

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
JULY 14, 2008

The Council of the City of Ruidoso Downs met in regular session on July 14, 2008. Mayor pro tem Holman called the meeting to order at 5:31 p.m. and asked Mr. Warren Beaver to lead the Pledge of Allegiance. Mayor pro tem Holman asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Hood	Councilor Williams
Councilor Holman, Mayor pro tem	Councilor Olivo

Carol Virden, City Clerk/Treasurer informed Mayor pro tem Holman there was a quorum.

Also present:

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 pro tem Holman stated next item on the agenda was approval of the Agenda.

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

APPROVAL OF CONSENT AGENDA

Mayor pro tem Holman stated next item on the agenda was approval of the Consent Agenda.

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

Councilor Williams said he would like discussion on Item E-Consider Approving Resolution No. 2008-09 Residential Anti-Displacement and Relocation Assistance Plan and Certification.

Carol Virden, City Clerk/Treasurer said sometime in May she had brought before the council one of the federal requirement updates the City of Ruidoso Downs has in place for applying for CDBG grants. She said this is just an update to the old one that we have in place.

Councilor Williams asked if this one had ever been applied by the city with some of the language that he read in there? Carol Virden, City Clerk/Treasurer said no it had not but if it came before the city we would have to make that resolution as stated. Councilor Williams said he had no other questions.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF JUNE 23, 2008.

Motion was made by Councilor Hood and seconded by Councilor Olivo to approve the Minutes of the Regular Meeting of June 23, 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 Olivo to approve Accounts Payables. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

PUBLIC HEARING

Mayor pro tem stated next item on the agenda was Public Hearing.

**ORDINANCE 2008-04**

**AN ORDINANCE AMENDING “CHAPTER 4 DEPARTMENTS ARTICLE 7 HEALTH AND SANITATION DEPARTMENT, SECTION 16 TITLED “MONTHLY RATES” OF THE CITY OF RUIDOSO DOWNS CODE OR ORDINANCES.**

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

There was no one to comment in opposition.

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

Debra Ingle said she was the Operational Supervisor of Lincoln County Solid Waste. She said the authority was asking them to consider bringing the extra poly's of which was left out of the ordinance a couple of years ago to follow the same ordinance as the regular poly's which is the .60 a year. This year they were asking since they missed a year to make it \$1.20 and then follow the .60 until the five years is up. She said this would bring it in to where it needs to be.

Councilor Hood asked if this was just on the extra polycarts? Debra Ingle said that was correct and that the ordinance is already in place on the regular polycarts. She said it would bring your extra poly's from \$5.00 to \$6.20 for this year. Councilor Williams asked if this also includes the

.60 hike for the regular that was started in July? Debra Ingle said that was already in the ordinance.

Mayor pro tem Holman stated that since there was no one else to comment in support of this action that he was going to close the Public Hearing.

Mayor pro tem Holman stated next item on the agenda was Consider Adopting Ordinance No. 2008-04 4-7-16 Monthly Rates.

Motion was made by Councilor Olivo to Adopt Ordinance No. 2008-04 4-7-16 Monthly Rates. Seconded by Councilor Williams. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

#### UNFINISHED BUSINESS

Mayor pro tem Holman stated next item on the agenda was Unfinished Business.

There was no Unfinished Business.

#### OTHER BUSINESS

Mayor pro tem Holman stated next item on the agenda was Other Business.

Jay Smith, Museum Director said he wanted to report on an item from the newspaper on Friday and the fact that they received a substantial donation from Johnny and Marty Cope, residents of Hobbs, New Mexico. He said they made a multi-year pledge to help create a Johnny and Marty Cope Learning Center at the museum. The Learning Center will serve to connect the Hubbard Museum of the American West directly to educators at various museums on the floor of the Smithsonian for educational programming related to art, history, natural history, and other fields of study. They will also be able to use this equipment in the future for connecting to various meetings around the country. He said this was a tremendous boon to the museum and he asked that the council formally thank Mr. and Mrs. Cope for their extraordinarily generous donation, which improves their services immensely.

Jay Smith, Museum Director said he would also like to report that on July 5<sup>th</sup> the museum held a special event called "The Cowboy Jubilee." He said it was a celebration of the American cowboy along with the National Day of the Cowboy organizing committee. They had nearly 450 people show up for the event bringing 500 people to the museum through the course of that day which was a tremendous day for the museum. He said he wanted to thank Zane Mead for his help and Patsy Jackson their Curator of Education for the excellent work she did in organizing that event as well. He said he thought they had nothing but good news coming out of the museum for the past few weeks.

#### NEW BUSINESS

Mayor pro tem Holman stated next item on the agenda was New Business.

Motion was made by Councilor Hood to approve Mayor Armstrong as member to Policy Committee to RPO. Seconded by Councilor Olivo. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Motion was made by Councilor Hood to approve Public Works Director as member to Technical Committee to RPO. Seconded by Councilor Olivo. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor pro tem Holman stated next item on the agenda was Consider Approving Exhibit Contract Between the City of Ruidoso Downs Hubbard Museum of the American West and the Albuquerque Museum of the City of Albuquerque.

Mayor pro tem Holman entertained a motion to approve Exhibit Contract Between the City of Ruidoso Downs Hubbard Museum of the American West and the Albuquerque Museum of the City of Albuquerque.

Councilor Williams moved to approve Exhibit Contract Between the City of Ruidoso Downs Hubbard Museum of the American West and the Albuquerque Museum of the City of Albuquerque. Seconded by Councilor Hood.

Councilor Olivo asked Jay Smith, Museum Director how much extra it would cost for extra security? Jay Smith said there would be no need for extra security and that our security measures meet the terms of the contract and we will be fine with that and there won't be any additional costs needed with that.

Councilor Williams asked Jay Smith, Museum Director if the shipping arrangements were the norm when dealing with exhibits that are shipped to you from other museums? Jay Smith said yes and in fact was typical practice for the exhibitor to pay shipping at least one way and sometimes both ways depending on the type of rental. This will not be a huge expense to us especially as it's coming to us directly from Albuquerque and going back directly to Albuquerque as well. He said he didn't have a dollar figure for them at this time but it wouldn't be more than \$500.00 per trip each time and might even be able to be handled by museum staff depending on the type of freight they were looking at. Councilor Williams asked how this came about? Jay Smith said as part of their ongoing exhibit program they have put together a 3-year plan of how they would rotate their large exhibits and their small exhibits both in the mezzanine and Green Tree galleries. He said this particular exhibit is an excellent one and he actually had a catalog they could pass along. The period from January 23<sup>rd</sup> to March 29<sup>th</sup> of 2009 fit a time when their mezzanine was going to be vacant until they were going to have the next major exhibit produced. By doing this exhibit it saves a dead area during their exhibit schedule but it also fits quite clearly their mission to exhibit the history and culture of the area. He said this exhibit features Hispanic artists, specifically weavers and their weavings from a historical and cultural perspective. He said it would be an especially good exhibit to have during the spring break period when we have a lot of Hispanic visitors from Mexico. He said it has a little something for everybody and that they try to do is create a number of different exhibits featuring a number of different topics so it's not always the same thing occurring at the museum.

W.T. Martin Jr., City Attorney stated via teleconference that he had reviewed the contract and had no problem with the contract.

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

Mayor pro tem Holman stated next item on the agenda was Consider Approving Destruction/Disposal of Unusable Public Property-DPS.

Chief Alfred Ortiz said these two items listed, one was a Bauer High Pressure Air Station and there's a correction to be made to the letter sent by the New Mexico Public Regulations Commission that's noted in their handout. He said that should have read that this particular piece of equipment will be transferred and donated to the Hondo Valley Fire Department here in Lincoln County. This piece of equipment is no longer usable he said in our Fire Department and we have since purchased a newer piece of equipment that outfits the newer tanks that we are currently using. He said he spoke to Ronnie Baca this afternoon to clarify that point in the letter that he sent back to us and the original letter asked to have that piece of equipment transferred to the Hondo Valley Fire Department and not sold. Chief Alfred Ortiz said the second piece of equipment will be a 1984 FMC Engine Tanker, which is pretty obsolete and has a broken bladder tank, which would cost us a considerable amount of money to repair. This is the piece of apparatus that we will be auctioning off this year he said.

Mayor pro tem Holman entertained a motion to approve Destruction/Disposal of Unusable Public Property-DPS.

Councilor Hood moved to approve Destruction/Disposal of Unusable Public Property-DPS. Seconded by Councilor Olivo. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Motion was made by Councilor Hood to approve Resolution No. 2008-09 Residential Anti-Displacement and Relocation Assistance Plan and Certification. Seconded by Councilor Olivo. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor pro tem Holman stated next item on the agenda was Consider Approving Resolution No. 2008-10 Approving and Accepting Cooperative Agreement Control No. M200026 with the New Mexico Department of Transportation for Project No. SP-2-09 (976).

Carol Virden, City Clerk/Treasurer said this resolution authorizes the City of Ruidoso Downs to enter into an agreement with the New Mexico Department of Transportation for the Phase II West Drive reconstruction and Mountain View Lane. She said it also allows us to reconstruct with the 4-inch asphalt overlay to include seven manholes and three water valve boxes to be raised. She said West Drive will be four manholes and two valve boxes raised and Mountain View Lane will have three sewer manholes and one water valve box raised along with asphalt, curb and gutter. Carol Virden, City Clerk/Treasurer said if we have enough money there is a

portion of the project that will have to have what is called a barrier to keep the runoff from coming into the streets so there will be a small retaining wall there.

Mayor pro tem Holman entertained a motion to approve Resolution No. 2008-10 Approving and Accepting Cooperative Agreement Control No. M200026 with the New Mexico Department of Transportation for Project No. SP-2-09 (976).

Councilor Williams moved to approve Resolution No. 2008-10 Approving and Accepting Cooperative Agreement Control No. M200026 with the New Mexico Department of Transportation for Project No. SP-2-09 (976). Seconded by Councilor Hood.

Councilor Williams asked if the total numbers he was looking at was the total for the project or how much of West Drive needs to be done and how much was being reconstructed? Carol Virden, City Clerk/Treasurer said that was 65/35 and it's not what was originally requested. She said there was a request for \$146,000.00 plus and this is all we received from the New Mexico Department of Transportation. Councilor Williams asked if the \$146,000.00 was for the Phase II? Carol Virden, City Clerk/Treasurer said it was for both the Phase II West Drive and also Mountain View Lane. Councilor Williams asked what we were going to be able to get accomplished with that? Carol Virden, City Clerk/Treasurer said once we get Karen Burt with URS, which the councilors did award the street RFP, she'll look at it and we'll see how far the money will take us. Councilor Williams asked Cleatus Richards, Public Works Director what we will be able to accomplish with that amount of money? Cleatus Richards, Public Works Director said at this point we've gone with the consultants to work out the figures but that we've reduced the \$146,000.00 to where we are now and costs are going up all the time. Councilor Williams said that was \$50,000.00 short of what we asked for so it might take a bite out of what we hoped to accomplish. Councilor Williams asked if we were pursuing any other avenues to make up for that shortfall? Carol Virden, City Clerk/Treasurer said at the beginning of the calendar year we could place an Application of Intent for funds from the New Mexico Department of Transportation. She said once we get the information from Karen Burt of URS we will bring it back to the council and inform them of what can be done with those funds and how far they can go on West Drive Phase II and/or Mountain View Lane.

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

Mayor pro tem stated next item on the agenda was a discussion item dealing with the Lincoln County Transit Joint Resolution and Joint Powers Agreement. He asked W.T. Martin Jr., City Attorney for his input on this item.

W.T. Martin Jr., City Attorney via teleconference said he reviewed the proposed document and he found a couple issues that merit discussion and consideration by the council before the council chooses to approve the document if it chooses to approve it as written. He said you could break the problem into two areas both involving financial. If you look at the proposed contract the City of Ruidoso Downs is going to be what he would term operative agent for lack of better terminology that provides the office space and allows the authority to work out of the City of Ruidoso Downs. He said Ruidoso Downs would provide certain other services. W.T.

Martin Jr., City Attorney said via teleconference when he looked at the contract there was no provision in that contract for Ruidoso Downs to be reimbursed any of the expense it would incur in relation to the administration of this particular project. He said he has since seen a document that has been signed by Lincoln County that appears to have \$25,000.00 put in by Lincoln County, \$25,000.00 put in by the Village of Ruidoso, and supposedly as he understood it, the City of Ruidoso Downs is to put in \$25,000.00. He said all of which would be money put toward this operation. He asked Carol Virden, City Clerk/Treasurer to correct him but they may not be contemplating the City of Ruidoso Downs putting in \$25,000.00. He said the question on the table is whether \$50,000.00 total being turned over to the City of Ruidoso Downs for administration of this project in fact sufficient? He said he was not at all sure that was sufficient and would seek Carol Virden, City Clerk/Treasurer's input on whether that was sufficient. He said seeing that document raised a huge question mark in his mind as to the economics of this from a viewpoint of the city. The other thing that could potentially happen he said and for some reason this fails, then the individuals that were at city hall administering this particular project become employees of the City of Ruidoso Downs. He said we would in essence inherit some employees. The question is if that is a good idea and does the city want to become responsible for picking these folks up, as additional city employees should this project fail or become successful? He said those were the issues that came to him and made him stop and give some thought to this. He said he didn't have a problem with the technical side of the document as written but what he had more trouble with was the financial side of it. It was something this council needs to look at and be as fully informed as possible before it makes a determination one way or another as to whether it will approve the proposed contract that has been submitted. He said he knew Carol Virden, City Clerk/Treasurer had looked at it quite closely and probably had some comment on it too. He said this council needs to consider these items very carefully before going forward. Councilor Williams said it was evident that we need more information before moving forward with this. Councilor Hood suggested it be put on the next council agenda. W.T. Martin Jr., City Attorney said when it comes up on the next council meeting we certainly need to have some idea of cost and is the \$50,000.00 sufficient to help cover the cost, is that all of the cost, part of the cost, or are we looking at a cost that would still be quite high? Then the other thing is do we want to go into a situation where if it fails we wind up with these folks becoming City of Ruidoso Downs employees.

Carol Virden, City Clerk/Treasurer said the City of Ruidoso Downs council has approved the initial \$25,000.00 as part of the \$25,000.00 from Lincoln County as well as the \$25,000.00 from the Village of Ruidoso for starting operations. W.T. Martin Jr. said via teleconference that we were talking with the Ruidoso Downs contribution a total of \$75,000.00 but the question is still the same, is that enough, is that sufficient? He said it needs to be looked at and that we're satisfied that it is a number the city can live with before it jumps off into allowing us to become a part and as a municipal building having to provide space and other things for providing that service. Carol Virden, City Clerk/Treasurer said the previous administration did approve a resolution that the City of Ruidoso Downs be the fiscal agent for the Lincoln County Transit. W.T. Martin Jr. said with keeping that in mind the question to be considered is do we approve a contract as it is set up where it is a \$75,000.00 contribution toward the operation and is that sufficient and even if it is not sufficient will we go ahead and be the physical agent? Carol Virden, City Clerk/Treasurer said the Lincoln County Transit was approved funding through the 5311 Transportation and the 5319 as well so we need to keep that in mind too.

Councilor Hood said W.T. Martin Jr. was correct and we need more information and follow through with that. Mayor pro tem Holman agreed.

Mayor pro tem Holman stated next item on the agenda was Consider Approving Personnel Recommendation HMAW-Position-Gift Shop Outreach Attendant-Rosa Cowgill.

Mayor pro tem Holman entertained a motion to approve Personnel Recommendation HMAW-Position-Gift Shop Outreach Attendant-Rosa Cowgill.

Councilor Williams moved to approve Personnel Recommendation HMAW-Position-Gift Shop Outreach Attendant-Rosa Cowgill. Seconded by Councilor Hood.

Jay Smith, Museum Director said Ms. Cowgill was their choice and they interviewed three applicants for the position. She replaces Rhonda Thompson who was in the position previously. He said Ms. Cowgill brings years of customer service, retail experience with a variety of companies, she also is bilingual, and has tourism training based out of the university she attended as a college student in Mexico. Jay Smith, Museum Director said he highly recommended her and she has a terrific personality and demeanor, which will enhance that outreach activity in the gift shop's main season this summer.

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

Mayor pro tem Holman stated next item on the agenda was Consider Approving Personnel Recommendation HMAW-Position-Summer Intern-Zia Miner.

Mayor pro tem Holman entertained a motion to approve Personnel Recommendation HMAW-Position-Summer Intern-Zia Miner.

Councilor Olivo moved to approve Personnel Recommendation HMAW-Position-Summer Intern-Zia Miner. Seconded by Councilor Williams.

Jay Smith, Museum Director said in 2006 the city council moved to go forward with an Intern Program with ENMU-Ruidoso. He said they haven't had an intern every semester but for this particular summer going into September. He said Dr. Cynthia Orosco very well recommended Ms. Miner and she's done a lot of work in the history department and is a very bright young lady. Jay Smith, Museum Director said she's actually carrying twelve hours right now and they've talked to her about carrying twenty-five hours a week and she said no problem. He said we highly recommend her and she would be with them eight weeks or so and that she would do a nice job for them with special projects working with Gwen McCausland especially in the collections area. Jay Smith, Museum Director said for him this was an important program, the Intern Program is a way for them to give back to the community to keep college students trained and thinking about jobs in the area and a career in the museum field.

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

Mayor pro tem Holman stated next item on the agenda was 2008 Annual Conference Voting Delegate-Clovis, NM-Selection of Voting Delegate and Alternate Voting Delegate.

Mayor pro tem Holman entertained a motion to approve Mayor Armstrong as voting delegate and Mayor pro tem Holman as alternate delegate.

Councilor Hood moved to approve Mayor Armstrong as voting delegate and Mayor pro tem Holman as alternate delegate. Seconded by Councilor Olivo.

Carol Virden, City Clerk/Treasurer said it has been the customary tradition to appoint the mayor of your municipality as the voting delegate and the mayor pro tem as the alternate voting delegate should the mayor not be able to attend that meeting. Councilor Olivo said so it has to be the mayor and mayor pro tem. Carol Virden, City Clerk/Treasurer said that was just customary. Councilor Williams asked if that has been brought up to the mayor? Carol Virden, City Clerk/Treasurer said yes and that he will accept the duty.

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

PUBLIC INPUT (3 minute time limit)

Mayor pro tem Holman stated next item on the agenda was Public Input with a 3 minute time limit.

Councilor Hood said on August 2, 2008 at the Senior Center they were having their annual breakfast. He said it is a fundraiser for Meals on Wheels and offsets part of the cost they get from the state and federal to help them raise money for people who can't afford to pay. He asked that everyone come and show their appreciation. He said it will be a little off with the economy but will still be a good turnout.

Warren Beaver said he lives across the river on Parker Road. He asked if it was permissible for him to ask about something in Executive Session? W.T. Martin Jr. via teleconference said he certainly could ask the question but whether or not we were able to answer it without getting into a problem as to what's in Executive Session. He said we are just going to have to hear the question and then say we can either discuss it or can't discuss it. Mayor pro tem Holman asked Mr. Beaver to state his question.

Warren Beaver said it says "consideration of approval of litigation dealing with Parker Bridge." He said he would like to ask what litigation and where do we stand? W.T. Martin Jr., City Attorney said via teleconference that he was sorry that we can't address that, it was an Executive Session matter and that he understands his interest. He said we were stuck with how the Open Meetings Act operates and what the Executive Session rules are.

Jim Burrow said he wanted to follow up with what Councilor Hood talked about with the fundraiser at the Senior Citizens Center. He said this is for everybody in this area and that we need to support Councilor Hood on the job that he is doing down there and get out to help him with his work. He said he needs help down there on Friday afternoon, August 1<sup>st</sup> and Saturday morning, August 2<sup>nd</sup>, kitchen-wise, with tables, and said none of us are too bad or too good to pick up plates and put them in the trash. He said he needs help on his auction and that everyone on the council those not on the council sitting at this table should buy at least two tickets for that at \$5.00 apiece. He said he has tickets in his hand right now. He said he has done a great job and that Jay has done a great job at the museum in bringing in different things every month and should be commended for that. Councilor Hood said he agreed and that he has done a very good job there.

Sharon Paul said she was a resident of the Agua Fria Subdivision. She said at the last council meeting she asked what the consequences would be if deadlines weren't met for the Escondido Hills development and Mayor Armstrong stated permits would be pulled and that Mr. Martin stated there would be some dire consequences if deadlines weren't met. She said she requested what the deadlines were for the phases of the development and what she got back was that there aren't any. She said she was asking for clarification and asked if there were any set deadlines for any phases of the Escondido Hills development that would result in permits being pulled if they weren't met? Mayor pro tem Holman said Mayor Armstrong may have information on that and asked W.T. Martin Jr. if he could help with this? W.T. Martin Jr., City Attorney asked via teleconference if Steve Dunigan, Planning & Zoning Director was there tonight? He said Steve Dunigan has been working more closely with what our current deadlines and requirements were than he has. W.T. Martin Jr. said he did a letter early on when they started imposing deadlines on Mr. Rowe. He said he knew there had been some subsequent discussion that he had not sat through between Steve Dunigan and Mr. Rowe or Mr. Rowe's representative regarding monitoring of progress. He said Steve Dunigan might be better able to answer her question better than he could.

Steve Dunigan, Planning & Zoning Director said there was a request on our part, a letter drafted by himself and was a request for further information, clarification on when things would start and approximately how long it would take. He said obviously we have an interest to keep it going now that it is up and running. He said there were no specific dates set and at this time since Cleatus Richards, Public Works Director has joined us, said they have met with Mr. Rowe on site. He said he has set up a meeting to talk to Mr. Rowe, probably to clarify further some of the delays they've seen with the rain and what their plans are. He said if she is asking for specific dates that something will be done he could only assure her that they were going to be pressing them to tell us how long each phase will take, how long once we open up the water line construction will that take to disrupt traffic for the least amount of time. He said they will try to get some things in an agreement form that will be available to her and said it would probably be next week. He said he will get with Mr. Richards and get that set. Steve Dunigan said they have a concern that this keep moving on will get some more close-ended dates than they have right now.

Sharon Paul said the only other thing is now that we are in the monsoon season there is mud leaving the site and that the retention pond still isn't rip-wrapped and there is still water and mud

coming off of their access road onto Parkway. She said she knows the city in the past has cleaned that off. She welcomed Mr. Richards aboard and said the reason she comes in is because she represents the homeowner's association. She said they have regular meetings and she gets asked and gets calls and then she asks us. She said she will probably be asking again next week if we have those things.

Todd Fuqua said he was a resident at 215 Circle Drive and was not here as a reporter but as an actual resident. He asked Steve Dunigan, Planning & Zoning Director about the development next door to his property at 217 and if he knew that they have started putting down what looks like forms for a permanent foundation? Todd said he looked at it but hasn't measured it but the back corner of that lot seems to come uncomfortably close to his property line and really doesn't think that's ten feet. He said he knows he's talked to him before and that they hadn't asked for a variance. He said it really doesn't look like its going to fit and asked Steve Dunigan if he's had a chance to look at that? Steve Dunigan said not specifically since the site plan was presented to them and proven out by a surveyor that what they were going to put in there was going to fit but it is probably a good enough time to go back and check on what he was mentioning. Todd Fuqua said there is something physical there now that will show exactly where that house is going to sit. Steve Dunigan said we do have a Building Inspector who will do a pre-construction inspection to make sure what was presented to us in the plan is actually followed. Todd Fuqua said it was just that corner and that everything else seems to be okay. He said he's not talking just ten feet from his line it doesn't seem ten feet from the fence that he is building which is actually inside of his line. Steve Dunigan said they have a approved plan and would be out there first thing in the morning.

Jay Smith, Museum Director said he would just like to remind everyone that they will have their annual fundraiser on Saturday, July 19<sup>th</sup>. He said it will be open all day Friday but will be closed for all the arrangements that need to be made on Saturday. He said to follow up with Mr. Burrow he also has some gas raffle tickets to sell tonight.

Mayor pro tem Holman stated next item on the agenda was 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: Soto vs. City of Ruidoso Downs and Pursuant to Section 10-15-1 Su) paragraph (H) 8 Real Property and Water Rights.

Mayor pro tem Holman 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: Soto vs. City of Ruidoso Downs and Pursuant to Section 10-15-1 (H) 8 Real Property and Water Rights.

Councilor Williams 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: Soto vs. City of Ruidoso Downs and Pursuant to Section 10-15-1 Subparagraph (H) 8 Real Property and Water Rights. Seconded by Councilor Hood. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor pro tem Holman closed the regular meeting at 6:30 p.m. and invited W.T. Martin Jr., City Attorney via teleconference, Carol Virden, City Clerk/Treasurer, and Cleatus Richards, Public Works Director and called for a five-minute recess.

Mayor pro tem Holman entertained a motion to go back into open session.

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

Mayor pro tem Holman called the regular meeting back to order at 8:18 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: Soto vs. City of Ruidoso Downs and pursuant to Section 10-15-1 Subparagraph (H) 8 Real Property and Water Rights.

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: Soto vs. City of Ruidoso Downs and pursuant to Section 10-15-1 Subparagraph (H) 8 Real Property and Water Rights.

Mayor pro tem Holman stated the next item on the agenda was Item A under Executive Session- Consider Approving Molzen-Corbin & Associates Supplement to their Contract to employ Dr. Stensel to aid in formulating RFP for Obtaining Data Samples on the Rio Ruidoso and Rio Hondo.

Councilor Hood moved to authorize Molzen-Corbin & Associates to employ Dr. Stensel prepare a scope of services for stream monitoring meeting compliances requirements and objectives under the special service provision of their existing RWWTP contract. He said he also wanted to authorize Molzen-Corbin & Associates to try to provide oversight of the RWWTP contract. Seconded by Councilor Olivo. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor pro tem Holman stated the next item on the agenda was Item B under Executive Session- Consider Approval of Litigation in dealing with Parker Bridge Project and entertained a motion to approve.

Councilor Hood moved to authorize proposed settlement as generally outlined by Councilor Williams to authorize Paul van Gulick to provide survey for plat to conform with settlement and to authorize city attorney to draft settlement agreement with attachments. Seconded by Councilor Williams. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

ADJOURNMENT

There being no further business to attend to, Mayor pro tem Holman entertained a motion to adjourn.

Councilor Hood moved to adjourn at 8:21 p.m. Seconded by Councilor Olivo.

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Dean Holman, Mayor pro tem

ATTEST:

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Carol Virden, City Clerk/Treasurer