

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
DECEMBER 14, 2009

The Council of the City of Ruidoso Downs met in regular session on December 14, 2009. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Jay Smith to lead the Pledge of Allegiance. Mayor Armstrong asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Hood
Councilor Holman

Councilor Williams
Councilor Olivo

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

Also present:

Carol Virden, City Clerk/Treasurer
Jay Smith, Museum Director
Steve Dunigan, Planning & Zoning Director
Cleatus Richards, Public Works Director
Terri Mosley, Finance Director
A.C. Ortiz, Chief of Police
Justin Shaw, Fire Chief
Zach Cook, City Attorney

APPROVAL OF AGENDA

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

Mayor Armstrong entertained a motion to approve the agenda.

Councilor Olivo moved to approve the agenda. Seconded by Councilor Williams.

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

APPROVAL OF CONSENT AGENDA

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

Mayor Armstrong entertained a motion to approve the Consent Agenda.

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

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

APPROVAL OF MINUTES OF REGULAR MEETING OF NOVEMBER 23, 2009.

Motion was made by Councilor Williams to approve the Minutes of Regular Meeting of November 23, 2009 and seconded by Councilor Hood.

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

APPROVAL OF ACCOUNTS PAYABLES

Motion was made by Councilor Williams and seconded by Councilor Hood to approve Accounts Payables.

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

PUBLIC HEARING

Mayor Armstrong stated next item on the agenda was Consider Approving application #A-597549 Beer and Wine License Disco Taco whose address is 26341 U.S. Highway 70, Ruidoso Downs, NM 88346.

Mayor Armstrong said he hereby opened the Public Hearing for comments. Comments will be accepted in the following order. Interested persons must approach the podium one at a time and present their testimony. A limit of three minutes will be allowed per person. He asked if there were any persons present to speak in opposition of the action?

Sebrina Lundquist said she was opposed to it because she thought it was too close to the park and there was not enough parking to have it off the street.

Mayor Armstrong asked if there was anyone present in support of the action?

Mr. Rocha said he was a resident of Ruidoso for six years. He said he found Disco Taco a very good place to eat. He said he thought the drink would be good with the food and that it wouldn't be a place for people to get drunk. It would be good to enjoy a beer with the meal. He said he knew the owner. He said he eats there everyday because the food is good and the restaurant had been there for seventeen years. He said they are in competition with other restaurants in the area who have already gotten their permits and they have a beer with their meals and he didn't see any conflicts with it. He said it wasn't going to be a cantina or anything like that.

Juan Arreola said he was the accountant for Disco Taco and it was a way to boost the meals and revenue and would also boost the income a little for Ruidoso Downs at the same time. In this day the competition is strong and they are looking for ways to get more income and revenue.

There were no other persons to speak in support of the action.

Mayor Armstrong said he hereby closed the Public Hearing and entertained a motion for the approval of the application #A-597549 Beer and Wine License Disco Taco whose address is 26341 U.S. Highway 70, Ruidoso Downs, NM 88346.

Councilor Hood moved to approve application #1-597549 Beer and Wine License Disco Taco whose address is 26341 U.S. Highway 70, Ruidoso Downs, NM 88346. Seconded by Councilor Olivo.

Councilor Williams said just for discussion regarding zoning distances between schools and churches, was there anything between that and parks and senior centers?

Zach Cook, City Attorney said churches are the only thing you need to keep distance from.

Councilor Holman said the thing that concerns him just a little bit was maybe the number of licenses that they are getting. He said he didn't know how many we had but the issue of the park was maybe something although Circle K has a license and they were not any further. These were things to consider.

Zach Cook, City Attorney said that he did say churches were the only thing to consider but there is also the health, safety, and welfare of the community. If you deny the application based on the health, safety, and welfare of the community you would base it on the testimony.

Councilor Williams asked if there had been any issues with the other Beer and Wine licenses that have been issued or alcohol being served within the community with any violations such as DUI or accidents or anything?

Police Chief Ortiz said to his recollection they have not had any incidents leading to fines or any confrontations.

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

UNFINISHED BUSINESS

Mayor Armstrong stated next item on the agenda was to Unfinished Business-Consider Approving Resolution No. 2009-25 Amendments to City of Ruidoso Downs Personnel Policy Manual.

Mayor Armstrong entertained a motion to approve Resolution No. 2009-25 Amendments to City of Ruidoso Downs Personnel Policy Manual.

Councilor Williams moved to approve Resolution No. 2009-25 Amendments to City of Ruidoso Downs personnel Policy Manual. Seconded by Councilor Olivo.

Councilor Williams said for clarification and identification, the new position, appointed position as stated in here is the mayor's delegated official. He asked the mayor if this was going to be a full-time position?

Mayor Armstrong asked him what he meant by a full-time position? He said it's not something they would do eight hours a day but only on different time frames they would be called to be his delegate for that.

Councilor Williams said he has it lumped in with City Manager/City Administrator or mayor's delegated official. The City Manager or City Administrator is the Chief Operating Officer of the City. That in respect is they do this job as a full-time job and that is their responsibility. Since he is

categorizing it in a specific location as with City Manager/City Administrator puts him in that position of saying that it is going to be full-time. He said you cannot have a part-time. If you look at the information and specifications of what the duties are throughout this manual it is a full-time job. He said you can't say whenever I have something I'll give it to them and make them do it. We have to understand what this is going to be. He said he needed a clear answer to that question as to whether it was going to be a full-time job?

Mayor Armstrong said whenever it is needed and by his request and by policy this would be the person to do that so that everyone knows who would make that decision.

Councilor Williams said right now you have the municipal clerk doing additional duties, which is exactly what he says this is going to clean up. This is not the municipal clerk, city clerk, doing additional duties anymore. This is a new position so he said he wanted an explanation.

Mayor Armstrong said he didn't believe it to be a position that would need a full-time person doing that. The needs for that person don't arise everyday.

Carol Virden, City Clerk/Treasurer said the reason the City Manager/City Administrator was left in was due to the fact that in a couple of years a new mayor may choose at that time to hire a City Manager/City Administrator.

Councilor Williams said that didn't answer his question.

Mayor Armstrong said the duties would be delegated to that person plus the voting situation needs to stay where the mayor would be able to vote and this person would allow that to happen. He asked what difference would it make if it was a full-time or delegated to that person when needed?

Councilor Williams said the audience didn't have the luxury of seeing the responsibilities of this position and recently a decision had to be made. He told the mayor that the designated appointed positions included Police Chief, City Manager/City Administrator or mayor's delegated official, City Attorney, City Clerk/Treasurer. He told the mayor that those were his designated appointed positions so you are actually making this an appointed position not a duty anymore. Is that correct?

Mayor Armstrong said he believed that was correct.

Councilor Williams asked if this was going to be a position?

Mayor Armstrong said it was not a position it was only a duty.

Councilor Williams said it didn't say duty it says position. Duties were before and now you've upgraded it to a position.

Mayor Armstrong said he has to have someone do this because of the voting situation.

Councilor Williams asked voting for what?

Mayor Armstrong said anything that may come up because the mayor doesn't need to be involved with some of the active problems. He said he thought that person would need to be someone who knew about it and that was why he chose a delegated official that he was comfortable with.

Councilor Williams said he didn't understand. He said he disagreed and with all the situations they have had over the last year and nine months they have had to have someone there to make decisions accordingly and at the time the mayor appointed the city clerk to do the additional duties. Now we still have issues that will be coming down the road. This position has to be manned by someone who is going to be doing it on a regular basis. It's a position that someone is going to have to be dedicated to be and operate in. He said they would not be making a decision on that position tonight; they were just going to be making a decision on what is in the policy manual. He said he needed clarification and the citizens to know that what they were going to do here was going to be a benefit for them when they have to deal with future developments, positive or negative, for the city.

Mayor Armstrong said this person is only dealing with the personnel.

Carol Virden, City Clerk/Treasurer said after the March 2008 elections Mayor Armstrong chose not to fill the position of City Manager/City Administrator. After a few months elapsed the mayor felt he needed to have someone be the delegated official to oversee the Personnel Policy. The mayor chose the City Clerk and it was brought to the council and Mr. Martin wrote the statement for Mayor Armstrong and it was a unanimous decision that the City Clerk would oversee the Personnel Policy until such time the mayor felt the need for a City Manager/City Administrator.

Councilor Holman asked Councilor Williams if in addition to the city clerk they have another position, which would be City Manager.

Councilor Williams said the mayor has already said he doesn't want a City Manager/City Administrator but that is what they are doing here. He said to Councilor Holman that they need a Chief Operating Officer, someone that does day-to-day business.

Carol Virden, City Clerk/Treasurer said the category was left in there should the future administration decide there is a need for it.

Councilor Holman said a big concern he would have is if they maintain the City Clerk/Treasurer and then add another position, if anything they could easily be getting to too many city administrators and may already be there. He said he would not be in favor of adding a City Manager when they already have a City Clerk. He said he was too frugal with city money to go there because that would be another high paid position that they cannot afford.

Councilor Hood said the way he reads this it is creating another position.

Mayor Armstrong said no.

Zach Cook, City Attorney said if they adopt this as is it doesn't create a position. It makes sure the office is there. Before it was ever filled the mayor would have to choose somebody it would have to be brought to council for approval. In the meantime if the mayor chooses not to fill the office it stays open.

Councilor Hood said someday they may need a City Manager/City Administrator.

Councilor Olivo said it just leaves it open in case they ever need to fill that position. He said Carol has these extra duties and she is qualified to do it.

Councilor Williams said if you look at the 17 chapters there is a designated official as outlined to make decisions according to each one of those. He said that goes over and beyond the duties. That's making decision affecting employee's rights, employee's livelihood, dealing with issues of drugs and alcohol, separation, discipline. These are not just duties, these are responsibilities and to be able to accomplish those you need to have background, knowledge, and the ability to make those decisions. Having the duties the City Clerk has done up to this point has been adequate but it doesn't say that whomever gets selected for this, and we are not saying the City Clerk is going to be this person, but whomever is selected for this is going to have the burden of making decisions that are going to be life-altering in respect of how our employees are going to be dealt with.

Councilor Holman said his concern is adding any more supervisors. This is a small municipality and we are in serious economic times. The concerns Councilor Williams has regarding expertise, we have a City Clerk and a City Attorney, so, we have the people in place.

Councilor Williams we are taking for granted already that the City Clerk is going to be this delegated official and that's what is coming out over here and that is not true so it could be an additional position and a different person doing it.

Mayor Armstrong said right now its just Carol but we are talking about you all voting in a different person to do this.

Councilor Williams asked if they were just adding this as part of the policy and not deciding on who is going to be where?

Mayor Armstrong said that was correct.

Councilor Williams said he had another discussion topic. He said the wording on this one changes a lot of what we have. In particular there is the Director of Public Works, you have him as a department head. He said back May 27, 2008 this was the mayor's language, "I would entertain a motion to approve appointment of a Public Works Director." That was Cleatus Richards. He said that the mayor did not accept any other applicants for that position. He said the mayor stated that was the man he wanted for that position. Councilor Williams said as far as he was concerned he shouldn't be changed, he should be an appointed position and that couldn't be changed until 2010 in the reorganization process and then he would become a department head.

Mayor Armstrong said that position was already there as an appointed position.

Councilor Hood said if they pass this Personnel Policy then he becomes just a department head and didn't see how they could do that when they brought him in as an at-will position.

Carol Virden, City Clerk/Treasurer said the reason the Public Works Director was brought before the council and appointed by the council and confirmed by the governing body is because they were following the Personnel Policy under the employees category and the Director of Public Works, the Planning and Personnel Services Director, Museum Director, and Director of Finance, Director of

Community Development and Recreation, City Clerk/Treasurer, City Attorney, City Manager/Administrator and at that time it was DPS. These were under the category of appointee.

Councilor Hood said they also gave substantial raises at that time because they were going to be appointed positions. He said if they take them out of being appointed positions were they going to ask for a refund?

Mayor Armstrong said no.

Councilor Williams said the last one, and it's not even a position yet, and you are saying for the future we are going to have to consider it, is the Fire Chief position as a department head. He asked Mayor Armstrong if there was a department head position right now for that?

Mayor Armstrong said no there was not.

Councilor Williams said he still hasn't gotten any answers and didn't know if he would want to vote on this tonight. One of the items was the incentive pay that they eliminated and what was going to replace it.

Carol Virden, City Clerk said the range of steps will not be a part of the Personnel Policy. That will be part of the fiscal budget every year.

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

OTHER BUSINESS (items are for discussion only-no action will be taken)

Mayor Armstrong stated next item on the agenda was Other Business and no action would be taken.

Chief Ortiz said he would like to call "Doc" Olshaskie to the front. Chief Ortiz presented "Doc" with a Certificate of Appreciation on behalf of the City of Ruidoso Downs. He read the certificate as follows:

"Corporal R.J. "Doc" Olshaskie; 801. On behalf of this entire city of Ruidoso Downs and all the citizens we are honored to present to you, Corporal R.J. "Doc" Olshaskie this Certificate of Appreciation for your dedicated service to our city. The hard work and results of that hard work will always be evident here as you move on to a well-deserved retirement. The City of Ruidoso Downs wish you and your family the very best luck as you take on this next chapter in your life. Thank you again for all your dedicated service and your work during your tenure with the City of Ruidoso Downs. Presented this 14th day of December 2009."

There was a very long round of applause.

Chief Ortiz said he would also like to present "Doc" with something that all of the officers and staff members in the department made and it is a patch along with two badges. One being the one that "Doc" started with when he started twelve years ago and the one that he is finished with.

There was a very long round of applause.

“Doc” said he wanted to thank them to give service to them and there was no other place in New Mexico he would rather be.

Mayor Armstrong thanked him for his service.

Mayor Armstrong said there was another presentation.

Councilor Williams asked Judy Miller and other members of the Keep Ruidoso Downs Beautiful Committee to come forward. He said they were in Santa Fe on Friday and received a recognition that a few communities received as part of the Keep America Beautiful campaign. It is a very solid honor for the fact that you compete against cities like Las Cruces, Clovis, Albuquerque, Rio Rancho, Alamogordo, and with the type of resources and money they have to spend and the people they have to help them our community stood up and received a silver medallion. That is quite an honor for us and asked the members to show it to the City administration.

Members introduced themselves as follows: Jean Proctor, Brenda Frost, Sebrina Lundquist, and Judy Miller.

Judy Miller said this is an award for being an affiliate, Keep Ruidoso Downs Beautiful from New Mexico Clean & Beautiful. Now, they have to do it next year and the next year and the next year to complete these empty spots. She said in the brochure there weren't that many that received awards. She said she would also like to invite everyone to the park on Saturday and they will have Santa Clause there and singing and hot chocolate and cookies and all kinds of fun things for kids. She said they would like to thank the City for allowing them use the administrative secretary. She said they couldn't do this without her because she has done everything here, the bookwork for the last two or three years along with being the recording secretary. She said they sure appreciate them letting Kathy help them with all of this. She said she was sure it took a couple of hours out of her week but they try to help and need to do more as a group and committee. She said she wants to continue to get support from this council. She said she felt really embarrassed after she had to call part of her committee and tell them they couldn't go. She said they get grant money from New Mexico Clean & Beautiful and they said the only way they could use that grant money was for Education, Beautification, Litter Prevention, Recycling, and Training. This wasn't a training it was an award presentation and she wanted all of them to be there. She asked that next year they put in their budget with city money enough so they could all go. She said they should recognize their committees and appreciate them.

There was a round of applause.

Mayor Armstrong said he is very proud of this committee and they make it look very nice when they can achieve something like this and receive an award. It is hard work from each and every one of them.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was New Business-Consider Approving Resolution No. 2009-27 Open Meetings Act.

Mayor Armstrong entertained a motion to approve Resolution No. 2009-27 Open Meetings Act.

Councilor Williams moved to approve Resolution No. 2009-27 Open Meetings Act. Seconded by Councilor Hood.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Resolution No. 2009-28 2010 Official Holidays.

Mayor Armstrong entertained a motion to approve Resolution No. 2009-28 2010 Official Holidays.

Councilor Olivo moved to approve Resolution No. 2009-28 2010 Official Holidays. Seconded by Councilor Williams.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Resolution No. 2009-29 Application for 2010 Community Development Block Grant Application.

Mayor Armstrong entertained a motion to approve Resolution No. 2009-29 Application for 2010 Community Development Block Grant Application.

Councilor Olivo moved to approve Resolution No. 2009-29 Application for 2010 Community Development Block Grant Application. Seconded by Councilor Williams.

Councilor Williams asked if they need to identify specifically what they want to accomplish?

Mayor Armstrong said that was done in August during the Public Hearing and comments from citizens.

Carol Virden, City Clerk/Treasurer said the CDBG 2010 funding resolution is for street and drainage improvements for North Central and River Lane. They are going to be applying for \$500,000 and the City will put in a match of 5%. It will be a competitive process and they are hoping to get enough for the engineering process and maybe for design.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Contract between Southeastern New Mexico Economic Development District/Council of Governments and City of Ruidoso Downs for Professional Services.

Mayor Armstrong entertained a motion to approve contract between Southeastern New Mexico Economic Development District/Council of Governments and City of Ruidoso Downs for Professional Services.

Councilor Williams moved to approve contract between Southeastern New Mexico Economic Development District/Council of Governments and City of Ruidoso Downs for Professional Services. Seconded by Councilor Olivo.

Councilor Williams asked if Carol could explain this?

Carol Virden, City Clerk/Treasurer said the contract between Southeastern new Mexico Economic Development District/Council of Government and City of Ruidoso Downs is to provide the service of administering the CDBG projects should they be funded. The COG's will get a sum of 2% of the total CDBG funded amount. The administration is putting the bid packets together for the contractors and keeping up with the documentation for the projects as well as doing interviews with the contractors.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Wastewater Treatment Plant Operating Invoice for October 2009.

Mayor Armstrong entertained a motion to approve Wastewater Treatment Plant Operating Invoice for October 2009.

Councilor Hood moved to approve Wastewater Treatment Plant Operating Invoice for October 2009. Seconded by Councilor Williams.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Personnel Recommendation-Position-Lincoln County Transit Clerk/Dispatcher.

Mayor Armstrong entertained a motion to approve Personnel Recommendation-Position-Lincoln County Transit Clerk/Dispatcher.

Councilor Olivo moved to approve Personnel Recommendation-Position-Lincoln county Transit Clerk/Dispatcher. Seconded by Councilor Hood.

Councilor Williams asked how many applicants they had?

Carol Virden, City Clerk/Treasurer said there were three that they interviewed.

Councilor Williams asked if they interviewed any current city employees?

Carol Virden, City Clerk/Treasurer said there was a part-time employee from the museum.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Change Proposal #9-Delay for Phase 1A.

Mayor Armstrong entertained a motion to approve Change Proposal #9-Delay for Phase 1A.

Councilor Williams moved to approve Change Proposal #9-Delay for Phase 1A. Seconded by Councilor Olivo.

Councilor Hood asked for clarification.

Cleatus Richards, Public Works Director said this additional cost was a result of delay on completion of Phase 1A. Tatsch Construction was approximately 80 days late in completing their contract. This prevented RMCI from proceeding with their work and failure to maintain overhead costs for an additional 49 days. Their original estimate was for \$104,371. He said they negotiated it down to \$85,635. These are real costs the second contractor is facing because of the delay on the first contract. That was basically due to the ultraviolet disinfection project. The Phase 1A contractor Tatsch Construction by their contract terms will be charged a penalty of \$600 a day and that will only compensate them approximately \$48,000. There were certain critical path items that the second contractor had laid out for his project. Since the UV system wasn't completed they couldn't tear down the chlorination building so they had to considerably amend their whole system of construction. They did make some adjustments but there was still overhead and other costs they had to contend with and they are confronted with asking for compensation. He said what they are asking council to do is approve this Change Proposal #9 but he would like that approval to be subject to approval by the other funding entities that are involved. Those are the USDA Rural Development funds and the New Mexico Environment Department funds.

Councilor Williams asked on the 85/15 would it be equally paid if everyone approved?

Cleatus Richards, Public Works Director said that would fall under the 85/15 and we would not be paying the full month.

Councilor Williams asked about the late fee of \$600 per day. He said the contractor wouldn't be fined for the time that he wasn't responsible. The fact that the UV system wasn't there wouldn't be his fault.

Cleatus Richards, Public Works Director said yes it is because he is responsible for providing the equipment and properly installing the original project. He said the contractor can pass those liquidated damages on.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Request for Proposal #12-Weather Costs Associated with Phase 1A Delay.

Mayor Armstrong entertained a motion to approve Request for Proposal #12-Weather Costs Associated with Phase 1A Delay.

Councilor Olivo moved to approve Request for Proposal #12-Weather Costs Associated with Phase 1A Delay. Seconded by Councilor Williams.

Cleatus Richards, Public Works Director said the first request was for overhead costs that RMCI would incur because of the delays. The second matter would be far more expensive and is the cost of the

contractor having to construct in winter conditions versus the original schedule of having to construct the same improvements in normal summer or fall days. The 80 days delay on Phase 1A is pushing them into unknown territory where they don't know what the weather is going to do to them. The 8-inch snowfall we have already had this year caused approximately a two-week delay on the overall project. The contractor has given us three options. One is a lump sum and that would be an additional cost of \$214,490 plus GRT. With the lump sum approach they take all the risks of the weather and assume all costs and guarantee they will complete the project but they are asking for an additional 32 days because of weather related conditions. The second option is to allow them to proceed on time and materials basis. That requires almost daily monitoring to determine what additional time they were having to spend because of weather conditions and additional materials. They would most likely have to bring on another inspector. Cleatus said he was not at all in favor of going with time and materials. The third option would be to shut the project down until there is more favorable weather. He said because of our agreements with Forest Guardians that would put us in a very bad step to meet our deadlines. He said they would have to shut the project down for up to 90 days and would be way beyond the completion date. He said if we accept the 80-day extension it at least showed we were making a continued effort to get the project done. He said that would be a better sell to all of the entities that are committed to getting the project done. He said his recommendation was to accept the lump sum for \$214,490 plus GRT subject to the other entities approval. He said we currently have \$1.3 million in funds that we can draw on.

Councilor Holman said what really concerns him is the Settlement Agreement that they signed with the EPA. None of these things were talked about in that agreement. He said they might not be very sympathetic if we shut down. He said we need to keep showing good faith and keep going.

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

PUBLIC INPUT

(All concerns to be addressed only to the Governing Body as a Whole with a 3-minute Time Limit)

Mayor Armstrong stated next item on the agenda was Public Input.

Wayne Williams said one of the governing body said at the last council meeting that they did not earn their money. Therefore that term employee did not apply to them and they should not be drug tested. He said he had two suggestions for this problem for those that feel this way. One is to step down and let someone do the job that would earn the money. Two is you could give the money to pay for the drug test for those who do consider themselves employees and who do earn their money. After what happened at the last council meeting and what has been printed in the paper and what has been said here tonight he quoted from two redneck comedians 'here's your sign.'

ADJOURNMENT

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

Councilor Olivo moved to adjourn at 7:40 p.m. Seconded by Councilor Holman.

All were in favor and motion passed.

Tom E. Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer