

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
JANUARY 29, 2003

The Council of the City of Ruidoso Downs met in regular session on January 29, 2003. Mayor Miller called the meeting to order at 5:30 p.m. and asked Steve Dunigan 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:

Linda Dollar, City Attorney's Office
John Waters, City Administrator
Carol Virden, City Clerk/Treasurer
Tom Armstrong, CE/BI
David Hightower, Deputy Chief of Police

APPROVAL OF AGENDA

Motion was made by Councilor Garrett 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 pull Item 9.B., consider approving Resolution 2003-02, for year 2002-2003 Mid-Year Budget Adjustments, from the Consent Agenda for discussion. Councilor Miller moved to approve the Consent Agenda with Item 9.B. removed for discussion. 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 Miller and seconded by Councilor Morales to approve the Minutes of the Regular Meeting on January 14, 2003. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

ACCOUNTS PAYABLE

Motion was made by Councilor Miller 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

Administrator Waters said as you are aware our distinguished citizen, Mya, came to our last council meeting and had some suggestions. We thank her for the suggestions and welcome the public to come in any time they see things that need to be changed. I will try to address some of her concerns. For those of you that know, every time the snow plows come by on Highway 70, they throw the sand up on the sidewalks. It probably needs to be cleaned at least four or five times during the wintertime. Tom Armstrong and I contacted the State Highway Department; they did come out the next week and started working on it. They are also addressing some other safety concerns that we have on Service Lane where the unsafe intersection is. We have had several accidents there this year. They are working on that and they are going to continue on a regular schedule. If they don't and we don't see it first, please feel free to come in and let us know. They do have the equipment and recognized it was their duty.

We have a big sign that says "Village of" and it is in the works to change that over to city. We are also working on a City Byways grant for the All American Park. We are going to have really nice entryway signs coming into the park that will say City of Ruidoso Downs and the name of the park. If we do get the grant for the Scenic Byways, we will have a sidewalk all the way around the All American Park providing a nice walkway for the people that live here and it will also connect to the Senior Citizens Center.

It was asked if we have a suggestion box with forms. We will have one shortly in the lobby. You don't have to write it down. If you have a concern, you are welcome at any time to come in. Mya brought up do we have a place we can e-mail you. Our e-mail address is for the city officials as well as city staff. We do have the Agenda and Minutes posted on our new website and the address is <http://www.ruidosodowns.us>.

You can contact us through there; we do check our e-mail regularly and we will get back to you. You will also see other things in the future like permit applications that you can fill out on line. We are trying to be progressive with this to save the citizens some time and make our government run more efficiently. You can also call our City Hall number at 378-4422 and all of the staff will be happy to talk with you. I am busy some times but I will make every effort to see you; just speak with anyone in the office and they will schedule a time.

Those are the things we are working on right now. I wanted to let the citizens know that those are things you will see right away. There are other things that have been brought up by our Park staff; the bags along the highway. Councilor Miller and I are working on a beautification program with Mrs. Lundquist. We will be putting this program together over the next six months. This is something Ruidoso has had for several years and it is quite successful. If any of you have ideas, would like to be a member or would like to help out with this, please let us know to help beautify our community. That is all I have at this time.

Councilor Miller added that we do need the citizen's input. I know Joe Blaney knows a lot about that and once we get this started; anyone that wants to help is welcome.

Councilor Garrett said Steven at Wal-Mart expressed interest in taking over the area in front of Wal-Mart. He said he didn't know if it needed to be Adopt-A-Highway.

