

MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
FEBRUARY 26, 2004

The Council of the City of Ruidoso Downs met in regular session on February 26, 2004. Mayor Miller called the meeting to order at 5:30 p.m. and asked Jimmy Romero to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller	Councilor Morales
Councilor Garrett	Councilor Olivo

Administrator Waters informed Mayor Miller there was a quorum.

Also present were:

Dan Bryant, City Attorney  
John P. Waters, City Administrator  
Carol Virden, City Clerk/Treasurer  
Ken Mosley, Public Works Director  
Tom Armstrong, Licensing/Permits Supervisor  
Robert Logan, Department of Public Safety Director

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the agenda. Motion was made by Councilor Garrett and seconded by Councilor Miller to approve the Agenda. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Miller entertained a motion to approve the consent agenda. Councilor Olivo moved to approve the Consent Agenda with the removal of two items from the Accounts Payable. Seconded by Councilor Morales. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF FEBRUARY 17, 2004 RESCHEDULED REGULAR MEETING

Motion was made by Councilor Olivo and seconded by Councilor Morales to approve the Minutes of the February 17, 2004 Rescheduled Regular Meeting. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

### ACCOUNTS PAYABLE

Councilor Olivo asked for an explanation on Parks & Recreation expenditures to Engineers, Inc. for GRT in the amount of \$67.44 and Professional services for Basketball Courts in the amount of \$990.00. I checked back on my records and apparently we are paying them every month. Administrator Waters said the GRT is gross receipts tax for the professional services they provided on the basketball court. It is work that was budgeted, unanimously approved by the Council and we are still under budget on that as well. It is work they have been working on with our attorney, Mr. Bryant, to try to correct the situation. Attorney Bryant said that is correct. Councilor Olivo, after we talked this morning and you asked me the question, I pulled the contract and they are still within their budget amount on the contract. The work that Engineers, Inc. is doing right now is they have located a new material to surface the basketball court that will take the low spots out and protect the surface. They sent us all of the specifications on the material and we are reviewing those specs in house here at the City. We have asked them to find for us places where this material has actually been used. They have located two public works projects in Albuquerque. We are going to try to get someone there in conjunction with another trip to look at it to make sure the material works well. If we decide to use that, we have to wait until the average ambient temperature is over 50 degrees. According to Mr. Curnutt, that happens here around May 1st. Hopefully we will be able to look at the material, get it approved for use here and set it up for installation shortly after May 1st so the basketball courts will be ready for use by the summer. Councilor Olivo thanked him for the information.

Councilor Olivo said the other item was space rental for Cow Mountain. Attorney Bryant said just from a historical perspective, we had some serious gaps in our communication here in town because of the location of our radio tower. A spot came open at Cow Mountain and we moved our communication site there and eliminated those gaps and improved our communications significantly. The rental agreement we worked out for that tower space is the \$900 which is reflected in the accounts payable. Councilor Olivo asked how many repeaters do we have. Chief Logan said the police department has a repeater on Agua Fria, Cow Mountain which is the \$900 here. The fire department has a repeater on Camelot and Agua Fria so we have three different repeater sites. Councilor Olivo asked do we have a frequency for our public works department. Chief Logan said they work off of the City channel which is the same as the fire department channel was before.

Motion was made by Councilor Morales to approve both items of the Accounts Payable. Seconded by Councilor Olivo. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

### UNFINISHED BUSINESS

Councilor Olivo asked whatever happened to the request I put in for Consent Agenda on one of our employees; you were going to check into it. Mayor Miller said you were supposed to see me and you never did. Councilor Olivo said you

didn't say that and Mayor Miller said I did too. We can discuss that in Executive Session.

### NEW BUSINESS

Mayor Miller stated next on the agenda, consider approving Precinct Board for Special Municipal Election to be held on Thursday, April 15, 2004. Clerk Virden said I come before you to request the agenda briefing memorandum appointing the following: Presiding Judge: Barbara Green; Election Clerks: Faye Randolph and Peggy Burton; Absent Voter Board: Presiding Judge, Barbara Green; Election Clerks: Faye Randolph and Peggy Burton; Translator: Faye Randolph; Alternate Election Clerks: Jane Biddle and Bonnie Richardson. I also request the compensation to the Precinct Board Members be \$150 per day as per Election Code 1-2-16 of the Election Code Book. Councilor Miller moved to approve the precinct board for the Special Election to be held on Thursday, April 15, 2004. Seconded by Councilor Garrett. Councilor Morales said I just want to make it clear that this is the beer/wine option election for restaurants. Administrator Waters said I also want to clarify that this is the only question on this election. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving Resolution No. 2004-06 supporting the transfer of the Ruidoso Off-Campus Center to a new "Ruidoso Branch Community College: of Eastern New Mexico University.

Dr. Jim Miller said you should have in your Council packet a one-page information sheet in addition to the resolution you are considering. I am here this evening asking you to support an endeavor the university started this month which is to try to change the legal status of the New Mexico law for our campus here in Lincoln County. This particular site was started back in 1991 under a law that allows the local school board to start a college by inviting a college to sign a two-year contract. In August of 1991 we started out with about 320 students; that has grown today to over 1,500 people that take classes of one kind or another all across Lincoln County, in Mescalero including here in Ruidoso Downs. I wanted to point out to you that we are currently offering four classes in the Downs. A class is meeting across the street as we speak in Criminal Justice on Monday nights. We started last week English as a second language program for a number of Wal-Mart employees at Wal-Mart. What the result of this pattern of growth has been is that we now have gotten to a point where we are going to offer more classes and degrees and respond to the needs of our Lincoln County and Otero County communities. We need to change the legal status of our local campus and get it reorganized under a different New Mexico law. The Branch Campus Act is a different law that our neighbors in Roswell and Alamogordo are working under. Under that law, for example, a campus receives full-state funding. It has a local governing board that is not a school board. It is eligible for some federal money; we currently are the only college in New Mexico that is not eligible for it. It allows us to choose our own courses and degrees. And finally, if the college needs to build buildings, it gives the authority to the regents of the university to call for an election as you have done this evening.

You ask the voters within the college district, which in our case are the residents of the Ruidoso School District, to issue general obligation bonds. We do not have any plans to do that at this point but we would like to have the authority should we need to do that in the future. The process by which this transfer would take place is the New Mexico Commission on Higher Education in Santa Fe has to get a preliminary plan from the university and then a final plan. In both of those plans we have to demonstrate community support for that change. I am primarily here this evening seeking a resolution support that we can then add to that application to go to the Commission in April and again in August or September and then finally be translated into a piece of legislation which would be considered in the 2005 legislature. I would be glad to answer any question you might have regarding this request.

Councilor Garrett asked would this give us an opportunity to have higher-level classes. I am thinking of the people that have to go out of town to finish their degree. Dr. Miller said that probably will not happen with this. However, what I have been saying in the few public opportunities to talk about this so far is the fact that today New Mexico is not interested in starting any more colleges. They think they have too many, in fact. What progressive two-year colleges are saying we are going to have a very solid program with a nice facility and campus. As our students and community members need more things, we are going to invite those other universities in to offer those programs. Roswell is doing that right now. For example, they have asked the University of New Mexico to bring to the Roswell campus a Bachelors Degree of Physical Therapy and Occupational Therapy. So now our Lincoln County people who are interested in those two occupations no longer have to go to Albuquerque to finish their degree.

Councilor Miller said a community college will bring a variety of classes that will be suited for everyone in the community. Dr. Miller said what we would continue to do is be as responsive to the needs of the community. Secondly, I have been appearing at some legislative capital outlay hearings with Mr. Waters and asking for money for the college and we too were successful. If the Governor signs it, we will have a little over \$1,000,000 to spend on the college facilities. We would continue to add programs and degrees as well as to go out and seek other institutions to bring in other things in as the facilities permit. What we need to do now is invest heavily in the facilities so we can do more with specializing like science labs, art studios and computer labs.

Mayor Miller entertained a motion to approve. Councilor Garrett moved to approve Resolution No. 2004-06 Supporting the transfer of the Ruidoso Off-Campus Center to a New "Ruidoso Branch Community College" of Eastern New Mexico University. Seconded by Councilor Miller. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving Resolution No. 2004-07 supporting a Collaborative Forest Restoration Grant Application.

Administrator Waters said one of the top priorities of the communities here as well as the Council is to make our community fire-safe. One of the big issues that has been put before us time and time again is that there is a very thick forested area south of the community, particularly Turkey Canyon. A lot of these areas that go from the Mescalero Apache Reservation through the forest and then down to our property which is the eighty acres. This particular property is heavily wooded and it is thickly forested. There is brush from one inch above the ground all the way to the top of the canopy; it is a very dangerous situation with the drought we have had here the last several years. If you remember the fire we had last year was right above the town. We were fortunate enough in that we got up there in time and our staff and the volunteers put it out quick. The forest service as well as the Mescalero Reservation have been working diligently to try to get this area lined up for clearing. I am happy to say that one of the planned areas of treatment right now for the National Forest Service is a big chunk of Turkey Canyon as well as they are working with John Hill who owns a lot property behind Ramada Inn. I am happy to say through the help of the Mescalero Apache Tribe and Thora who works there on the job with their Forest Service, Barbara Luna with the State Forest Service and Buck Sanchez with our local forest service have some programs particularly the Federal Program called Collaborative Forest Restoration Grant Program. It was a program created to try to minimize some of the points in which municipalities and heavily populated areas touch these thick forests. This grant is going to allow us to treat the area above our municipality in addition to some other ones for up to \$100,000 depending on what is necessary and where they can get to. This covers both the treatment of the property which is the thinning of it but it will also cover the transportation offsite to dispose of the material. It involves the work of the South Central Resource Conservation and Development Organization, which the Mayor is a member, and he has been working diligently to get this. It does obligate us to one thing; while not cash, it does obligate us to provide in-kind services and equipment as a match to help the project succeed. The in-kind services we are talking about would be cutting a road to this area. It is a good program altogether and we are recommending the passing of this as a step in the application process to receive this from the federal government.

Mayor Miller asked for a motion to approve. Motion was made by Councilor Miller and seconded by Councilor Garrett to approve Resolution No. 2004-07 Supporting a Collaborative Forest Restoration Grant Application. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, discussion of Bid No. 04-008 for the Construction of City of Ruidoso Downs Colonias Emergency Water System Improvements Phase 1B-1.

Administrator Waters said if you noticed on the old agenda we actually had approval of this. Ken Mosley, Carol and Terri were present at the opening of the bids. We received four bids, one of which was very low. It came in at a little over

\$500,000. The estimate of the project was around \$900,000. It is a great thing to come in that far under bid; however, the engineering company has to take a look at it to make sure we don't get stuck with the same thing we have with the basketball court. We want to make sure that we have something that is solid. If that is the real price, we are going to be happy and we will be able to get more water lines done. Our engineer will tell you more about the process of what they have to do to go through the procurement code to check out a bidder and Charlie Leder is here to tell you about it.

Charlie Leder said the basketball court kinds of brings to light that any public works contract is a little like a marriage between two entities and you can marry in haste and regret it. It concerns us that an evaluation of the bids that were received, pricing was significantly low what we believe to be pure market value for the work to be performed. We are in the process of reviewing the supplemental qualifications material the contractor turned in. We are taking the opportunity to check all of the references that the apparent low bidder listed in their qualifications specifically to determine what is this firm's relative expertise in installing utility line construction. It appears that the low bid contractor's primary focus in business is roof work. Let's keep in mind that this City fought long and hard to get the grant and what we are trying to do with this grant money are a couple of very important things. One is replace leaky water lines that will cut the amount of water being leaked out of the system that exasperates the limited supply you have and two, we also want to cut the pressure of the distribution system by building some pressure relay stations. It is very important that the contractor undertaking this work is experienced, has the knowledge and wherewithal to properly install the pipe and not just dig a hole, stick a pipe in the ground and throw rocks on top. It is extremely important because this \$500,000 was hard to come by and we want to make certain whoever the City chooses to perform this work does it in accordance with good construction practice. We really would have liked to have been here tonight to make a recommendation of award. We are not in that position now and we feel it is in the City's best interest to allow these additional evaluations of the experience and competency of the apparent low bidder.

Councilor Garrett asked how long will the process take and Mr. Leder replied I think we should be in a position by Tuesday to make a recommendation.

Mayor Miller stated next on the agenda, consider awarding Bid No. 04-009, Itron Compatible Water Meters. Public Works Director, Ken Mosley, stated we went out for bid for some more radio read meters. We had one no bid and one bid came in from Mountain States at \$14,400; we had budgeted \$15,000. This is for replacement of the old meters and we would like to continue this process to try to get all of them changed out. I recommend that we accept this bid.

Councilor Morales moved to award Bid No. 04-009 Itron Compatible Water Meters to Mountain Sates Pipe and Supply. Seconded by Councilor Olivo. Roll call votes:

Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving personnel recommendation, police officer position. Chief Logan said as you are probably aware we had an officer lured away from us to Artesia recently. As a result, we conducted an interview of Robin Chad Bristow who has worked for the City of Ruidoso Downs in the past. Chad worked for the City of Ruidoso Downs from June of 2001 to January of 2002. Because of some financial considerations, he resigned his position and moved back to Texas. Those considerations have taken care of themselves and Chad is eager to move back. As a matter of fact, pending Council approval, he will start back on Tuesday. Chad was not able to be here this evening to introduce himself. Chad comes highly recommended and has already taken steps to get certified in the State of New Mexico. He is eligible for the three week waiver course so we don't have to send him for six months and I would highly recommend Chad Bristow for hire as police officer.

Motion was made by Councilor Olivo and seconded by Councilor Miller to hire Chad Bristow as police officer. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving a comprehensive agreement for the private construction of sewer lines to service a portion of the newly annexed area and to provide for its maintenance, operation and transfer to the City of Ruidoso Downs.

Attorney Bryant said I had hoped to have a relatively close draft agreement ready to pass out to you today but was unable to get certain information on one aspect of the agreement. The decision I am looking for today is an approval by this Council of the concept of this agreement subject to me being able to work out who all the participants are going to be and how much each of their share of the construction cost is going to be.

In the newly annexed area there is a group of people there with mobile home parks who, because of pressure from the environment department, have to move very quickly to get out of their septic systems and onto the sewer system. As a consequence of that they have approached the City with the notion that we would enter into a development agreement with them whereby they would obtain an easement from the State Highway Department and install the sewer line in the highway right-of-way. We have reviewed that area; we have looked at the number of people who area interested in taking this action right now as well as looking at the number of people who would ultimately hook on in that area. We looked at all of the design standards and we know how big the pipe has to be and all of those things. The other important aspect is this is in an area where it is not really feasible to gravity-flow sewer all the way from the current city all the way through them and into the system but it is an area that could work together as its own zone within the

system that would collect waste and then feed it into the main interceptor line at a particular location. The way the agreement works is the private party developers obtains the right-of-way and builds the sewer line. We watch that process, inspect it, and in fact contribute to the specification of the contract so that we are certain we are getting a pipe that is going to be big enough to serve the whole area. We negotiate a formula with all of the parties who participate right now that allows them, through time as other people hook on to the line, to recoup a pro-rata share of the cost that is equal to the impact that person would have had if they had participated from the very beginning. That is the part that I don't quite have hammered out but the City isn't really a party to that. It is a cautionary agreement between the group of developers and the other people who will hook on in the future. I have to get a list of everyone participating and what their particular contributions are going to be. Once I have those actual dollar amounts then I am able to calculate the value of money, through time, so we can calculate how payments and recoupment of a portion of those costs will be paid back to those people paying for the installation upfront. It is my understanding that the Board of Lincoln County Solid Waste Authority approved their participation in the project. In fact they are going to contribute some grant money into this construction project which will reduce the overall cost and the recoupment that has to be undertaken for a portion of the project. That is essentially what we are looking for. The agreement provides that throughout the construction of the project right up until the time the inspectors sign off that everything has been done right then the agreement provides that the line would then pass into public ownership of the City of Ruidoso Downs. The consideration that is being asked for from the City is we then take over maintenance and repair responsibilities from that moment forward. Another important element in this agreement is, because this area is not on City water, we don't have a handy way of knowing this much fluid is going in so this much is coming out. We need to know how much the sewer cost is so we are having to put in provisions that provide for metering the flow so appropriate billing can go back to the users in the system. We have to sort out all of those details. It is important to consider all of this now and make sure it is done right. I would ask you to approve the concept and then we will bring the agreement back to you for ratification.

Councilor Garrett moved to approve a comprehensive agreement for the private construction of sewer lines to service a portion of the newly annexed area and to provide for its maintenance, operation and transfer to the City of Ruidoso Downs.

Attorney Bryant said Administrator Waters just reminded me that this is right where Palo Verde is. Remember in the annexation process, Palo Verde was an important issue to the Municipal Boundaries Commission. We are working with our representatives, senators, the legislators and the governor's office on dealing with Palo Verde. They have been considered and looked at in terms of how many homes are up there in sizing the pipe now so that it will adequately handle them. Then, when they come on, they will have to pay a pro-rata share as part of that recoupment. It is important to mention that this does take in Palo Verde and it does



allow the volume to include them when we can get that system funded and built there.

Mayor Miller said we have planned for the future; we have some sleeves that cross the highway underground so that we won't have to disturb the highway as it exists right now. I have gotten the approval for a right-a-way which has been purchased by Solid Waste. We have been planning, in case there was an annexation, to have the sleeves in place so it will be a matter of dropping the pipe in place and getting the proper flow.

Councilor Olivo seconded the motion. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, presentation by ASCG, Inc. on the Sewer Master Plan. Charlie Leder said I would like to give you a presentation of where we are on the Sewer Master Plan project for the City. I would like to start by giving you a briefing on our principal findings concerning how to put a collection system to serve the future needs of the community.

Goals for this Briefing:

- \* Provide an overview of the Sewer Master Planning process
- \* Define expected future growth, how many people and where it will occur
- \* Identify required expansion/upgrades to serve this growth:
  1. Correct existing deficiencies where they exist
  2. Provides capacities for areas of new growth
- \* Establish City's required Wastewater Treatment Plant capacity through Year 2040
- \* Review two options for providing treatment capacity

The Sewer Master Planning process is really pretty simple. You divide your City into drainage basins we have because you want to take advantage of gravity wherever possible to minimize the use of lift stations. Then you figure how many people will be living in each of these drainage basins. For population projections, we took the same numbers that are in the City's water plan then it is just a matter of spatially distributing the population into each of the drainage basin boundaries. Then you need to determine how big a pipe you need to take the flow and then convey it in to the trunk interceptor.

- \* System now serves 2,000 people and businesses including racetrack
- \*By Year 2040 expect 5,400 people plus associated businesses
- \*About 40% of future growth via infill within the pre-annexation boundaries
- \*Balance to occur in recently annexed areas plus future growth areas to the east

Required sewer system expansion/upgrades:

\*Existing deficiencies for:

- \* City-owned facilities: essentially none
- \* Ruidoso-Ruidoso Downs Regional Joint Use Board facilities: Clean, inspect and repair trunk interceptor as recommended in 1993 Master Plan

\* Expansion to serve new areas:

- \* North Parker Road
- \* Miriam Road
- \* Wood Lane area
- \* Agua Fria

\* Required sewer system expansion/upgrades: expected costs:

Collection System Project	Estimated Cost
Miriam Dr. sewer extension	\$ 91,000
N. Parker Rd. sewer extension	238,000
Wood Lane extension	199,000
Central Ave. - repair flat sewer section	25,000
Agua Fria Sewers - Phase 1	637,000
Agua Fria Sewers - Phase 2	390,000
Total for collection system work	1,580,000
Repairs to RRDRJUB interceptor	178,000**

\*\*Based on current 85%/15% cost sharing

\*Required WWTP capacity for the City

\* Need 424,000 gpd of WWTP capacity by Year 2040

\*Have 2 options available:

- \* Stick with RRDRJUB facilities & participate in major upgrade/expansion to address NPDES Permit limits
- \* Go it alone
  - \* Build new sewer to bypass Village of Ruidoso flows through the City
  - \* Build new sewer along US 70 to route the City's flows to a new WWTP site
  - \* Build a 424,000 GPD WWTP at new site designed for zero discharge (irrigate a future golf course plus forest lands)

Estimated Costs for these 2 WWTP options:

WWTP Option	RRDRJUB **	Go it alone
New WWTP Cost share	\$3,150,000	\$4,240,000
Improvements to interceptor	178,000	1,186,000
By-pass line for Village flows		2,660,000
New sewer to new WWTP site		1,000,000
Total Cost for WWTP Options	3,328,000	9,086,000

\*\*Based on current 85%/15% cost sharing

Going it alone is going to be a lot more costly. You ask why is it so expensive to do the treatment plant. Forty percent of that cost is just affluent disposal. The by-pass line is a challenge following Highway 70 because the grade is not favorable gravity-wise. More than likely that needs to be a pump line with a lift station. Also, going it along you are at \$9,000,000; significantly more expensive than what you would get if you stayed with the Joint Use Board facilities. It would have been nice if these numbers had been a little bit closer. Even if you found yourself in the 75/25 percent arrangement with the Village of Ruidoso, it is still not going to bring the numbers up high enough to offset, what appears to be, a significantly greater cost. The reason \$21,000,000 on infrastructure is being spent on plant expansion is not enough care and attention was taken when the MTDES permit grant came out. Nobody really paid much attention to the implications about it and nobody really seems to want to revisit it now. Basically the position of the EPA is you had your chance; you didn't say anything. Here's your permit; go apply just like any other municipality. A lesson to be learned from this is the City needs to be doing due diligence in terms of its portion of the administration of the plant. It is not a role the City has had to play in the past but by virtue of the fact that it has doesn't make the decisions that a big, expensive plant has to be developed. It doesn't make it go away. Our recommendation to the City is to be an active and vocal participant in decisions that are made by the Joint Use Board.

Attorney Bryant said on the Miriam Drive extension, there is a significant archeological site, an Aboriginal burial ground. Probably when we get to that part of the project, we have to look at and factor in because it may mean we are moving around places where otherwise we didn't think we would have to go.

Administrator Waters said on the Wood Lane project, we are fortunate enough to have our own representative, Mr. Dub Williams. One of the projects we asked for funding was \$200,000 to start working on Wood Lane and the North Parker road projects. If the Governor signs it, there will be \$200,000 for that collection system. We also have \$150,000 on the desk of the Governor for our portion of the wastewater plant so that will bring our total up to about \$700,000 of state grant money for the wastewater plant. Funding for the wastewater is proceeding. At least in this town we are going to be proceeding to answer our obligation to the EPA for both the wastewater plant and our part of the collection system.

Councilor Garrett said on the JUAB meetings I have attended, I thought they approved to go in and photograph that line. I know Ruidoso does the management for us but do you know if that has been done because I know it was approved.

Administrator Waters said we did receive an amended contract from Molzen-Corbin and Associates to perform the analysis. They have to analyze areas first; you don't want to go in and film the entire line.

## OTHER BUSINESS

Administrator Waters said everyone needs to thank Carol Virden for going to Santa Fe and telling Governor Richardson that Ruidoso Downs was not on the list and to please help us. He gave us \$150,000 the first day he signed bills. That money will go towards our reservoir. We also have another \$200,000 from Representative Williams sitting on the Governor's desk. All of our projects together have \$700,000 from the legislature this year. If the Governor is generous enough to sign them, it will go a long way towards three projects we have. In addition in March, we will be going before the CDBG to ask for another \$1,000,000 towards our water projects. We are moving a long way towards completing the goals of our Water Master Plan. The emergency one of increased storage, reduction of leakage in the system and last, but not least, Mr. Bryant and I have been fortunate enough to locate some water rights. We are working on that to achieve a third goal which is to get some more water rights so we possibly can have an alternate water source should something ever happen to the spring.

We have received a letter from Congressman Pierce asking for some information regarding our wastewater treatment plant and he is very interested in helping us fund it. The nice thing about the money we have received so far, we can use State money to match Federal money.

## PUBLIC INPUT

There was no public input.

## EXECUTIVE SESSION

Mayor Miller stated I would like to entertain a motion to go into Executive Session pursuant to Section 10-15-1(H)8, Acquisition or disposal of real property or water rights and pursuant to Section 10-15-1(H)2, Limited Personnel Matters.

Motion was made by Councilor Miller and seconded by Councilor Garrett to go into executive session pursuant to Section 10-15-1(H)8, Acquisition or disposal of real property or water rights and pursuant to Section 10-15-1(H)2, Limited Personnel Matters. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated I would like to invite Attorney Bryant, Administrator Waters, Clerk Virden to attend the Executive Session and closed the regular meeting at 7:04 p.m.

Mayor Miller called the regular meeting back to order at 7:47 p.m.

Councilor Morales declared that nothing was discussed in executive session except acquisition or disposal of real property or water rights, possible action on acquisition or disposal of real property or water rights and limited personnel matters and no action was taken.

Mayor Miller entertained a motion to approve, Acquisition or disposal of real property or water rights pursuant to Section 10-15-1(H)8.

Councilor Garrett moved to authorize the staff to negotiate an RFP for a portion of the Post property. Seconded by Councilor Olivo. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller entertained a motion to adjourn.  
Motion was made by Councilor Morales and seconded by Councilor Miller to adjourn at 7:50 p.m. Motion passed unanimously.

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Bob A. Miller, Mayor

ATTEST:

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Carol Virden, City Clerk/Treasurer