MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
JULY 14, 2014
4:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on July 14, 2014. Mayor Williams called the meeting to order at 4:30 p.m. and asked Kenny Ellard to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Miller
Councilor Morales
Councilor Perry
Councilor Hood (via teleconference)

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

Also present:

H. John Underwood, City Attorney
Christopher Rupp, Police Chief
Mary Castaneda, Finance Director
Steve Dunigan, Planning & Zoning Director

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

Mayor Williams entertained a motion to approve the agenda.

Councilor Morales moved to approve the agenda. Seconded by Councilor Miller.

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

APPROVAL OF CONSENT AGENDA
Mayor Williams stated the 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 Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Hood, Aye. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF JUNE 23, 2014
Councilor Miller moved to approve Minutes of the Regular Meeting of June 23, 2014. Seconded by Councilor Perry.

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

APPROVAL OF ACCOUNTS PAYABLES
Councilor Miller moved to approve Accounts Payables. Seconded by Councilor Perry.

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

PUBLIC HEARINGS

A. Ordinance No. 2014-01 An Ordinance Amending Title IX "General Regulations" Chapter 93: Parks and Recreation: Amending Section 93.01 Park[s] Established of the City of Ruidoso Downs code of Ordinances.
B. Ordinance No. 2014-02 An Ordinance Amending Title VII: Traffic Code Chapter 70: Penalty Assessment Program: Section 70.02 Penalty Assessment Misdemeanors Table: of the City of Ruidoso Downs Code of Ordinances.
C. Planning Appeal Hearing of P & Z Case No. 2014-01, Ms. Kathy Kolt Appellant: change of Current Zoning from R-1 to AR-2 Located at 206 Spring Road.

Carol Virden, City Clerk/Treasurer said this is actually a cleanup under Title IX "General Regulations", Chapter 93: Parks and Recreation: Amending Section 93.01 to reflect Parks[s] and not Park. On August 12th Council did approve Resolution to the addition of not only All American Park but also Heights Park and Riverside Park. So, what we failed to do was make it a plural.

Mayor Williams opened the Public Hearing for Item A and asked for comments.

There were no comments.

Mayor Williams closed the Public Hearing for Item A.

Mayor Williams said the next Public Hearing was for Item B - Ordinance No. 2014-02.

H. John Underwood, City Attorney said this is an amendment to correct the Traffic Code and if you will remember we changed a bunch of the penalty violations, citations, and charges to be more in line with our sister neighborhood Ruidoso. Inadvertently I left off of the final copy the fine for display of current valid registration plate and also the failure to exhibit that on demand with a $10.00 fine. We didn't catch that until we sent it to the people that collate our municipal code enforcement. I asked that you adopt this so it will complete our local municipal code enforcement.

Mayor Williams opened the Public Hearing for Item B and asked for comments.

There were no comments.

Mayor Williams closed the Public Hearing for Item B.

Mayor Williams said the next Public Hearing was - Planning Appeal Hearing of P & Z Case No. 2014-01, Ms. Kathy Kolt Appellant: Change of current Zoning from R-1 to AR-2 located at 206 Spring Road.

H. John Underwood said I'd like to advise those who are testifying today that judicial proceedings pursuant to the New Mexico Supreme Court law and therefore each one of you will be sworn in and a record will be kept of the proceeding. I will need all of you who are going to testify in this case to stand and at this time take the oath to tell the truth, the whole truth and so on.

Carol Virden, City Clerk/Treasurer administered the oath as follows:

> Do you solemnly wear and affirm that your testimony today will be the truth, the whole truth and nothing but the truth under penalty of perjury.

Kathy Kolt responded I do.

Mayor Williams said the Public Hearing was now open.

Kathy Kolt said I bought my property from Bud Ferrell. His family was under the impression that the property was for horses. They never received any notices that it was anything except what they had always used it for. Everyone I talked to from the real estate, title, and insurance companies, everybody knew I bought that land because I wanted to bring my horse up there. Two months after I owned the land the Code Enforcement Officer drives up and says you have a building permit to change out those windows. Then he said rumor has it that you plan on having horses here. I said yes. He laughed and said you can't have you can't and this isn't zoned for horses. He left

and that was my Welcome Wagon into Ruidoso Downs. Let me read some of this. I've gone to a ton of neighbors and none of them have said no we don't want you to have your horse there. When I went in front of the zoning board whoever it was that was on the phone and before I opened my mouth he said I vote no. I thought I would have gotten a chance there. This letter is from Lelland and Betty Ferrell. They wrote that to their knowledge the property located at 204, 206, and 208 Spring Road is zoned as an agriculture property and has always been. They said they don't have a problem with having horses on her property or around their other property. They said they were never notified of any zoning change and that they thought if it was going to be changed they would have received information before it was changed. Kathy Kolt said she had a number of other letters that she wrote. She said this piece of property is in essence an "I" in that if my property is by the driveway and this other property is back by the water tower and the road goes past my property. So it's like if I put my horse there you won't know it unless I tell you. In talking to all of the different neighbors, one out of ten knew that it had been rezoned. It was put in the paper but who reads the fine print? Who reads the newspaper? It's not the way to get ahold of someone. Why don't you mail something to their house? Well, you can say we did it correctly. I have some pictures.

Darien Ross stood as Carol Virden, City Clerk/Treasurer swore her in.

Darien Ross said each one of you has this and it's kind of blurred because of Google Earth. The smaller portion that's blue is actually the roof of her house. You'll see the water tower and the building. She pointed out the property of Kathy Kolt. She said if you will flip it over to the other side and see the blue roof and how far away and where she sits.

Kathy Kolt said I didn't even know people owned land behind my pasture because it was near Lincoln National Forest. But, they are way up on the other side of those apartments. This is a nightmare for me. I spent a lot of money buying something and I didn't get what I bought. The people that own the property were never told they didn't have horse property to sell. In talking to other neighbors they are in the mess also. They may not have horses but they always felt they had the ability to sell their property as either residential/vacation or horse property. No one got anything in the mail. It might have been in the newspaper and might have been on the radio but it didn't work out very well. I can't tell you how important this is to me. You're all sitting there in the position where you can blow me out of the water and ruin my land or let me have a horse up there which no one is going to know because the horses can't be seen from any place. Any questions?

Mayor Williams said this is only for you to give us information and to present your case.

H. John Underwood, City Attorney said this document that you've given us that has your tract on it, I'm going to mark it as Exhibit A.

Kathy Kolt said this whole thing was owned by Bud Ferrell. Their house and this tract they still own.

H. John Underwood, City Attorney said this is the gentleman that lives in Kingman, Arizona. On the map that the Council has it looks like you own the property that is Tract 1A.

Kathy Kolt said it was except then I bought, there was a driveway that went past the garage and so I ended up getting more than 1.888 acres.

H. John Underwood, City Attorney asked Kathy Kolt if anyone, in referring to what I'm calling Exhibit B which is the zoning map, or did you check the zoning map before you purchased the property?

Kathy Kolt said no. What I did is it says on the piece of paper from the real estate it said wild horse property. I drove past David's house and David has horses. She pointed to the piece over here and said and that was fenced.

H. John Underwood, City Attorney asked who you were told that by?

Kathy Kolt said the real estate agent.

H. John Underwood, City Attorney asked which real estate agent?

Kathy Kolt said Darien and Rodney.

H. John Underwood, City Attorney asked Rodney who?

Kathy Kolt said Rodney Reynolds.

Kathy Kolt said I wanted to make sure I could ride on the Lincoln National Forest. It wasn't enough for me to have horses. I asked are you sure I can ride on that property?

H. John Underwood, City Attorney asked if she contacted the US Government in that regard?

Darien Ross said I did. I went over to the Ranger Station.

H. John Underwood, City Attorney asked if they gave permission for her?

Darien Ross said they said that if it was National Forest up there and if there were trails then horses were allowed.

H. John Underwood, City Attorney said for official record her name was what?

She said Darien Ross.

H. John Underwood, City Attorney asked Darien if she ever got a zoning statement or clarification of zoning from the City that this was allowed for horses?

Darien Ross said no. She said I drove past horses. There was horse property all over. There's the Lincoln National Forest. There's the racetrack and the Hubbard Horse Museum. Without the Hubbard Horse Museum and racetrack what's Ruidoso Downs? You're cutting your throat. You claim to fame is that museum and the racetrack.

H. John Underwood, City Attorney asked Kathy Kolt if she ever bought other pieces of property?

Kathy Kolt said oh yes.

H. John Underwood, City Attorney asked if she ever checked the zoning on other pieces of property?

Kathy Kolt said no. I've bought numerous pieces of property in Artesia. When I do that little piece of paper that says it's a repo I start jumping up and down.

H. John Underwood, City Attorney asked if she ever checked the zoning on any of those repos you purchased?

Kathy Kolt said no. I've looked at the property.

H. John Underwood, City Attorney said I have no further questions.

Wayne Williams said I don't know whether you've read the minutes of the Planning & Zoning meeting but they are in the packet. I don't know exactly where this property is that she's talking about but from the minutes neither does anybody else. No one has gone and looked at the property. From my understanding of reading the minutes the man who originally owned this property, he owned it before there was even Planning & Zoning or ordinances up there. He wasn't even included in the zoning area which tells me, if I could relate this to my own situation. It was zoned agriculture when I bought

my first three lots down there. When you rezoned it I was lucky enough that I was coming to the Council meetings and knew what was going on. I was determined that they were not going to change my zoning. I spent good money to buy agricultural property. So, if all of a sudden Planning & Zoning decides to change my zoning I can no longer sell my property as agricultural. I've got to tell the people buying from me that the property is no longer as valuable as it was when I bought it. Don't even plant a potato out there because our Building and Code Enforcement is going to come by and say you can't do that and Planning and Zoning won't have any problem with me losing money because they devalued the value of my property. This is what happened to the man that has this property. Regardless of whether he was notified or not of the zoning change, he bought that property as an investment property. This City has no right to devalue his property without at least telling him that you can sell your property as horse property so you're not losing the value of your property once. But, when you sell it you're going to have to tell the people you're selling it to that if they ever decide to sell it that it's going to be R-1. That's the only fair and honest way of doing this. City Council cannot devalue someone's property. I have five lots and just sold one of them. If you come now and rezone that to R-1 my property just went from $100,000 a lot to $50,000 and I've just lost 50% of the value of my property. That's wrong. This City should not and cannot do that. It's the same as this man who sold it to this lady. I don't know if it's right legally but I know there is no justice in the legal system. Morally it's wrong. You are the final word. I feel sympathy for this lady and for the man that sold it to her.

Pam Williams said I've lived in Ruidoso Downs for fifteen years. I feel like saying that like Ms. Kolt said we don't get anything by mail anymore. I don't ever get a newspaper either. If it's something this serious it should be done as registered mail so that you know that person got that piece of paper. This is our livelihood, an investment. I feel that what's good for one is good for all and we have it scattered all about this City. Some people are allowed to have horses in R-1 and some aren't. As everyone has said why is it that all of a sudden why can't we have horses. This is a horse community. If it's a big enough property I don't see why there is a problem if it's cleaned up and neighbors aren't close enough to smell it. I just hope that you make the right decision because we have a mess. It's not just Kathy Kolt's problem. We have other problems in Ruidoso Downs.

Steve Dunigan said I am the Planning & Zoning Director.

H. John Underwood, City Attorney said to Steve that he just wanted him to give some background not only on this piece of property but Ruidoso Downs in general as to when we adopted the Master Plan and the changes in zoning in 2008. I think there was an original Master Plan in 2001.