NEW BUSINESS

Mayor Miller stated next on the agenda, Lincoln County Community Coop. - Model Site Trip, Mr. Sergio Castro. Mr. Castro introduced himself as a probation officer and a member of the Lincoln County Community Coop. We were here several months ago and we presented our cooperative as what we are trying to do as far as building a compendium of services for children and youth in our community. We wanted to come tonight to give you an update of what we are doing and present the model site trip. As the Council remembers, we came by and presented our plan and then we had a conference scheduled for December in Albuquerque. It was very successful. We had about fifteen members including our district judge and representative from the district attorney's office. We were able to present our strategic plan at the conference. I put it in the hands of our Lt. Governor, Diane Danish. Every community had representation there so every community is moving towards building these services. Our new secretary of the Children, Youth and Families Department has said that she is going to support all the communities that develop community services for children and families. Governor Richardson is creating a cabinet position to look into the needs of children across the state. We presented our plan to them and we were promised a mini-grant we applied for in December. We do have a grant writer now in our cooperative. We are expecting the grant to come in a couple of weeks. The grant is going to pay for the model site visit. The second reason we are here is to make a formal invitation for two people from Ruidoso Downs to attend this trip. We are tentatively planning it for the third week in March. It is going to be a three-day trip; I believe it is going to be on a Wednesday, Thursday and Friday. We already have the commitment of the Mayor of Capitan, either the superintendent of the Capitan schools or one of the principal's, a council member from the Town of Carrizozo and a representative from the Carrizozo schools. We were at the Village of Ruidoso yesterday and Councilor Ron Hardeman committed to going and I think Mayor Eggleston along with someone from the Ruidoso schools and a representative from law enforcement. Hopefully we can get two representatives from Ruidoso Downs. We are picking up the tab; it doesn't cost the city anything.

Councilor Miller said this is something I have been interested in a long time. Jackie Branum and I toured one in Los Alamos and we talked about going to the one in Santa Fe but didn't make it. We just really never had the money to go ahead with it. I think getting together with the people from the county and Ruidoso is the only way we are going to get some preventative measures.

Mayor Miller appointed Councilor Miller and Councilor Olivo to attend the model site trip. Mayor Miller thanked Sergio Castro for coming.

Mayor Miller stated next on the agenda, consider approving Resolution 2003-02 for year 2002-2003 Mid Year Budget Adjustments. Motion was made by Councilor Garrett and seconded by Councilor Morales to approve Resolution 2003-02 Quarter ending December 31, 2002 Budget Adjustments.

Councilor Garrett said the only reason I pulled it from the Consent Agenda was I saw Joe Blaney come in and just wanted to make it very public that in this adjustment is \$10,000 for the privacy fence to go around the new shop building.

Administrator Waters said one of the things we are adjusting, when we started pricing archival quality recording and PA systems equipment, it was just a tad more than we expected. Technology has come a long way and prices have kept up with it. When we do get this complete, we will have a system with really nice microphones that no one trips over. Of course we are going to modify the situation where folks are more comfortable to approach council. In addition, we are going to put speakers in the council chambers so everyone can hear. Another part of this is getting some recording media that is more in line with what is accepted these days, which is a CD type. If you remember the police equipment we purchased is on a similar optical-type recording device. It is permanent storage and will allow us to keep it for a long time in a very small place. It is also equipment that other people could use for recording because the recorder we have now, the tapes cannot be played on any other equipment. In addition, we are going to get the table resurfaced.

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

Mayor Miller stated next on the agenda, request approval for destruction of Public Records. Clerk Virden stated back on December 10, 1997, the Village administration at that time had approved Resolution 97-18 giving the duty to the Village Clerk as the official custodian of public records. The last Certificate of Destruction that I have found on record was on November 10, 1997. Last week, I took approximately three days to clean out this storage area that was congested with boxes; you couldn't walk in. We have approximately 19.8 cubic feet of paper. I have provided the Council with the Record of Destruction form that has the codes that are in compliance with the State statute for record destruction. The rule of thumb of what to keep is six years for finance and three for anything other than finance and payroll/personnel is 60 to 70. This batch runs from 1970 to 1996 and the Council is more than welcome to go through them if they choose to. You can table it if you want to go through it beforehand or give me approval to destroy. Councilor Morales asked how the records would be destroyed. Clerk Virden said I have two options. I am in the process of calling the Lincoln County Medical Center; they have an incinerator. If they let me, I will do it there. If not, we will have to go to the Otero Lincoln County Regional Landfill and actually see them buried. I also want to

inform the Council that this is the first batch. I have another batch in the copy room that is ready to go and I will provide the Council another Record of Destruction for that batch. There will probably be about four more batches to present at future Council meetings. Councilor Morales asked if you use the incinerator, do you make sure everything is burned. Clerk Virden said I will actually be there to see it and will certify that I saw the destruction of public records.

Marlene Bell said we have a new company in town that does this. They come to your business, pick up your records and she shreds everything. It is owned by Sonny Clay of Channel 11. I don't know the name of the company; you will have to call her at 378-8083. Clerk Virden said I will call her tomorrow.

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve request for destruction of public records and to leave the destruction process to the City Clerk. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, status of Water Conservation Plan, Ordinance 2002-06. Administrator Waters said there is nothing new to report since the last graph. However, with the warmer weather and let's hope we see some moisture here, staff is recommending that we follow the ordinance and move down to Phase II of the Water Conservation realizing that it will do nothing more than to tell people here to be extra cautious about their water use. There aren't many people watering lawns right now so it is not going to do anything other than let folks that come in here know that we need to start watching our water use. We are doing some things that will possibly help. Our Public Works Director, Ken Mosley, ran a graph for the amount of water used by the public during the summertime and what our stream is currently producing. We will not meet demand of our peak flow if we do not curb it somehow. Therefore, we request the Council move the water conservation status to Phase II water rationing. That phase will be advertised on the radio and in the newspaper. We will also go to the motels with a wise-water use brochure so visitors will see it to help conserve. I recently got back from Santa Fe and they have gone two or three steps further. There are huge banners in the motel rooms that say Santa Fe is now in Phase III water rationing. We will only wash your sheets every fourth day. Things are bad all over the State and people need to know that when they come up here, we welcome people to come here but be careful with your water use. Hopefully we can get through the summer and get the lines replaced.

Councilor Garrett asked is this where we go to watering lawns on certain days of the week. If so, we need to publish that so people will know. Administrator Waters said I will make sure that is published and get with the radio media. This is nothing unusual; Ruidoso is still in Phase II for the same reason. They want to let people know that we are trying to protect it so we will have water in the summertime.

Pappy Bell said when you are making up signs for the motels, could you also make one for the restaurants to have people ask for a glass of water. Administrator Waters said he would.

Motion was made by Susan Garrett and seconded by Rene Olivo to move to Phase II Water Rationing. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, CDBG announcement of grant awards. Administrator Waters said he was happy to report that as of Friday of last week, Mrs. Virden and I went to Santa Fe to attend the CDBG allocation hearings. We have had a long process; it started in October 2001 when we asked the Council and the Commission to qualify us as a Colonias community. We heard some scoffs from folks when we did this. I hope those folks understand why we did it because it got us \$500,000 for a water project. We were the highest ranked in the State of New Mexico for water problems. We should be; we have a serious water issue here. We did receive our entire request. This, with the matching funds the Council has designated as well as a legislative request of \$100,000, will give us \$750,000 to start working on Phase 1B which is the replacement of the water lines, installation of fire hydrants in parts of town with no fire hydrants as well as installation of pressure reducing valves in town. If you are in an area with leaky pipes and high pressure, it is even worse. This is going to stop a lot of those leaks and hopefully reduce the pressure to something more manageable. What this does more importantly, it gives us more time. This is something we can do now to fix some of these problems while we have to do the more costly and longer-type projects like find an alternate source of water and putting up alternate reservoirs for storage space. These were identified in the Water Master Plan. The second thing, we applied for a community infrastructure CDBG grant. We started that process the first part of last year. Last year we held five public hearings and I see some of you that were at those hearings. They paid off; we got extra points for those meetings and from folks showing up and providing ideas. From those, the Council formulated the priority list. At that point, the priority list was put into our ICIP which is the plan the State and Federal government looks at to see the projects you need. We went through a long process. Mrs. Virden and her staff did two community surveys because the State messed up on the first one so they actually had to do the last one within a two-week period. They did a lot of work and need to be commended on the hard work they put into it. We basically came away the maximum amount of grant money we could get for both projects. We got \$500,000 in grants for the Colonias project and \$500,000 in grants for Phase I of the drainage project. Phase I of the drainage project includes the River Park subdivision which includes N. Parnell, N. Central, the Parker ditch. A lot of the problems we have all funnel down to this one area. Those of you who live down there know very well. That was one of the first priorities the Mayor discussed with me when I came on board and this is going to take care of that whole area. We have matched it with \$90,000 the Council budgeted so the project is going to be \$590,000 for the River Park area. We already have engineers on staff. All that is required to be done within a one year period from the time we get the Grant

Agreement from the State which should take between two and five weeks. At that time, we will publish our requirements for release of funds, our engineers will start working on it which you approved a couple of Council meetings ago. We will be well on our way of starting construction by the summertime. This is good news and the first of many for a long, long time hopefully.

Councilor Garrett said I want to thank John and I want to thank Carol as a citizen as well as a Board member. Without your work, this could not have been done and without your work, we wouldn't have a million dollars coming into this community. I, for one, want you to know how much we appreciate what you have done.

Mayor Miller said at this time I would like to have a vote of confidence for John Waters and Carol Virden.

OTHER BUSINESS

Mayor Miller stated next on the agenda, Other Business and asked Tom Armstrong to address his code enforcement concerns. Mr. Armstrong said my concern is with the work. I think it can work if that is the way it is designed to go here. The concern is that it be done properly. John has made it easier for me to go on to some other areas. My concern with that is I am not sure how it is going to be done yet. I know Mike is Code Enforcement right now. It will make my job easier. I don't really have a lot of concerns other than the money in question. Mayor Miller said you and I have talked about it and this adjustment we are making is to help you because you were concerned about having too much to do. We are trying to make relief. Mr. Armstrong said I agree completely with that. I was in charge with the Parks & Rec. and I felt like the Parks & Rec. could carry on. We have other things we are going to be getting into and John explained that to me. Mayor Miller asked do you have any other concerns about it. The rumor keeps going around that we are going to cut your salary. This has never been brought to my attention, just the rumor. There is no way we are going to cut your salary. Mr. Armstrong said I knew that at the time. My wife heard that as an employee. I talked to my wife about this. The way John explained it to me, it would not be a concern and there would be other jobs given to me. Maybe I misunderstood him. Mayor Miller said I just want to clarify; do you have any other concerns bothering you. Mr. Armstrong replied no.

Councilor Garrett said I keep hearing about the people that don't connect to the sewer. We have a lot of people who can't afford to connect to the sewer. They can't afford to run the line from the street to their house. I think if we could come up with some kind of way to either amortize it onto their water bill or I don't know what the answer is. I just guess I want to ask John if he would look into it. Mayor Miller said we also have people that are hooked onto the sewer and are not paying anything. Administrator Waters said I will look into it. There is some legality issues that I want to make sure we address like the anti-donation clause. I do understand the process has been done in other places. It may require an ordinance in place by the city council. If that is the case, I will get together with the city attorney and produce one for your consideration. Do remember that hooking up to the sewer also

involves taking out the existing septic system or filling it in. It is a substantial amount of work and our crews are not really trained to do that; it is more the work of a plumber or construction company. That doesn't mean we can't put a service out for bid and have them provide a proposal to us. We could have Carl Kelley or somebody that does this on a regular basis give us a price that we can tell our citizens.

Councilor Miller asked what is involved to renovate a septic tank or cesspool. Administrator Waters said there are several different ways as I understand it; filling it in is one way. A lot of people have their line piped through if their septic tank is designed that way; they essentially bypass the septic tank and then fill it in. In particular in the case of septic tanks made of fiberglass; they have a tendency to collapse and they need to take it out or crush it in but they do have to be pumped out before any of that happens.

PUBLIC INPUT

Wayne Faircloth said I live on Rainbow Drive. I was extremely excited when I received this in the mail today. I was so excited that I could hardly talk. Mayor and Councilors you are to be commended for hiring this gentleman here. Mr. Waters made a comment earlier that he had been really busy. I had just about decided that if Faircloth shows up, I'm busy, I'm out of the office or I don't have time to talk to him. After seeing this and realizing the reams of paper and the amount of hours that went into grant this and get this for us, it is nothing short of a miracle for he and his staff. I hope, and I am going on record as a citizen of this wonderful little City of Ruidoso Downs, that this puts a stop to all of these rumors about people who would like to see him replaced or get a new city manager because it is asinine for people to even think that way when you have someone in this city putting this kind of work out. John, Carol and the rest of them are to be commended in my opinion as a citizen. Thank you so much.

Don Coleman said I live on Rainbow Drive also and basically I just want to echo what Wayne said. I'm glad the Council and Mayor had enough foresight to hire these two wonderful people.

Motion was made by Councilor Morales and seconded by Councilor Miller to adjourn at 6:21 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer