

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
APRIL 22, 2013  
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on April 22, 2013. Mayor Williams called the meeting to order at 5:30 p.m. and asked Chief Babcock to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Holman  
Councilor Miller

Councilor Hood (via teleconference)  
Councilor Perry

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

Also present:

H. John Underwood, City Attorney  
Terri Mosley, Finance Director  
Kenny Ellard, Fire Department

APPROVAL OF AGENDA

Mayor Williams stated next item on the agenda was Approval of Agenda.

Mayor Williams entertained a motion for approval of the agenda.

Councilor Miller moved for approval of the agenda. Seconded by Councilor Perry.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Williams stated next item on the agenda was Approval of the Consent Agenda.

Mayor Williams entertained a motion for Approval of the Consent Agenda.

Councilor Miller moved to approve the Consent Agenda. Seconded by Councilor Perry.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF APRIL 8, 2013

Councilor Miller moved to approve the Minutes of the Regular Meeting of April 8, 2013. Seconded by Councilor Perry.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLES

Councilor Miller moved to approve Accounts Payable. Seconded by Councilor Perry.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

APPROVAL OF MONTHLY REPORTS

Councilor Miller moved to approve Monthly Reports. Seconded by Councilor Perry.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

COMMITTEE REPORTS

Councilor Miller moved to approve Committee Reports. Seconded by Councilor Perry.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

UNFINISHED BUSINESS

There was no Unfinished Business.

PUBLIC HEARING

Mayor Williams stated the next item on the agenda was Public Hearing.

**ORDINANCE 2013-05**

**AN ORDINANCE APPROVING THE ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE FROM BAJA BROADBAND OPERATING COMPANY, LLC, TO TDS BAJA BROADBAND OPERATING COMPANY, LLC.**

H. John Underwood, City Attorney said recently we approved an ordinance for a franchise for a term of fifteen years with Baja Broadband. During that period of time Baja Broadband was in negotiations with TDS to sell their system through TDS and then TDS formed a subsidiary as TDS Baja Broadband Operating Company, LLC. That agreement and sale did not take place until after the ordinance that we had approved with Baja. One of the conditions of the sale was that TDS Baja Broadband Operating Company, LLC be accountable and responsible and be assigned all of the franchises and liabilities and obligations existing under ordinances and agreements with towns and cities within the Baja area. To that extent we were notified by the representative of Baja Broadband Operating here tonight of the said ordinance.

Joe Wyatt said I don't really have anything substantial to add but I appreciate that we are able to renew this agreement for the franchise. When I was here recently I was not able to discuss the sale or the process which happened right after the approval of the franchise renewal so you have in front of you the documentation that we are requesting that you approve that will transfer the franchise to the new TDS Operating Company. Everything will stay in place and we are optimistic that this will be best for the towns and cities already being serviced.

Mayor Williams opened the Public Hearing and invited anybody from the public to ask questions.

Wayne Williams said my question is that the people who are buying it are unknown to the City and they want to give them a fifteen-year contract that they might want to get out of later

Joe Wyatt said the franchise that was just approved has language in it that requires Baja or its successors to meet all terms of the agreement so the City is already protected in the event the company did not live up to the contract.

There were no other comments or questions.

Mayor Williams closed the Public Hearing.

#### NEW BUSINESS

Mayor Williams stated the next item on the agenda was – Mayor's Comments.

Mayor Williams said that National Park Week is April 20<sup>th</sup> through April 28<sup>th</sup> and all visitations to National Parks are free.

Mayor Williams stated the next item on the agenda was – Councilor's Comments.

Councilor Miller said we have our Great American Cleanup this Saturday and it will be from 8:00 until noon at the Senior Center. We will be handing our t-shirts and bags to cleanup in the area that you might want to and then come back and have lunch. One of our members ordered pizza this year because we didn't want to cook outside in case it was windy and a fire hazard. Ruidoso had theirs last Saturday and a couple of our members went there and helped them. Two of us really helped and picked up 29 bags in Ruidoso so I was proud.

There were no other Councilor's Comments.

Mayor Williams stated the next item on the agenda was – Consider Adopting Ordinance No. 2013-05 AN ORDINANCE APPROVING THE ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE FROM BAJA BROADBAND OPERATING COMPANY, LLC TO TDS BAJA BROADBAND OPERATING COMPAN, LLC.

H. John Underwood, City Attorney said I have reviewed all of the documents and everything seems to be in order.

Mayor Williams entertained a motion to adopt Ordinance No. 2013-05 AN ORDINANCE APPROVING THE ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE FROM BAJA BROADBAND OPERATING COMPANY, LLC TO TDS BAJA BROADBAND OPERATING COMPANY, LLC.

Councilor Miller moved to adopt Ordinance No. 2013-05 AN ORDINANCE APPROVING THE ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE FROM BAJA BROADBAND OPERATING COMPANY, LLC TO TDS BAJA BROADBAND OPERATING COMPANY, LLC. Seconded by Councilor Hood.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Consider Approving Agenda Briefing Memorandum Destruction of Public Records-General Records Retention and Disposition Schedule.

Carol Virden, City Clerk/Treasurer said I am requesting to allow the destruction of Public Records in accordance with the General Records Retention and Disposition Schedule. It's been quite a while since we've done any destruction of public records and if you look at the destruction forms I have provided you with the General Government Administration codes, the beginning dates of what the records are and ending dates and the quantity of boxes we have ready for destruction.

Councilor Hood asked if we are just doing what we did last time?

Carol Virden, City Clerk/Treasurer said yes.

Mayor Williams entertained a motion to approve Agenda Briefing Memorandum Destruction of Public Records-General Records Retention and Disposition Schedule.

Councilor Miller moved to approve Agenda Briefing Memorandum Destruction of Public Records-General Records Retention and Disposition Schedule. Seconded by Councilor Perry.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Consider Scheduling Date(s) and Time for Budget Workshop(s) for 2013-2014 Fiscal Year.

Terri Mosley, Finance Director said I've been working with the departments already and we will hopefully be meeting at the end of this week with the Budget Committee. I would like to recommend around May 8<sup>th</sup> or 9<sup>th</sup> or sometime in that week for those workshops.

Councilor Hood asked what days those were?

Terri Mosley, Finance Director said that was a Wednesday and Thursday.

Mayor Williams asked Councilors to schedule date(s) and time for Budget Workshop for 2013-2014 Fiscal Year.

Councilor Miller moved to schedule date(s) and time for Budget Workshop for 2013-2014 Fiscal Year on May 8 & 9, 2013 at 3:00 p.m. Seconded by Councilor Perry.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action to Contract out-Director of Hubbard Museum of the American West.

Councilor Miller said I thought that would be a good idea to contract it out for like a year at a time and that way we're not stuck with somebody if they don't do the job. It would be like a consulting director along with actually doing all of the duties of the director too. Hopefully somebody with a lot of experience will come forth. I was this way before when we were cutting salaries and there was talk about cutting the director and I thought no, there has to be somebody in charge over there. I just figured the rest of them there were so busy with what they do that we need somebody in charge. I read the contract we had with Mickey with the Transit System and I thought that just about covered everything. I thought it might be better to go that way rather than hire someone and have to pay insurance and retirement since we're trying to save money.

Mayor Williams said we have some members of the museum staff here if Council wants to ask them questions. Director Mosley would you give us some specifics on cost analysis and possible savings?

Terri Mosley, Finance Director said currently what we have budgeted for is the director as a City employee with the benefits and salary at \$64,521. I don't know the dollar amount of what we would be contracting but I don't think it would be close to that \$64,521.

Councilor Miller asked if that was with the insurance and everything?

Terri Mosley, Finance Director said that is what we currently have budgeted for salary and benefits.

Councilor Miller said if we did have someone who would accept a contract they would have to go through a screening as if we were hiring them. That would take at least \$20,000 off of that.

Mayor Williams asked Carol Virden, City Clerk/Treasurer to explain some of the specifics.

Carol Virden, City Clerk/Treasurer said as we all know there are rules and regulations under our Personnel Policy and as of this date there has not been an interim Museum Director named by the Mayor to come forth before the Council for their confirmation. You certainly can go that route if you wish or we can take Councilor Miller's suggestion and look at the contracting part of it but I do want to give you some information that has a significant impact on all employees, not only the museum but, all the employees. We all know July 1, 2014 under membership coverage under PERA for full-time employees to work 40 or more hours in a week and part-time employees to work 20 or more hours in a week but fewer than 40 in a week are classified as PERA members. July 1, 2014 an additional .4% will be added to the City's contribution for all of the employees. Also, under the Affordable Care or the Obama Care, whichever you prefer to call it, employees with more than 30 hours of service per week or 130 hours of service per month must have access to employee sponsored health care benefits at company's with 50 or more full-time employees or full-time equivalent otherwise employers will face a penalty of \$2,000 per employee minus the first 30 employees if at least one full-time employee receives subsidized coverage through and exchange which is a different insurance. Remember those numbers and specifically if the Mayor is going to allow the museum staff to bring their proposals in what they are call short-term staffing of the museum and each of you has a copy of that.

Mayor Williams asked if the representative from the museum wanted to put your side up?

Adele Karolik, Curator of Collections at the Hubbard Museum. I understand the budgetary concerns as far as staffing at the museum. My concern about turning the directorship into a contract position is that currently we are at a very minimal staff but the staff and volunteers that we do have are extraordinarily committed as far as communication between each other. We are functioning very well considering the man-hours for the services we provide seven days a week. We've been installing two exhibits and taking down two exhibits that require shipping to photographers and other things all over the country. So, we are on the go all the time. Each one of us that works at the museum is fully committed in what we do and to each other and to make this work. I don't know that you will find anyone if you turn the directorship into a contract deal that will provide the level of commitment for the staff. I would like to see them move forward with getting the quality of life and how to get to the voting public but we absolutely want the opportunity to reach the public that without getting revenues from outside our own revenues that it's a death sentence to the museum. We are not ready to let that happen. We need your help to figure out how to do this and saving on benefits is not going to do it. This museum is an extraordinary institution and we have barely scraped the surface to get a better online presence. I am working on a concept of how to get our collections online by photographing things and get it online. If we can get some revenue from that too we have things that are three hundred years old. We have collection of things that are paired with one another of American history that are just remarkable. I have learned so much in the seven years I've worked here. Right now we need guidance from the Council and the City of how we're going to handle this.

Councilor Miller said I read this right before the meeting Adele and your staff is suggesting the directors' salary be used to hire three part-time people, which is a maintenance person, a

security/gift shop staff, and a part-time education curator. I know part-time people are hard to get.

Councilor Miller said if you got someone who knows about museums it would work.

Adele Karolik said right here at this table you have fifty years of knowledge about museums. I am always awestruck at how one small piece of a collection can relate to another and that if I don't get this piece now it may be gone a few years from now, the tag may have fallen off and then you wouldn't know it belonged together. That is why I'm making a photographic collection of these items.

Councilor Miller said we are going to get a director sooner or later so why delay?

Janis Rowe said the last real professional Museum Director we had was Bruce Eldridge. I'm not saying Jay Smith wasn't but he wasn't from here and Bruce Eldridge was. His salary was \$120,000 a year and that's what you're going to pay a real Museum Director. When you start going down in the salary you get what you pay for. We already have a staff and these two up here have more experience than Jay Smith ever thought of having. We don't need a director. We all know our jobs and we are professional. We need a go-to person and not someone who is going to fly here and there to deal with the Smithsonian.

Carol Virden, City Clerk/Treasurer said I did want to bring to your attention that when the Council terminated positions one of the gift shop managers, one of the VSR, and the Curator of Education, in our Personnel Policy Rules and Regulations we have to offer those people, if the Council chooses to go this route, the first opportunity to come back. Please remember that.

David Mandel said it would be more in line to see what we can do with the revenues. The last four or five months has reduced our ability to raise money through the gift shop. We should put more attention to reaching the visiting public and the people of Ruidoso Downs through advertising and have more programs. I don't know if the museum would have the chance to do that if a new museum director came in right away because it's going to take a considerable amount of time to look at everything that has been done.

Councilor Miller said the two positions that were eliminated was a suggestion from the museum staff because they said they could take care of it. The Curator of Education was gone sick quite a bit and I believe the other one was missing work quite a bit but that was the suggestion from the museum staff to eliminate those two positions. I did some research the other day for museum directors nationally and it was \$34,000 to \$70,000. We have a museum in a small town.

Adele Karolik said we are not doing okay with the staffing cuts that were made. We are making it work but we have not been in high time yet. If someone was to get sick and have the flu for five days we would all have to work overtime. We had an event the other night and David and I worked eight hours in order to make this happen on our time when we were not scheduled. We're salaried and we do that so that's okay. We understand that we need to do that. That's what I'm talking about though is that we have commitment. We will not let the

public suffer because we are short-staffed. We will do what we have to do and everyone on staff that's left feels the same way. That's a pretty remarkable thing really.

David Mandel said I have confidence that we can recover

Councilor Perry said I agree with what Councilor Miller said. We accepted your recommendation. There were four or five recommendations and we accepted yours. This is what you wanted. When you all recommended to let these people go it was in your packet and you were the ones that figured it out.

Adele Karolik said the requirement was to cut a certain amount from the budget and that's why you had so many options on how we could do that. There was no way that any of this could happen, as Jim Kofakis mentioned, without major staffing changes. None of us wanted to see major staffing changes. I'll let you know that. None of us wanted to see our fellow workers lose their job or be laid off.

Councilor Perry said you said at that meeting that you had all sat down and figured it out and voted on it and then brought it to us. Is that not correct?

Adele Karolik said you can cut off one index finger or the other but you don't like losing either one.

Mayor Williams intervened and said just to ask the questions and answer the questions.

Adele Karolik apologized and said that is just not a clear view of what really happened.

David Mandel said we were being advised primarily from someone who looked primarily at the money and had no particular concern for the operations. At no point did we all vote but we all agreed that would be a way that we could provide. We all took pay cuts and we all were doing everything to fix the budget.

Councilor Hood asked when that was done with the museum was it their proposal that was approved?

Carol Virden, City Clerk/Treasurer said yes it was.

Councilor Holman said I agree with what has been said and we are not only under the impression but we had pages of information that indicated that this is what the museum staff wanted. At the time I remember very vividly, and I think the other Council members will remember that I said I don't think what they are recommending is going to be enough and that my fear is we are going to be back here in four or five months and be dealing with some of the same problems. It's been about five months now. I really wasn't very positive about the information being asked by the museum staff but I went along with it and voted for it. What I'm hearing is this is what you guys asked for and you got it and now you're unhappy with us for what you asked for.

David Mandel said no, there are things we would like to do as a staff that will bring in more money. We would like to use the directors' salary to hire more part-time people to do all the work that the previous director felt wasn't necessary. I don't want to blame everything on him but we have a different view of the museum than the previous director. We would like to have the opportunity to carry through some of those proposals we have and see if we can turn the museum around. If we can't then I don't know what's going to happen. A director from another state or a director from in state is going to take at least six months to a year or two to learn all of the ins and outs and finding out what the museum has.

Adele Karolik said another thing I'd like to point out is some of the options we were given as possibilities of what we did finally decide that we could accept on the original proposals was that there were two more positions that were going to be completely cut. There was going to be five positions that were completely cut. Everyone's salary was going to be cut. We went to the director and said please do not cut the hourly people's wages. We will take a bigger cut because we don't want to see people who are already making a smaller take home pay be affected by this cut. Did we accept it? We accepted it because what other options there were was far worse than what we accepted.

Mayor Williams said to remember that the museum staff took a 12.5% hit on salaries and they also had their clothing allowance taken from them. It's unfortunate that they had to take it but they were willing to take cuts because they wanted to see the museum continue and find other avenues of revenues. We're not out here to ridicule or blame them or to blame Council. We are here for the presentation from Finance. I want Council now to consider if they want to move forward with this or make a recommendation not to or delay it or postpone it. If you need further discussion on this you can do that.

Councilor Miller said we cannot hire a gift shop staff person or a Curator of Education unless we bring the others back at full-time.

Carol Virden, City Clerk/Treasurer said because these positions were terminated it doesn't matter if they are going to be a full-time or part-time you have to offer those terminated position employees the right to come back first to come back before you take it out and publicize it to others.

H. John Underwood, City Attorney said that position being if it's changed from full-time to part-time you have to offer it back to them at part-time.

Mayor Williams entertained a motion for possible action to contract out Director of the Hubbard Museum of the American West. Seconded by Councilor Perry.

Councilor Miller moved for possible action to contract out Director of the Hubbard Museum of the American West.

Councilor Holman said the way the motion was presented wouldn't this be a motion for action and not possible action?

H. John Underwood, City Attorney said it would be moved from possible action to action to contract out for Director of the Hubbard Museum of the American West.

Councilor Miller said I will change that to action to contract out Director of the Hubbard Museum of the American West. Seconded again by Councilor Perry.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

David Mandel said with that said I will be submitting my resignation.

Adele Karolik said as will I.

David Mandel said goodbye and good luck.

Mayor Williams stated the next item on the agenda was - Consider Approving Economic Development Board-Request to Amend City of Ruidoso Downs Code of Ordinances Title III: Administration Chapter 33 Boards and Commissions and Authorities; Section Economic Development Board Subsections 33.35 General and Subsection 33.36 Appointment (B).

Harold Oakes, Chairman of the Economic Development Board said currently the board has seven positions to fill and only four are filled. The requirement that you be a resident of Ruidoso Downs is a huge obstacle in getting those other three positions filled. We can't have a meeting unless all four of us are there because that's what it takes to make a quorum for that board. We are a very energetic group and try to get things done but we need some help with that. We started this just to modify the requirement for membership but in looking further into the ordinance it stated that there would be a member from the Ruidoso Downs Chamber of Commerce so we are requesting that be changed to the Ruidoso Valley Chamber of Commerce. Prospective members would still have to submit a letter to the Mayor and he would still have to accept that letter and bring it to Council for their approval. The only thing it would allow us to do is recruit business owners and people with a business interest in our City to be on the board regardless if they live here or not.

Carol Virden, City Clerk/Treasurer said as well as remove the Ruidoso Downs Chamber of Commerce and replace with the Ruidoso Valley Chamber of Commerce.

Councilor Miller said we need to work as a community and I really don't see a problem with that. If they have a business in Ruidoso Downs and don't live here they should have a say so in it.

Mayor Williams entertained a motion to approve Economic Development Board-Request to Amend City of Ruidoso Downs Code of Ordinances Title III: Administration Chapter 33 Boards and Commissions and Authorities; Section Economic Development Board Subsections 33.35 General and Subsection 33.36 Appointment (B).

Councilor Miller moved to approve Economic Development Board-Request to Amend City of Ruidoso Downs Code of Ordinances Title III: Administration Chapter 33 Boards and Commissions and Authorities; Section Economic Development Board Subsections 33.35 General and Subsection 33.36 Appointment (B). Seconded by Councilor Hood.

Roll call votes: Councilor Holman, Nay; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was - Consider Approving Resolution No. 2013-06 Fire Restrictions-Class IV-Fire Danger Very High-Level II Fire Restrictions.

Kenny Ellard, Fire Department said I would properly like to raise the Fire Restrictions to Level II. He gave them a handout. As of April 16<sup>th</sup> we are at 90 percentile and we do work on a certain chart. Class I ERT number is 0-80 for low water to high fire, which is a Class I, II, or III Level I Restrictions which we are in year round. Level II Class IV and that's and ERT number of 81-88. Currently as of yesterday we were in the 90 percentile and surrounding areas such as Mayhill was 94 and Mescalero is at 90 percentile. This urges us to go into Level II Fire Restrictions. I would like to place Level II Restrictions this Friday at 8:00 a.m. I spoke with the Fire Department and they will also be placing their Fire Restrictions at the same time on Friday.

Councilor Miller asked if this is what Lincoln Forest is doing also?

Kenny Ellard, Fire Department said it's very hard to stay with the Forest Service and the County because they have a whole different ordinance but Smokey Bear has advanced their Fire Restrictions.

Mayor Williams entertained a motion to approve Resolution No. 2013-06 Fire Restrictions-Class IV-Fire Danger Very High-Level II Fire Restrictions.

Councilor Miller moved to approve Resolution No. 2013-06 Fire Restrictions-Class IV-Fire Danger Very High-Level II Fire Restrictions. Seconded by Councilor Perry.

Mayor Williams said I would like to mention that it would begin on Friday at 8:00.

Carol Virden, City Clerk/Treasurer said once the Resolution is approved and when signed becomes law. I would have to amend that to be Friday at 8:00 a.m.

Councilor Miller amended her motion to state that she moved to approve Resolution No. 2013-06 Fire Restrictions-Class IV-Fire Danger Very High-Level II Fire Restriction and would begin on Friday, April 26, 2013 at 8:00 a.m. Amended motion seconded by Councilor Perry.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

## OTHER BUSINESS

**(Items are for discussion only - no action will be taken)**

There was no Other Business.

## PUBLIC INPUT

**(All concerns to be addressed only to the Governing Body as Whole with a 3-Minute time limit)**

Wayne Williams said I have a little food for thought. Seems like you're going to have to make a decision in this budget item for the museum. Whether you decide one way or another it's not my position to push your vote one way or another but it seems like you have two choices. One, you are going to have to see how much it's going to cost to save the museum. The second thing you are going to have to decide is how much you got. Can you afford what it's going to take to support it? That's the choices I see that you have coming. I do have one other suggestion to put a little more in the pocket of the City. You have enough Police cars out there to supply Albuquerque let alone a little town like us. There's probably four Police cars for every Police. You need to get rid of some of them. If they're not any good get rid of them. That would bring in a little bit of money to the City. I don't know what the Chief does but since we had a complaint with one of the officers he won't even come into our neighborhood again. Apparently he isn't driving one of them.

Mark Paul read a letter addressed to the Mayor and City Council as follows:

The Escondido Hills subdivision can only be described as a disaster and failure of local government. Residents of Agua Fria tried to stop it in Planning and Zoning (P & Z) meetings, but P & Z did not listen and recommended the project anyway. Agua Fria residents urged city councilors not to approve it, but the councilors did not listen and approved the project anyway. This has never been a property right issue. This has never been a zoning issue. It has always been a covenants issue.

Work began in 2006 on the seven-acre site. The topography of the land was altered, the natural drainage was destroyed, and the native vegetation was removed - most of the trees are buried on site. This has resulted in a depression cut into the slope, massive soil erosion from wind and water, invasive weeds and non-native elm occupying the site, and a site that probably should not have anything built on it because the buried trees will eventually decay and create voids that may cause buildings and infrastructure to collapse.

When is the city going to recognize that piece of property for what it is - an unsightly, abandoned development that lowers property values, and is a health and safety problem in the middle of our neighborhood. When is the city going to recognize that the residents of Agua Fria are not the problem? You would think that after nearly eight years the city would finally get it right.

On Friday, April 12<sup>th</sup>, a road grader moved onto the site that was covered in 3' to 4' tall weeds and proceeded to work. I called the city to find out what was going on because we were told earlier that no permits would be issued for that site. I was transferred to

the P & Z department. The person I spoke with was aware of the work, but said there was nothing he could do and that they did not need a permit. He said they were only supposed to knock down the weeds and not move any earth. How can you not move earth with a road grader? Why wasn't the site mowed? Why was a road grader even allowed? The seven acres is nearly devoid of vegetation and the result is a severe dust problem when the wind blows.

There needs to be an investigation into the city department that oversees this project. We need to know why the city has failed to provide proper oversight.

- Is it because of inadequate construction ordinances?
- Is there a lack of personnel and training?
- Does someone have a conflict of interest?
- Is there corruption?
- Is it incompetence?

Or, is it like the city employee told me, "You are talking to the wrong person! You need to talk to someone that actually gives a shit!"

People need to be held accountable.

Thank you,

Mark Paul

#### ADJOURNMENT

There being no further business to attend to Mayor Williams adjourned meeting at 6:46 p.m.



ATTEST

Carol Virden, City Clerk/Treasurer

Gary L. Williams, Mayor