

MINUTES OF THE RESCHEDULED REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
DECEMBER 11, 2002

The Council of the City of Ruidoso Downs met in a rescheduled regular session on December 11, 2002. Mayor Miller called the meeting to order at 5:30 p.m. asked Bill Heineken to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller Councilor Garrett
Councilor Olivo Councilor Morales

Administrator Waters informed Mayor Miller there was a quorum.

Also present were:

Dan Bryant, City Attorney
John Waters, City Administrator
Carol Virden, City Clerk/Treasurer
Tom Armstrong, CE/BI
Ken Mosley, Public Works Director
David Hightower, Deputy Chief of Police

APPROVAL OF AGENDA

Motion was made by Councilor Morales and seconded by Councilor Olivo to approve the Agenda. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Councilor Garrett moved to approve the Consent Agenda with one addition, the payments to the Precinct Board in the amount of \$450.00. Councilor Morales moved to pull Item 10. A., consider approving Resolution 2002-24 - Official Holiday Schedule, from the Consent Agenda and Councilor Olivo moved to pull Item 10.F., consider approving Resolution 2002-26 - Support of Highway 70 Construction, from the Consent Agenda for discussion. Councilor Garrett amended her motion to approve the Consent Agenda with the payments to the Precinct Board and the two removed items. Seconded by Councilor Morales. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

MINUTES

Motion was made by Councilor Garrett and seconded by Councilor Morales to approve the Minutes of the Regular Meeting on November 26, 2002. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

MONTHLY REPORTS

Motion was made by Councilor Garrett and seconded by Councilor Morales to approve the following reports:

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| Fire Report | Animal Control Report | Public Works Report |
| Court Report | Code Enforcement Report | |
| Police Report | Maintenance Report | |

Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

ACCOUNTS PAYABLE

Motion was made by Councilor Garrett and seconded by Councilor Morales to approve the Accounts Payables. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

UNFINISHED BUSINESS

Mayor Miller asked Administrator Waters to discuss the agreement between City of Ruidoso Downs and Sierra Contracting, Inc. Administrator Waters said at the last Council meeting, we were informed that Lincoln County Solid Waste Authority is interested in performing this service. Upon further research and in talking with Debra Ingle with the L.C.S.W.A., this is a service they are currently providing. It is in the rates for the clam shell truck curb side pick up. I was concerned about the composting operation and being able to utilize the compost produced there for our parks and city right-of-ways. All of the green waste is currently going from L.C.S.W.A. to Sierra Contracting to be composted. I talked to Van Patton this afternoon and essentially, this function is taking place at a cheaper price by L.C.S.W.A. After looking into it, Staff recommends we do not pass this agreement.

Councilor Garrett moved to remove from the agenda approving the agreement between City of Ruidoso Downs and Sierra Contracting, Inc. for debris disposal. Councilor Miller seconded. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

NEW BUSINESS

Motion was made by Councilor Garrett and seconded by Councilor Morales to approve Resolution 2002-25, Open Meetings Act for Calendar Year 2003. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, consider approving Resolution 2002-24, Official Holiday Schedule. Councilor Morales said she would like to add Columbus Day to the holiday schedule.

Councilor Morales moved to approve Resolution 2002-24 as the Official Holiday Schedule with the addition of Columbus Day. Seconded by Councilor Olivo. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, Jules Videau, Presentation of the Festival of Light. Mr. Videau introduced himself as the Chairman of this year's Festival of Light. He thanked Ruidoso Downs for being the major sponsor of this festival by donating \$1,000. Briefly, what we are trying to do here is we have a three-year game plan. Obviously the month between Thanksgiving and Christmas is a slow time for all of us and we want to increase tourism by bringing in additional events, bring in people from out of town and bring the people in town out of their homes. He said he has talked to John Waters several times and one of my objectives is to bring your community into this. We are not able to do too much this year but it is on our agenda and is important to us. One of the first things we did was light up the mid-town poles that we have wrapped in foil and a series of lights attached to it. We have taken that out of our Festival of Light funds. We did 35 poles for about \$2,200 excluding labor. Our Parks Department of Ruidoso donated the labor. We are going to be able to recover the lights but probably lose the foil to use again next year. What we want to do next year is start coming down Sudderth east and hope to meet up with you. I am getting input from citizens that want us to go up Mechem. I was before the Village Council last night in Ruidoso; they are talking about going up Upper Canyon. My philosophy is, if you come up with a good idea, I will delegate it to you and put you on a committee. We are going to be asking for funds from the Village of Ruidoso to help us come down to meet you. Hopefully, some of you attended our parade last Saturday night. It is quality, not quantity. I have had a lot of feedback from the parade; it was a rather short parade. I know Ruidoso Downs fire trucks were in it. Next year we are going to at least double it. We had a lot of people even though some people were out of town at the football game. We had no idea how many people would come but we felt good about the parade. We have a lighting contest and I noticed in the paper that you also have a lighting contest, however, you give money away. We have five judges and have requested that they be anonymous. The judging will take place this Thursday. We are asking people to get the word out, and you are included even though you have your own contest. If you are on the main road, the judges are going to pass by your business or residence and if you are off the main road and want to be included, the Chamber is taking a list. Next weekend, we have the Festival of Music. This is a separate function sponsored by the Ruidoso Arts Commission. There will be festivities on Friday from 4 to 7 p.m. and Saturday from 3 to 7 p.m. There will be two laser light shows at 5:30 and 7 p.m. We also have a poster that list the events. Last but not least, we have a sponsor's and light contest winners appreciation party that will be held Thursday, December 19th by invitation only at Mountain Annie's from 6:30 to 8:30 p.m. I want to personally give you an invitation. Councilor Olivo said we have a conflict on the date because we have a safety banquet that night. Mr. Videau said we need to coordinate that better next year. He thanked the Board for the opportunity to come before you. Again, we want your involvement. We start meeting again in January

and we are going to write down what works, what doesn't work and what we are going to do next year. Mayor Miller thanked him for coming.

Mayor Miller stated next on the agenda, consider personnel recommendation of police officer position and asked Deputy Chief Hightower to come forward. Deputy Chief Hightower said he would like to introduce Bill Heineken. Bill comes to the Ruidoso Downs Police Department with approximately twelve years law enforcement experience. Mr. Heineken said he would like to thank the Council for this opportunity to have his name brought into consideration for employment. I look forward to the opportunity to working with the people here and I am familiar with quite a few of them. Mayor Miller said he had worked with Bill for years and years in the law enforcement field and I highly recommend him. Councilor Morales said Bill has worked for us before many years ago.

Motion was made by Councilor Morales and seconded by Councilor Olivo to approve hiring Bill Heineken for the position of police officer. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, Planning and Zoning - consider a rezoning request from AR1 to C4 for property located at Section 20, T11S, R14E, requested by Buz Post in order for potential buyer to develop an RV Park. Tom Armstrong said Planning and Zoning met on the 5th. The Commission asked that this be turned down tonight on the reasons that we have seven of the eleven people that adjoin the property opposed to this zoning change based on traffic. The Commission listened to all those opposed and the person who was trying to get it done. It had been mentioned that it was for an RV park but that wasn't set in stone. The idea of changing from an AR1 to a C4; they felt like C4 should be on Highway 70. We have worked really hard to not let other zoning be out in the residential areas. They felt the AR1 still allowed for other single families with animals that meets their neighborhood policy. They felt changing it would cause the value of their property to go down. The Commission requested that this be denied.

Councilor Garrett asked if C4 is the least restrictive. Mr. Armstrong said this allows for a lot of businesses that really would not fit. Attorney Bryant said we should mention that the residents have been very vocal over the last year or so protecting the quiet, rural nature of their neighborhood with a respect to a number of issues that would have changed that. They have demonstrated clearly to keep the AR1 use in that area.

Mayor Miller asked for a motion. Motion was made by Councilor Garrett and seconded by Councilor Morales to deny rezoning request from AR1 to C4. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, consider approving Resolution 2002-26, support of Highway 70 construction. Administrator Waters said this resolution is not a new resolution that the city and our sister municipality have considered. This is supporting our New Mexico State Highway and Transportation Department improvements to Highway 70 to a four-lane highway from Riverside to Ruidoso Downs corporate limits. He then read the body of the Resolution:

Whereas, the number of accidents and accident-related deaths on US Highway 70 from Riverside to Ruidoso Downs have increased in recent years; and

Whereas, the City of Ruidoso Downs has noticed a significant increase in visitation and traffic along US Highway 70; and

Whereas, the expansion of US Highway 70 to a four lane highway will no doubt help alleviate the congestion and make Highway 70 a safer route; and

Whereas, the safety of people traveling on the road is paramount to the perceived impacts envisioned by some on property and the environment.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RUIDOSO DOWNS THAT:

The City of Ruidoso Downs Governing Body supports the New Mexico State Highway and Transportation Department's plan to improve Highway 70 and urges a cessation to any further delays of this critically needed project.

PASSED, APPROVED AND ADOPTED THIS 11TH DAY OF DECEMBER 2002.

Administrator Waters then introduced Kenneth Nosker as a resident that lives in Hondo Valley and a supporter of the project. Mr. Nosker said his object in this whole affair is the fact that a vocal few that have written a lot of letters leaving the impression that they represent 85% of the residents of Hondo Valley and we deny that allegation. I have talked to a lot of my neighbors and a lot of the residents that have lived in the valley for years. We have needed a safer highway for many years. I have been attending the State Highway Department meetings and last Friday, I had a visit with Chairman Bursen of the State Highway Commission. I'm sure you know that there was a suit brought against this construction and that was thrown out for safety reasons. Then they came back and filed a suit in Washington, D.C. The State's attorneys went to Washington and got the suit remanded back to the New Mexico court. Now the judge has listened to both sides, the Commissioners encourages anyone that lives in the valley that is for this project to make it known and I have a bunch of petitions that I am getting filled out. My thinking was if the City of Ruidoso Downs, the closest in proximity to the group saying so many nays, the Village of Ruidoso and the chairmen of the school boards they feel like most of us in the valley do that we need a safer highway. We have twelve school buses in the Ruidoso and Hondo school system that run that road 180 days a year and we

need a safer road. I think it would help us if you go along with this resolution. Mr. Bursen of the Highway Commission requested that we have these mailed directly to him and he will see that they get in the court. The judge will have a chance to go over these requests. It's time the silent majority speak up. He said he would be happy to answer any questions.

Motion was made by Councilor Olivo and seconded by Councilor Garrett to approve Resolution 2002-26, Support of Highway 70 Construction. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

OTHER BUSINESS

Mayor Miller stated next on the agenda, Other Business, items for discussion only and no action will be taken. Administrator Waters said you will find in front of you a copy of the Official Certificate of Canvass. This is the certification that the election has been canvassed and signed by the Magistrate Judge of Division I, Martha Proctor. The election, as you no doubt heard on the news, we received 99 votes; 66 for and 33 against. The gross receipts tax of 1/8% of 1% will go into effect on July 1, 2003. This will go specifically toward improvements related to water and wastewater infrastructure that the Council decides upon in the future. As you know, we have significant water and wastewater issues that need to be addressed.

Councilor Morales asked what is the gross receipts tax now and what will it go up to. Administrator Waters responded 6.1875% and will go up to 6.325%. Councilor Morales said I just wanted clarification as I have heard comments that we are as high as Ruidoso but we are still way below. Administrator Waters stated I did check with the rest of the State and we will be at about the average level with the other municipalities. Ruidoso is the second highest in the State and I am sure it was necessary for them to improve their services over the past several years. Councilor Morales said she was disappointed that we didn't have more people vote. What we will hear now is that you went up and nobody told us. Councilor Miller said a lot of the people she talked to said they didn't know about the election. Administrator Waters said we did send out a newsletter to everyone in the city. Councilor Morales said she knew that Jim Kalvalege did announce it on the radio Monday before the election. I don't know if they didn't have the interest or didn't want to get out in the cold. Mayor Miller said they were offered the opportunity.

PUBLIC INPUT

Ruidoso Downs acknowledged the Ruidoso Warriors football teams State win.

Motion was made by Councilor Garrett and seconded by Councilor Morales to adjourn at 6:04 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer