steve Dunigan said he appreciated what she was saying but that was not what they were planning to do and that the compaction test is not normally set by the city but that they were asking for them to go above and beyond for testing of organic material that they have knowledge of. He said in fact they have dug three holes and are asking for core samples and not just patching. He said core samples will tell them more because they can't dig up the entire development. They are asking for core samples to help prove where organic material may or may not be. The city is going to be very active with making sure we get those and have them on file. He said he didn't know if he had a way to communicate with the various neighborhoods but he said to tell those folks to come in on Thursday morning at ten o'clock. He said his office is open as Sharon Paul could tell you. Edna Rodriguez asked if they more or less knew the time of the month? Steve Dunigan said no. He said he hoped by the end of this month they would know exactly when the tests are going to take place. He suggested she contact his office at the end of next week he would tell her what it is that he knows at that time. Mayor Armstrong said the three-minute time limit was up.

Chief Ortiz, DPS Director reminded everyone that they were still in Stage III in the Southeast area fire restrictions and although they have been blessed with rain in the past few days we still could not lift those restrictions we get several more days of good rain. The monsoon season is approaching in a few weeks and hopefully the restrictions could be lifted to where we could enjoy some barbecuing and outdoor cooking. He asked for everyone's cooperation and in the next few days the committee would be meeting to discuss the grill restrictions. Chief Ortiz said he would also like to commend our Animal Control Officer, Peggy LuJane, with her picking up 355 animals or the 519 that the shelter reports. It's an excellent job of keeping down the animal population in our area. He wanted to let the audience and new council members be aware that she was designated

last year for a 2007 state award for the Animal Control Officer of the Year. There was a round of applause.

EXECUTIVE SESSION

Mayor Armstrong stated next item on the agenda was Executive Session: Pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 2: Limited personnel Matters: Discussion of Threatened and/or Pending Litigation Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant and Hubbard Foundation: and Pursuant to Section 10-15-1 Subparagraph (H) 8 Real Property and Water Rights.

Mayor Armstrong entertained a motion to go into Executive Session: Pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 2: Limited personnel Matters: Discussion of Threatened and/or Pending Litigation Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant and Hubbard Foundation: and Pursuant to Section 10-15-1 Subparagraph (H) 8 Real Property and Water Rights.

Councilor Hood moved to go into Executive Session: Pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 2: Limited personnel Matters: Discussion of Threatened and/or Pending Litigation Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant and Hubbard Foundation: and Pursuant to Section 10-15-1 Subparagraph (H) 8 Real Property and Water Rights. Seconded by Councilor Holman.

Roll call votes: Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong closed the regular meeting at 7:35 p.m. and invited W.T. Martin, Jr., City Attorney, Carol Virden, City Clerk/Treasurer, and Jay Smith, Museum Director into the Council Chambers after a five-minute recess.

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

Councilor Olivo moved to go back into regular 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 session back to order at 10:00 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Executive Session were Section 10-15-1 Subparagraph (H) 2 Limited Personnel Matters: Discussion of Threatened and/or Pending Litigation Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant and Hubbard Foundation: and Pursuant to Section 10-15-1 Subparagraph (H) 8 Real Property and Water Rights.

Councilor Holman said attested to the fact that the only items discussed in executive session were that of Section 10-15-1 Subparagraph (H) 2 Limited Personnel Matters: Discussion of Threatened and/or Pending Litigation Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant and Hubbard Foundation: and Pursuant to Section 10-15-1 Subparagraph (H) 8 Real Property and Water Rights.

Mayor Armstrong entertained a motion to support the Museum Director and his decision made regarding the Newman Exhibit.

Councilor Hood moved to approve the Museum Director and his decision made regarding the Newman Exhibit. Seconded by Councilor Olivo. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong entertained a motion to authorize the process in hiring of an independent expert to oversee and monitor the input station of the settlement agreement.

Councilor Williams moved to approve the authorization of the process in hiring of an independent expert to oversee and monitor the implementation of the settlement agreement. Seconded by Councilor Olivo. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong entertained a motion for the hiring of the Public Works Director, Cleatus Richards.

Councilor Williams moved to approve the hiring of the Public Works Director, Cleatus Richards. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

ADJOURNMENT

Mayor Armstrong entertained a motion to adjourn.

Councilor Olivo moved to adjourn at 10:04 p.m. Seconded by Councilor Williams. All were in favor and motion passed.

Tom E. Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer