

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
FEBRUARY 26, 2003

The Council of the City of Ruidoso Downs met in regular session on February 26, 2003. Mayor Miller called the meeting to order at 5:30 p.m. and asked Ken Mosley 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
Ken Mosley, Public Works Director
Tom Armstrong, CE/BI
David Hightower, Deputy Chief of Police

APPROVAL OF AGENDA

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

MINUTES

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve the Minutes of the Regular Meeting on February 12, 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 Morales and seconded by Councilor Garrett to approve the Accounts Payables. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve to advertise Bid No. 03-013 Water Sleeves. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, discussion and possible action on agreement between the City of Ruidoso Downs and Livingston PC for professional engineering services for monitoring the water quality of the Rio Ruidoso.

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve agreement between the City of Ruidoso Downs and Livingston PC for professional engineering services for monitoring the water quality of the Rio Ruidoso.

Councilor Olivo asked for discussion. Administrator Waters stated this is the study where Ruidoso and Ruidoso Downs have met with the New Mexico Environment Department concerning the wastewater standard on our NTDS permit, particularly the phosphorus standard. What we are looking at is a comprehensive study on the Rio Ruidoso and its watershed to determine what the real contributions of phosphorus are to the Rio Ruidoso. If you remember, we have looked at some of the preliminary data the New Mexico Environment Department had and in talking to some of their officials, our plant is evidently not the cause of the phosphorus problem. However, the New Mexico Environment Department does not have a lot of authority enforcing what they call non-point source pollution which is pollution that comes from drainage, septic tanks, leakage of sewer systems, things that get into the river at different places and you can't really determine where they come in at any certain point. It appears from the data that the non-point source of pollution from the watershed is actually contributing to our phosphorus. However, we have to have science to back that up. The State Environment Department has indicated to us that they are willing to listen to our study and the results we come up with to support the two municipalities in an effort to modify or change the conditions we have right now. They did not promise that they would change it if our study shows one way or another but this is a good way to actually solve the problem. If we do find that the pollution is at a certain place, the municipalities together or one or the other municipalities can help eliminate the source of the pollution. I think that is what we are all after is to keep the river clean. If we reduce the phosphorus content into the river that will alleviate the problem throughout the river, at least that is how the theory goes. This study is going to be paid for from the budgeted contingency money. It is money that we have already contributed to the plant; we contribute 15% and Ruidoso contributes 85%. Right now they currently have the budgeted amount for this year's \$313,000. This amount is not to exceed \$105,000. In Ruidoso I don't know how the Council has asked them to proceed but since our share is \$15,750, it does require the Council to address it and approve it before we send it forward to the Board.

Mayor Miller said a motion has been made and seconded. Is there any other discussion. 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 request from Ruidoso Downs Auxiliary for special use of the All American Park. This is for the concessionaires to be able to spend overnight in the park. I think it is a good idea for them to protect their property and be right there with it.

Councilor Miller said this is during the Arts & Craft Fair; don't they usually do that. Councilor Garrett said they used to and then for some reason they quit. Councilor Olivo said no, I have been involved since 1996. Councilor Garrett said they used to because there are a couple of vendors that said they did. We would limit it to seven. I have checked with the Auxiliary's insurance and their insurance would not cover it but the city's insurance would. Administrator Waters said I will go into what is being requested. The city was approached by Wayne Faircloth who is the president of the Ruidoso Downs Auxiliary organization. They have their annual arts and crafts fair in the park over Labor Day. They have had a request from seven or eight of their vendors to allow them to park their recreational vehicles there near their goods overnight. They were told last year that they couldn't do that so they went down to Wal-Mart to park. From what I understand, Wal-Mart is not letting them do that anymore. The request was made to allow them to do that but they would not be hooked up to any city electrical or city water. My assumption is since they are recreational vehicles they would have to use their restroom facilities within their RV and they would have to take those to a legal place to dispose of any liquid waste. The insurance issue is another question I have. If the Council does wish to pass this, I would request the Council place some special conditions on these individuals for this particular item. We need to review our City Parks Ordinance and come up with special conditions or policy for people to get a permit essentially to come before the Council and have a set of rules that they need to know that are in place. Since we don't have that we don't really have a format except for them just to come before the Council and ask. I suggest a maximum of seven vendors be allowed on this request; I don't believe we can accommodate more than that. If it is approved, after this year we will have to look at it again and see what happens there and what the conditions are. The vendors would have to sign a release for the city and this would have to be something that their insurance would cover. They would have to get some sort of supplemental insurance to cover that because in the release I would want something that addresses the insurance issue. These things would have to be worked out and these things can only happen at a city specified area. This is obviously going to change as we modify the park and it might eliminate it altogether depending on the parking situation. If it is the Council's wish to approve this, I recommend the Council look at these conditions and only approve it with these conditions.

Councilor Garrett said I think the Auxiliary needs a release of liability also. Councilor Miller said these seven have requested this in order to come. Councilor Garrett said yes. Councilor Miller said others that haven't requested it when they

get here will they say if they are going to stay why can't we because we paid the same amount of money. Councilor Garrett said I think you would probably have to offer it. I don't think all seven spaces are filled but I don't know because Wayne is not here tonight. I think it is on a first come first served basis. Administrator Waters said that is my assumption as well and they would have to get these permits. There is a danger if we don't put a limit on it. Councilor Olivo said we never allowed them to park there. About their goods, we have security. I think if we let them park there, we are going to open the door to a lot of people. They have always requested to park there and we have told them no. Councilor Morales said my concern is can we limit it to seven and then tell the eighth person, sorry you can't. We have all that other space there and they say you could park another sixteen more out here. Limiting it to seven then you have ten more that says what the difference is. I realize it is first come first served but that doesn't always work. Councilor Olivo said are they allowed to park overnight in Ruidoso when they have their festival. Councilor Garrett said yes they do. Attorney Bryant said I am going to say yes because I have seen RV's all over that area. Councilor Garrett said that is one of the complaints we have gotten is that we don't allow them to do that. Most of them stay in a motel but some of them have really nice RV's.

Mayor Miller asked for a motion. Councilor Miller said why don't we check to see how Ruidoso does it. The idea is to do it legally. I feel if you offer it to some you have to offer it to all of them unless those few are going to pay more. Attorney Bryant said we can do it through a permitting fee. Administrator Waters said that has to be done by ordinance. We will have a policy soon for the Council to look at not only for this park but we now have Heights Park which we will be planting grass on this spring.

Councilor Olivo moved to table this until Administrator Waters comes up with some regulations for the park. Seconded by Councilor Morales. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, approval for destruction of Public Records Phase III and they are all stacked against the wall. Clerk Virden said again I afford the Council to table should they choose to review the public records that are being requested for destruction.

Motion was made by Councilor Morales and seconded by Councilor Olivo to approve the destruction of Public Records Phase III. Councilor Morales asked are you are still using the same company as before. Clerk Virden answered yes. Mayor Miller asked is it working well. Clerk Virden answered fabulous because they come to your door, they wheel out the boxes and it takes everything; binders, rubber bands, clips, staples. Actually we are saving money by using Total Destruction instead of us traveling to the Otero Lincoln County Regional Landfill. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

OTHER BUSINESS

Councilor Morales said I would like to make a comment since we are talking about our parks. I think our Heights Park is looking very, very nice and I am really pleased with it.

Administrator Waters said I wanted to let you know, although you have seen the legislative update from the Municipal League which doesn't list the fact that we have capital outlay requests in both the Senate and the House, I went to Santa Fe with the Mayor and Carol Virden to testify in front of the House Appropriations Committee on both of our requests. We have one request of \$150,000 to match the CDBG project we have going along with the money we have. In addition we have \$250,000 for water rights acquisition that is pending before the Senate and House. I did check and both bills are active; they have already been heard in the House. The Senate doesn't really go through the same procedures to hear appropriation bills like this. Essentially we have followed this and will continue to follow it. We have talked to not only our legislators but others as well that have some stake in this. It is our understanding through the Municipal League that the governor is real up on water projects for towns that need it. We are really hopeful that we are going to see some benefit come out of the legislature this time around. We have really been pushing it hard and we believe our need is really great.

The other capital outlay project that is pending for those of you who have been asking me about when the facility for the Lincoln Solid Waste Authority will be moving. They do have \$100,000 of requests in both the Senate and the House to help them acquire some property right on our city limits east of town to put in a recycling center plus I think they want to move their entire facility there. There is a movement to send that facility out of the residential area.

One other thing that was brought to my attention by Carol Virden, we had talked in budgetary hearings about the local government correction fees used for transportation of prisoners back and forth to Carrizozo. The Municipal League has put together a very good Bill. We requested this last year and it got in this year to allow the government correction fund money to be used for small municipalities like us to transport prisoners. This is an expense to us and currently we can't recover through the government correction fund money. Our intent is to either pay for a service for people to be transported or possibly get a dedicated vehicle.

The gross receipt tax is having a hard time now; it has run into some opposition both Democratic and Republican legislators are having heartburn with the hold harmless clauses. It has not made it to Committee yet.

Attorney Bryant said the good news is that on the House side there are twenty Bills and on the Senate side there are thirteen Bills doing various things to g.r.t.'s. All of that says they are probably going to back off and take a look at the whole thing

because once the big Bill hits, everyone starts putting stuff in to get their favorite group exempted from gross receipts tax.

Mayor Miller said I do want to compliment Mr. Waters and Ms. Virden for their presentation and their plea to the legislature. It lasted all day until 8:30 p.m. You did an excellent job and an excellent presentation.

PUBLIC INPUT

Pappy Bell said he would just like to inform the Council that last night we had our third meeting to try and form a Chamber of Commerce or a business association. The meetings, I think, are going pretty well. I would like to have the members of the Council attend our next meeting. We think we have a lot of interested people that have businesses in Ruidoso Downs that are really ready to promote this town. Everybody we have talked to that has a business in this town now is very happy with the way the Council and the administration are operating up to this point. We would just like to inform the Council that most of the people we have talked to are happy with the situation. Keep up the good work and we are going to work with you as much as we can. Mr. Waters has been a big help. We hope to have another meeting very shortly with someone from economic development out of Santa Fe.

Mayor Miller said thank you very much. Councilor Miller said let us know when you are having these meetings.

Motion was made by Councilor Miller 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