Steve Dunigan said back in 2001 the actual zoning ordinances were adopted by the City. There was a zoning map that was used for a part of the Comprehensive Master Plan project which was approved by City Council on October 25, 2004. At the time of this maps' generation it was probably in the 2003 time period. What I wanted to point out is the zoning for the City of Ruidoso Downs, and we'll look at the property in question, does have all of the agriculture zones and residential zones. The two properties in fact, Mr. Ferrell's property was R-1 at the time this map was produced. In 2008 we made an effort to complete zoning of all of the annexed area. That map represents the section you see in front of you. It remained R-1 at that time also so there has never been a change in the zoning of this property since 2003. The issue of re-designation obviously zoning is a process that requires initiation of Planning & Zoning areas and then City Council's final approval and all through Public Hearings and Public Meetings. There are all kinds of publications, advertisements, and letters sent. If you weren't being rezoned you wouldn't have gotten a letter. I'm trying to lay out the fact that these properties that have been R-1 are R-1. There's no gray area about it. I think April 26, 2010 are the last codified approval by Council of the actual zoning ordinances took place. At least ten years and twenty years, eleven years we're looking at a pretty consistent zoning use by the City not only of our ordinances but of our zoning and land use designation.

H. John Underwood, City Attorney asked if R-1 allows horses?

Steve Dunigan said not it does not.

H. John Underwood, City Attorney asked if AR-1 allows horses?

Steve Dunigan said yes it does.

H. John Underwood, City Attorney said if a person had been in the area of Kathy Kolt's property in 2001 and the Master Plan was drawn in 2004. Were you here in 2004?

Steve Dunigan said yes but not in the Planning Department.

H. John Underwood, City Attorney said you know that the law requires several hearings.

Steve Dunigan said yes.

H. John Underwood, City Attorney asked if he assumed the City had all of the hearings?

Steve Dunigan said yes.

H. John Underwood, City Attorney asked if a person had a horse that was zoned R-1 in 2004 was that person allowed to keep that horse and those barns and so on at that time?

Steve Dunigan said yes.

H. John Underwood, City Attorney asked what provision of the Municipal Code covered that?

Steve Dunigan said our section of legal non-conforming uses quite clearly states that if a non-conforming use was in effect at the time the zoning was approved for that land they could continue on in the same manner. Specifically it says in Section 155.078 of the Land Use Ordinance: Non-Conforming Uses and Structures: Section E: Whenever a lawful non-conforming use of a building or structure or land is discontinued for a period of 90 days any future use of the building, structure, or land shall be in conformity with the provisions of this chapter. He said under Section A it states: Any structure or used lawfully existing on the effective date of this chapter may be continued at the size and the manor of operation existing upon such date except as otherwise specified in this section. He said we have quite a few of non-conforming uses so when we finally decided as a community to rezone our properties they were allowed to continue and to this day we have those. It's one of those things we are responsible for monitoring so if somebody wanted to bring horses into a section that is clearly R-1 and doesn't allow them we must go with it.

H. John Underwood, City Attorney said on this particular property if the use of the horses would have continued uninterrupted or at least for a period not to exceed 90 days would Ms. Kolt's property have qualified for the non-conforming use in which she would be in your opinion allowed to continue allowing horses on the property?

Steve Dunigan said yes.

H. John Underwood, City Attorney said and that is pursuant to 155.078 E?

Steve Dunigan said yes.

H. John Underwood, City Attorney asked if he knows if Ms. Kolt's property was or was not used continuously for a period of 90 days prior to for the purpose of using the property for horses.

Steve Dunigan said I don't have any documentation for that particular property of how long. Our opinion is based on knowledge of property and we drive around and haven't seen horses on that property for a long time.

H. John Underwood, City Attorney said is your decision based on that belief.

Steve Dunigan said yes.

Do you have any other documentation otherwise?

Steve Dunigan said no.

H. John Underwood, City Attorney said Ms. Kolt has applied for a rezoning of this property from R-1 to AR-1. Are you aware of the general law that is known as spot zoning?

Steve Dunigan said yes.

H. John Underwood, City Attorney said if Ms. Kolt applied for a rezoning and included other pieces of property with that rezone that are contiguous or adjacent to her property would that be something more in keeping with what the law allowing for rezoning a property rather than zoning one particular piece or property?

Steve Dunigan said yes I think that would be the case more favorable to changing a zoning. When an individual property is changed and finds itself at odds with those surrounding it they can cause problems for other owners and where spot zoning may occur. I think the City's position would be that if there were a group of property owners that together felt the use of their land was far better and would like the City to consider through our processes to rezone and allow them the use or different uses or back to the historical use we would take that information if we were asked by the Council to do so and take a look at what are the properties? Are they contiguous? Are they next to a zone that's similar to what they are asking for? What is the historical use? Is it going to interrupt the infrastructure or the harmony and welfare of those around you? We'll look at the size of the property and does it back the National Forest and that would be a positive. All of that would certainly be a reason to look at a section of town. We did so in 2008 when we looked at the annexed properties. They came in as a default R-1 so we took a look at what their historical use was and how the arterial roads went through those properties so you would not necessarily want residential on Highway 70. In answer to your question that would be a reasonable request to look in to.

H. John Underwood, City Attorney said on Exhibit B which is the zoning map and looking at this property here you see that, and Mr. Ferrell wrote a letter who is the seller of the property and he said that, and Mr. Ferrell has an ongoing non-conforming use in an R-1 piece of property. Has he lost his right?

Steve Dunigan said not to my knowledge.

H. John Underwood, City Attorney said his being a contiguous piece of property and other properties being contiguous to that since there is no AR-1 zoning anywhere in that area, would that be something that would be more persuasive to the City to consider this as an area to be rezoned as opposed to one piece of property?

Steve Dunigan said yes.

H. John Underwood, City Attorney said that's all I have.

Gary Caughron was sworn in by Carol Virden, City Clerk/Treasurer.

Gary Caughron said I would like to ask Steve some questions also. Conditional use, is that allowed under the statutes in Ruidoso Downs?

Steve Dunigan said yes.

Steve Dunigan said it's not conditional it's non-conforming use.

Gary Caughron said so Council has the authority and could go in there and say it's zoned this but we could allow you a conditional use of the property to keep your horse there?

Steve Dunigan said no what I was saying is this is a non-conforming use.

Gary Caughron asked Steve to explain what a conditional use would be.

Steve Dunigan said a conditional use would not necessarily apply to a legal non-conforming use. If somebody came to us and their property was zoned C-2 or R-1 or whatever the case may be each designated zone or land use and has categories of permitted uses and conditional uses. In this case I have not seen the authority or ability for Planning & Zoning to say we will grant you a conditional use of that property and put a specific time frame on that because it's not listed as that.

Gary Caughron said one thing I'd like to clarify is on the spot zoning or what size would be appropriate? A block or what for rezoning?

Steve Dunigan said what we would need to look at is use and judgment, and common sense. What is the historical use and it would concern the surrounding properties as well. One property would be looked at as spot zoning but two, three, four, five. I think

we need to look at more than just a few and it has to make sense as a zone or district or subdivision.

H. John Underwood, City Attorney said it would be whether the area has some continuity and was contiguous and wasn't harming property rights. The only person that would come and complain would be that on my gosh we're getting a whole area or AR and here I have my nice home and I'm going to have flies or the smell. There is usually somewhat of a buffer zone.

Gary Caughron said if we could get that whole block done it would be doable. Another thing you mentioned was structures, conforming structures, use of the land. In 2004 there were horses and barns and were grandfathered in. I agree that would be the direction to go and it sounds like that's what everyone wants to do in that neighborhood. But, conditional use would not be the avenue to go on that?

H. John Underwood, City Attorney said unless conditional use Steve is allowing horses in R-1 property.

Steve Dunigan said no, that's not an option that I am aware of.

H. John Underwood, City Attorney said usually in conditional uses, and I will look at it Gary, I'm not aware that allowing horses is one of those conditional uses.

Wayne Williams said it was my understanding that the man who owns this property initially has a horse on this property. Does he or a renter have one at this time?

Kathy Kolt said Mr. Ferrell lives in Arizona and he does not have any there.

Wayne Williams said if there has been then it would be considered continuous use.

Darien Ross said I am with Pinnacle Real Estate and I'm the one that sold it to her and I had it listed. I did go through the covenants and restrictions first to see if horses were allowed otherwise I never would have taken her up there. Some of you have heard my story and some of you haven't. I see a lot of people here that haven't been to the other meetings. As a realtor we have people calling us for property in the Ruidoso area and my first question is always what area. The answer is, the canned answer is anything but Ruidoso Downs. I don't think that should be a stigma. Ruidoso Downs shouldn't have a stigma attached to it that people don't want to live here. I think Mr. Williams has been the Mayor and done a phenomenal job of cleaning up. I live in San Patricio so I drive in every day and have noticed the differences and the effort people have been putting into improving the Highway 70 front and it does make a difference. Two weeks ago there was a big drug bust in Ruidoso Downs. I'm a horse owner and I think there

are other horse owners here. Those are our drugs. These are expensive. People who have horses tend to have money to take care of horses. We don't sell drugs. We don't sell heroin. We don't make meth. I would think those are the type of people you would want in your community that if you could rezone the areas the properties that make sense. Once you take away you have an acre or two or three acres that you allow horses and then you take away that property value drops. I have people always calling me if there is a place I can go for the summer where I can buy just to use for the summer where I can ride into the forest. There really isn't a lot. There was a lot that opened up in Bonito and it sold like this. Those are the types of things that sell. If you change those not only are those property values going to go up but those people are going to take care of those properties and everyone else is too. I see a huge opportunity for gross receipts tax money. You guys lost the Bike Rally and by losing the Bike Rally you lost a lot of revenue that you guys would generate through either Lodgers' Tax or gross receipts tax. If there are horse people down here they have to go down to Harvey's to buy feed. They have to go over to Mr. Montoya to their trucks and tractors fixed. They have to go down to Circle R to get their trailers fixed. You're not going to have the police officers having to go up and down the street. Then you'll have people who will rent out for the summer. It's more than just Kathy Kolt. It's a huge opportunity for Ruidoso Downs.

Pam Williams I forgot that I wanted to say too that nobody checks the codes like the AR-1. There should be some kind of connection for the people that are selling the property and don't know it. You can't go and just see it anywhere. That's the reason they have a person selling and showing their property to make sure everything is covered. If you all aren't making these people aware of it there has to be a connection somewhere.

Mayor Williams said the Public Hearing is closed.

UNFINISHED BUSINESS

Mayor Williams said there was no Unfinished Business.

NEW BUSINESS

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

Mayor Williams asked Chief Rupp to tell them what occurred Saturday at Fort Stanton Live.

Chief Rupp said Ruidoso Downs Police Department as well as the Lincoln County Sheriff's Office, State Police, and the District Attorney's Office, we all participated in the Ice Water Cold Challenge which is a fundraiser Officer Down Memorial Fund. We raised just under $250. It was nice to gather with the community.

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

There were no Councilor's Comments.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Adoption of Ordinance No. 2014-01.

Carol Virden, City Clerk/Treasurer said Ordinance No. 2014-01 is more of a clean up to establish parks instead of park.

Mayor Williams entertained a motion to adopt Ordinance No. 2014.01.

Councilor Morales moved to adopt Ordinance No. 2014-01. Seconded by Councilor Perry.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Adoption of Ordinance No. 2014-02.

H. John Underwood, City Attorney said Ordinance 2014-02 is a simple clean up allowing the fine for failure to display registration permit and also to produce it upon request by the dully licensed police officer.

Mayor Williams entertained a motion to adopt Ordinance No. 2014-02.

Councilor Miller moved to adopt Ordinance No. 2014-02. Seconded by Councilor Perry.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Planning Appeal Hearing of P & Z Case No. 2014-01: Ms. Kathy Kolt Appellant. Change of Current Zoning From R-1 to AR-2 Located at 206 Spring Road.

H. John Underwood, City Attorney said some great points were brought up in the hearing and I appreciate Ms. Kolt's position and the realtors' position. Then again we have to appreciate the laws position. Whether or not it's correct the law provides that the area is zone R-1 and it does have the provision that if the previous owner would have kept horses on that property you would not have had to have been here tonight. Your application Ms. Kolt is to change that particular zoning to AR-1 and you may have the right to do that but

under New Mexico law if we only change one piece of property that is totally surrounded by other zoning it will not be upheld by the courts it would be considered spot zoning. I appreciate Mr. Williams' thoughts about devaluing property upon rezoning. It's been discussed you have coastal properties along the Carolina's where people have a right to build and they zoned it as preservation that took away hundreds of millions of dollars with rights to build along the coast of the Carolina's and that became a US Supreme Court case and what the court has said is that you don't have a right to zone it. The municipality or governmental agency must give notice. I wasn't here in 2004 so I don't know if they did so you might have to challenge it. Supposedly we gave proof of the hearing in 2004. The law does not protect a zoning other than providing for notice and opportunity to be heard. What I would recommend to the Council is I can't recommend as your attorney that you grant Ms. Kolt for her to be zoned agricultural zoning. What I would suggest to Ms. Kolt and the realtor involved is that they go back and get a plan together to rezone the area of contiguous properties into an AR zone for those who have horses around them so that we don't run into a court issue of spot zoning. I would recommend that the application be denied and that we encourage Ms. Kolt and any realtors and parties involved to go back and make a Plan B and come forth with a request for a contiguous area to AR-1.

Mayor Williams entertained a motion to approve or not approve P & Z decision.

Councilor Miller moved to approve change of current R-1 zoning to AR-2 at 206 Spring Road but I would also suggest some amendments made.

Councilor Morales asked to recuse herself from the voting. I do have property right below Ms. Kolt's area.

Councilor Hood seconded.

Councilor Miller said I don't know if it would help this case or not but I think the 90 day thing is ridiculous. I always did. Your horses are a part of your family if you have to take them somewhere to the doctor or to pasture. It still wants to come home. That's its home. I would hate for someone to say you leave your house for 90 days and you can't come back. This does not make sense to me and never did. I don't know if it would help to amend that or take that part out because of the historical use of her property.

Mayor Williams as to the question of non-conformity needs to be answered.

H. John Underwood, City Attorney said I think her question involves another question in the approval or non-approval.

Mayor Williams asked Steve Dunigan to come up again and explain totally what the non-conforming is.

H. John Underwood, City Attorney said let me get on her question first. Councilor Miller disagrees with the provision of the 90 days and you lose your non-conforming use. As a Council you always have the ability to amend your Planning & Zoning Code to make it comply to what you feel like is the right code so your job is very important. In order to do that you go through the process of amending your Planning & Zoning Code as part of the process of approving this application. When you say that it needs to be amended, otherwise what we're doing is we're violating our own laws when you ask that with the 90 days so you have to change that law. Council is in charge of changing the laws and ask then that Ms. Kolt make an application that would not be a spot zone but a neighborhood zone. That would be my answer.

Councilor Miller said that would be without having them to go out and get everybody to come in and get it rezoned.

H. John Underwood, City Attorney said oh, I see what you're saying. What you're saying is if we change the 90 day law you wouldn't have to go through a rezoning because you would not lose your 90 days. We would have to change that law before we granted the rezoning.

Councilor Miller said and the historical use of that property is visible. The only big problem I see here is that 90 day thing. Some people die or go away or want to sell their property the way it was used before so I think that 90 day thing is the biggest problem there.

Mayor Williams asked Steve Dunigan to explain one more time the property that Ms. Kolt owns, the previous owner, did he have horses on the property that you are aware of?

Steve Dunigan said yes there were horses on that property and it's my understanding it was for quite a few years.

Mayor Williams asked if he lived here after the zoning 2004?

Steve Dunigan said I have had the opportunity to work with Mr. Ferrell on a few properties but I'm not familiar with what he did day-to-day or month-to month with what he did with that property. Obviously there were horses there and you can tell. I don't know the gaps.

Kathy Kolt said Mr. Ferrell owned the land for like 25 years. The house I'm living in was lived in by his son as some point in time but he has never lived in it.

Steve Dunigan said the language of our ordinances speaks to any types of uses not just horses. If someone who came into our town and had a gas station and if we came in and zoned it residential then we would not force them to leave or stop. They would be able to continue that livelihood. Where the 90 days came from I'm not sure. It would just be something that we could change if you feel it's burdensome or too narrowly determined

but we have to be careful that other properties that we would have to know the history. A change of this 90 days makes this simpler and we've gone through that with other sections of town.

H. John Underwood, City Attorney said if you do away totally with the 90 day rule it's something that is now call grandfathering and that the property has been used this way and you can continue that use. You may want to consider that when a property has been used a certain way that the property owner that is the subsequent owner has the right to apply for a conditional use permit to use it the same way it was used by the previous owner. That way Council would retain some control and not lose total control.

Councilor Miller said that would take care of that 90 day thing.

Mayor Williams asked if Council would be agreeable to send this to the P & Z Board for their observation and working on it? Council should make the final decision on the final product and I think P & Z's job to present to you any changes that would be in zoning.

Councilor Morales said I'm not going to vote but I do wonder how long that's going to take. I don't want to run into the 90 day gap and it not get on until October for approval or disapproval.

Councilor Perry asked how long it would take to get this into Planning & Zoning?

Steve Dunigan said Carol Virden is going to be involved with any amendments to our ordinances in addition to what we have to do. Planning & Zoning meets once a month but we could call for an intermediate meeting so we don't have to wait another month. I suspect this will be four to six weeks.

H. John Underwood, City Attorney said if we advertise for the change of ordinance, the 90 day ordinance and perhaps the Conditional Use ordinance you have to publish once a week for two weeks.

Carol Virden, City Clerk/Treasurer said the Planning & Zoning Commission meets on the first Tuesday of every month which would be August 5th. Steve can put that item on the agenda and get all of the information and rewrite it. Once they approve that it will come to Council and I can do that for August 14th or if the Council would allow me I usually do a Notice of Intent to Adopt and I do that without Council approval. Once I can get that information from Steve I can start that process. It's 14 day prior to any action taken by the Governing Body.

H. John Underwood, City Attorney said if we do that can we withhold a portion of the 90 day rule pending review of that by the Council? I would recommend that we withhold the enforcement of the 90 day rule pending the time we have to act on it. If the Council does

not act positively on the last Council meeting of August and says no we can't do that then we will have to enforce the rule.

H. John Underwood, City Attorney asked Councilor Miller if she would be willing to amend her former motion?

Councilor Miller said I amend my previous motion and to withhold the enforcement of the non-conforming use 155.078 sub-section E pending review by Planning & Zoning and action by Council on or before the second meeting in August 2014. Seconded by Councilor Perry.

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

Mayor Williams stated the next item on the agenda was - Kenneth Allgood - Reference to 90-day gap - Letter issued by P & Z 9.26.2012 R-1 Designation.

Mayor Williams asked Kenneth Allgood if he had anything to add other than we are not going to enforce the 90 day rule?

Kenneth Allgood said on this non-conforming thing I certainly appreciate what she said. I live at 137 Wood Lane and have live there since 1989. Before I get into the problem that I discovered about two years ago that I didn't even know I had I would like to thank some people for trying to help this week for the first time. Elva Oesterich, she's a new reporter for the newspaper. She came to my place and took pictures, wrote the story, and listened to me. I called Dale and he came and he did the same thing. Judy would have but she was out of town. I'm going to show you a chart. My purpose is to identify the problem and then suggest that all of you do something about it. It's pretty ridiculous. I want to thank Carol. I came into her office and we spent about two hours and she went back as far as she could go digging in the regulations and zoning. Some of it makes sense and some doesn't but I can see why you've had all of these problems here. What you've done in the past doesn't tie together. That's not why I'm here. I moved on my property in 1989 and I have 3+ acres. I cut an acre off a few years ago and built a house. Just a note here before I show you the chart. Most of you know Sunny Wood and that street out there is named Wood Lane as you know. The one that goes down the hill is DiPaulo. Those two men developed that whole thing. There had been horses on my property for who knows how long. Carol might know and figure it out. They've been there long enough to eat bark off the trees. There is a steel pipe fence around that piece of property with posts on 10 foot centers set in concrete. I've had that property surveyed three times and the surveyors have told me that fence has been there at least 35 years. The thing that's ironic is I was in Steve's office and in September of 2012 I didn't even know I had a problem. I was talking to him about another matter and I saw this chart on the wall and I saw they have me zoned and my fried Tub Phellan, the last two properties out there, as zoned R-1, no horses. There is no doubt that I own the oldest horse property in this whole community. I bought it from Sunny Wood's

widow Jane Wood. I have tried, and this is going back two years. I came to the Mayor a couple of times and he shoots me over to Steve. All I get out of Steve is to start over and apply. Well, I'm not going to do that. To take the oldest horse property owner and tell him to apply and go through all of the committees doesn't sit too well with me. You Council members have two letters. One is from Steve from September 2012 and it grandfathers me in as long as I'm there and it grandfathers anyone else that I sell to then but it has this non-conforming thing in it. The 90 day gap would put me out of business. Steve is not paying attention to business because I've gone to Arizona and I'm an avid team roper. I've gone to Arizona for 25 years and rode. We leave the day after Christmas and come back on the first day of April. That's a little over 90 day isn't it? No one has ever said anything to me about it. He asked Tub to come help him show this chart. I'm doing this to get us on the same page and think about this for a minute. When I was in with Carol the other day she never did and wasn't able and turned over every rock and did a super good job but never did find where I went from who knows what to R-1. So, when this was done it was not done by square footage or acreage because there are two itty bitty properties here. Ron Ritter was here when all of this took place and so was Tom Armstrong. What we're talking about here is a simple mistake, and error. It simply needs to be corrected.

James Phellan read from a letter from Ron Ritter to the City Council and Mayor as follows:

> I support the continued and historical use of the Phellan and Allgood property as a single family residential acreage with horse facilities. This is in keeping with the ongoing historical use of the properties. As a former member of the Ruidoso Downs Planning & Zoning Board during the time that the zoning was updated for all of the village it is my memory that these two acreage properties were to be zoned AG-1that allows for horses on the property. All of the acreage property on Wood Lane were to be AG-1. The smaller, non-acreage properties that did not have sufficient land to support horses were to be R-1. I truly believe that there was a mistake by not correctly zoning these two properties AG-1 and it is the responsibility of Ruidoso Downs to correct this mistake and rezone these properties AG-1.

Mayor Williams asked if all this was just for information?

Kenneth Allgood said Mayor, before you cut me off . . .

Mayor Williams said no, no, I'm not cutting you off I just want to make sure and this is a business issue.

Carol Virden, City Clerk/Treasurer said it is for discussion. Mr. Allgood did come into my office and request to be put on the agenda. I did tell Mr. Allgood that the decision would be up to City Council but I did not put it as "Discussion and Possible Action" to take on this issue and the letter issued by Steve Dunigan on the P & Z Department on the matter of 2012 but that Section 155.078 to reflect that he's a non-conforming use and can have horses there.

H. John Underwood, City Attorney said it seems like and with the previous motion that was passed by this Council is to not enforce Section 155.078 E pending review of the previous issue before Planning & Zoning. That would include the enforcement of that 90 day rule. That would affect you because we're not enforcing that section. The mistake in zoning that you are claiming and because you and Tub, the easiest way to permanently fix your issue even though the mistake was adopted by the City of Ruidoso Downs as their official zoning map would be for you and Tub to go through the process and I know you didn't want to do this, of applying to have it rezoned back to AR-1. I don't there would be any issue to do that. We can't just say it was a mistake. We have to go through the process as an official change to the zoning code because it was officially adopted as R-1.

Mr. Phellan said a while ago she was making a motion for something you call spot zoning so why not just zone these back to the way they were and that's not spot zoning because that whole south side and part of the north side started that way.

H. John Underwood, City Attorney said the easiest way is to go ahead and apply for a rezone rather than have it through a court action.

Mr. Phellan asked who pays for all of that? When all this started that man over there told me I need to put up $100 and go through this whole process again. The next time with the Mayor he said oh no, you don't have to put up the $100, we can go through . . . so who pays for all this?

Kenneth Allgood said Mr. Underwood you may be a lawyer but I disagree with you whole-heartedly that we have to go back through all of this and I intend to challenge this. We're good people and have been put out by a mistake. It is my understanding that this group right here is the governing body and you're telling me they can't change a mistake?

H. John Underwood, City Attorney said I'm not telling you that they can't change a mistake I'm telling you a way that a mistake can be changed.

Kenneth Allgood said it's a way that's handy to you people but not to us. Frankly it's an insult. Someone hung that 90 day thing. Down Wood Lane there are several racetrack people that come for the season for approximately four months. Why don't you stick this on them? This is absolutely ridiculous.

H. John Underwood, City Attorney said that would be my recommendation.

Kenneth Allgood said I hope to goodness that they all show a little backbone and turn you down.

Councilor Miller asked Carol if she heard her right that you could not find where this was zoned to R-1 from AR-1?

Carol Virden, City Clerk/Treasurer said what I was looking for was the original map for these properties and how they were zoned. I think most of that area was zoned AR-1 and AR-2.

Steve Dunigan said it was AR-1 and R-1.

Carol Virden, City Clerk/Treasurer said there was a little question mark that has AR-1 with a question mark.

Steve Dunigan said I think this was looked at during the 2008 process.

Carol Virden, City Clerk/Treasurer said I did go back and show Mr. Allgood Ordinance No. 2008-01where the Planning & Zoning Commission provided for the redesignation of various zoning districts within the Ruidoso Downs Municipal boundaries as they exist on April 14, 2008. You also have a map in there to include those areas. It was designated as AR-1 in 2008.

Councilor Miller said their only problem is the 90 day thing.

H. John Underwood, City Attorney asked if we have minutes of the old adoption of the zoning manual?

Steve Dunigan said I've gone through everything I have including the Comprehensive Master Plan and did not find a historical use to follow.

H. John Underwood, City Attorney said what I hear these gentlemen saying is that for them to go through the process of rezoning when in fact it is claimed by them to be a mistake, Ron is here. It makes perfect sense and I've been trying to figure out a way to do it. I'm trying to determine if we have a record showing it was a mistake.

Mr. Phellan said you asked this lady earlier if she had come down and checked the zoning before she bought her property? In 2004 I did come down with Dixie Brown and we were assured that it was horse property. I'm living in Sunny Wood's old property and he had horses. They didn't have good records then.

H. John Underwood, City Attorney said if I had minutes it would help so I can see if it's legally correct so it doesn't come up years from now with another mess. He said the motion was previously passed by this Council to withhold the enforcement of the 90 day situation pending review of that and it applies to this property as well as the other property. If they are going to do away with the 90 day rule it takes care of your immediate problem and I understand that you ultimately want your property zoned agricultural.

Mr. Phellan said it seems like you're trying to build another loop hole.

Kenneth Allgood said these people are the Governing Body and they're not stupid or they wouldn't be here. They came out there, they looked, they know what we're talking about, and they understand. Carol couldn't find anything and it's so obvious. Unless you have something to give us you should let them vote on it.

H. John Underwood, City Attorney said you need to hear me out. Your application in front of the Council today was to do away with the 90 day letter. That's the only application that is being heard tonight.

Kenneth Allgood said that's not true. I didn't make a plea for that at all.

H. John Underwood, City Attorney said I'm reading the agenda.

Kenneth Allgood said that's not what I came here for.

Councilor Morales said I would like to hear what Ron Ritter has to say.

Ron Ritter said I was on Planning & Zoning in early 2000 when we made the first change and it was quite monumental and there were mistakes made. Joetyne Wright owns a piece of property on Highway 70 and used to be C & L Lumber. That was highway frontage and we zoned it commercial. She came back in and said no, that's where I rope my cattle and I want that zoned agriculturally. We went back in P & Z and changed that. I think this is the same situation here. You can look at the map logically and see that was a mistake. I would like to mention that under the 90 day rule the way that the attorney at that time explained to us that it included improvements and not just the physical horses. The facilities that the people have for horses stays there. I don't think it's just the horse.

Mayor Williams asked Carol Virden what is the process for a zoning change.

Carol Virden, City Clerk/Treasurer said Steve with P & Z is going to add to his agenda the Kathy Kolt issue of taking into consideration of those areas that are contiguous to AR -1 and AR-2 and doing away with the 90 day gap. This same issue here can be under the same item that will be at the P & Z meeting on August 5th. Then I do a Notice of Intent to Adopt for those issues. It will come to Council for discussion at the last meeting of August 28th. It might be a long process to you but it's really a short process. I have to issue by law a notice of publication to the public that the Governing Body will take action, and it has to be published 14 days prior to the Governing Body taking action on that issue.

Kenneth Allgood apologized for being loud and said I feel like we've been running around for two years.

Councilor Morales said it may be a longer process than you want but if we get it done correctly we don't have to worry about this in five years, ten years. Mr. Underwood can legally advise us but we can make up our own mind.

Kathy Kolt said I understand that you don't want to do spot zoning and I want to see that Mr. Ferrell gets his other pieces of property involved in this and there are other neighbors. Can we do a group thing? I don't want anyone left out.

H. John Underwood, City Attorney said to Kenneth Allgood that he apologized for raising his voice also and that his job was not to sit here and take things personally but to be professional. He said that was unprofessional of me to raise my voice to you and I apologize.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Personnel Recommendation - Position - Temporary Police Officer - Ruidoso Downs Police Department.

Chief Rupp said tonight I bring forward the recommendation for hire of Charles Williams. He is currently employed with the United States Air Force at Holloman. He is currently with good standing and is in the process of out-process. We recommend for tonight the hire to a temporary position for a total of ninety days without benefits. This position will not affect the budget because it is allocated and this will bring us to full staff. After the ninety days we will proceed with the hiring process with the City.

Mayor Williams entertained a motion to approve Personnel Recommendation - Position - Temporary Police Officer - Ruidoso Downs Police Department.

Councilor Morales moved to approve Personnel Recommendation - Position - Temporary Police Officer - Ruidoso Downs Police Department. Seconded by Councilor Hood.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Request to Use All American Park - Mountain of Brothers Tribe Chapter of Survivors Clean and Sober Motorcycle Club - August 9, 2014.

Mayor Williams entertained a motion to approve Use of All American Park - Mountain of Brothers Tribe Chapter of Survivors Clean and Sober Motorcycle Club - August 9, 2014.

Councilor Miller moved to approve Use of All American Park - Mountain of Brothers Tribe Chapter of Survivors Clean and Sober Motorcycle Club - August 9, 2014. Seconded by Councilor Perry.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Waive Temporary Merchant Permit - Mountain of Brothers Tribe Chapter of Survivors Clean and Sober Motorcycle Club - August 9, 2014.

Mayor Williams entertained a motion to approve - Waive Temporary Merchant Permit - Mountain of Brothers Tribe Chapter of Survivors Clean and Sober Motorcycle Club - August 9, 2014.

Councilor Miller moved to approve - Waive Temporary Merchant Permit - Mountain of Brothers Tribe Chapter of Survivors Clean and Sober Motorcycle Club - August 9, 2014. Seconded by Councilor Morales.

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

The next item was from the Consent Agenda - Discussion and Possible Action - Wastewater Treatment Plant Operating Invoice for May 2014.

Councilor Miller moved to approve Wastewater Treatment Plant Operating Invoice for May 2014. Seconded by Councilor Perry.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Approval of Agreement for Public Safety Answering Point Dispatch FY 2014-2015.

Chief Rupp said this is just a formality of the agreement in order to take forth the agreement.

Mayor Williams entertained a motion to approve Agreement for Public Safety Answering Point Dispatch FY 2014-2015.

Councilor Miller moved to approve Agreement for Public Safety Answering Point Dispatch FY 2014-2015. Seconded by Councilor Morales.

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

OTHER BUSINESS

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

Mayor Williams stated the next item on the agenda was - Updated Financial Status Report - Hubbard Museum of the American West and Lincoln County Transit.

Mary Castaneda, Finance Director said for the month of June we had a beginning cash balance of $35,916.08 for the transit. We had $1,060.00 of revenues and $6,618.04 of expenditures leaving an ending cash balance of $30,458.04. These are not solidified numbers. The museum fund had a beginning cash balance of $67,956.50 and brought in revenues of $17,915.52. Their expenditures were $32,371.82 leaving an ending cash balance of $53,500.20.

Mayor Williams said the next item on the agenda was - Judge Mansell - Court Schedule.

Carol Virden, City Clerk/Treasurer said I received a letter addressed to Mayor Williams and myself on July 1, 2014 and each of you Council members have a copy of that. The letter says to make if official from this date until further notice the court will use the room on Tuesday's and Thursday's from 10:00 until 12:00 and longer if required by a trial which is not very often. Often weddings and afternoon trial times will be noted on the calendar as far in the future as possible. The courtroom will be used for weddings if unused at will if after checking with City Hall that the room is unused. I'm also requesting that these reservations be put on the next Council agenda for official recognition.

Mayor Williams said that all this is to let you know and our court partners that the chambers are available for the use of court, any meetings or court hearings or weddings.

Judge Mansell asked if the 24 hours is stopped?

Mayor Williams said for right now the chambers are available for court.

Virginia Armstrong asked if she could comment.

Mayor Williams told Ms. Armstrong not right now. This isn't a comment session and we will discuss this.

PUBLIC INPUT

Mayor Williams stated the next item on the agenda was - Public Input.

Harrold Mandsell said I am the judge for Ruidoso Downs. I had to give a 24 hour notice and for forty two years I have owned property here, Tuesdays and Thursday were set aside for court days and the only time it was ever broken was when the property called Agua Fria and all of the other properties out here I had a trial scheduled that day that you all came in and voted that in and I had to move the trial because it was already scheduled. I had two lawyers here. That's all I need to know is the 24 hours because I have three pending right now and if they are pending over six months I have to dismiss them.

CLOSED SESSION

Discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant §10-15-1 (H7) NMSA 1978.

Any action taken as a result of the Closed Session will be brought back into Open Session.

Mayor Williams entertained a motion to go into Closed Session for the discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978.

Councilor Morales moved to approve to go into Closed Session for the discussion subject to the attorney-client privileged pertaining to threatening and/;or pending litigation pursuant to §10-15-1(H7) NSA 1978. Seconded by Councilor Perry.

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

Mayor Williams closed the regular meeting at 6:39 p.m. and invited Carol Virden and H. John Underwood and called for a five minute recess.

Mayor Williams entertained a motion to go back into Open Session.

Councilor Morales moved to go back into Open Session. Seconded by Councilor Hood.

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

Mayor Williams called the regular meeting back to order at 6:52 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Closed Session were that of discussion subject to the attorney/client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978 and no action was taken.

Councilor Perry attested to the fact that the only items discussed in Closed Session were that of discussion subject to the attorney/client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978 and no action was taken.

ADJOURNMENT

There being no further business to Mayor Williams entertained a motion to adjourn.

Councilor Morales moved to adjourn. Seconded by Councilor Perry. The meeting adjourned at 6:53 p.m.

Gary L. Williams, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer