

MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
JULY 10, 2003

The Council of the City of Ruidoso Downs met in regular session on July 10, 2003. Mayor Miller called the meeting to order at 5:35 p.m. and asked Cindy Scott 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  
Tom Armstrong, License/Permits Supervisor  
Ken Mosley, Public Works Director  
Robert Logan, Chief of Police

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES OF JUNE 26, 2003 REGULAR MEETING

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve the Minutes of the June 26, 2003 Regular Meeting. Roll call votes: 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 votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

## MONTHLY REPORTS

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

Fire Report	Animal Control Report	Maintenance Report
Court Report	Code Enforcement Report	Public Works Report
Police Report	Planning & Zoning Report	

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

## UNFINISHED BUSINESS

None

## PUBLIC HEARINGS

Mayor Miller stated the first Public Hearing is A. Consider Adopting Ordinance No. 2003-01 - An Ordinance amending "Ordinance 2002-02, dated May 26th 2002" Chapter 5 Municipal Judge - Municipal Court Article 3 Probation, Suspension of Sentence Section 8 Mandatory Fees Collection upon Conviction of the City of Ruidoso Downs Code of Ordinances and Enacting New Sections.

Mayor Miller opened the Public Hearing and said comments will be accepted in the following order. First those that oppose Ordinance No. 2003-01 and then those that support the ordinance. Interested persons must approach the podium, one at a time, state their name and present their testimony. A limit of five minutes will be allowed per person.

Are there any persons here to speak in opposition of the action? There was no one to speak in opposition of the action.

Are there any persons here to speak in support of the action? Chief Logan stated he would like to speak in support of this action. It doubles the corrections fee which is collected on penalty assessments through Municipal Court. It doubles the ability to take care of things in our jail and things that are necessary to take care of our corrections.

Mayor Miller stated the second Public Hearing is Item B. Consider Adopting Ordinance No. 2003-02 - An Ordinance amending "Chapter 6 Morals, Conduct and Criminal Code on General Offenses Article 9 Animal Control Section 2 titled "Vaccination" of the City of Ruidoso Downs Code of Ordinances.

Attorney Bryant stated this ordinance amendment is being proposed for the purpose of bringing our ordinance in line with the new state law concerning vaccinations for rabies of animals living in the community. There has been a study ongoing nationwide for about a decade testing a three-year rabies vaccination. It is a slightly different vaccination than the one-year vaccination. The conclusion of the study was that a three-year vaccination works as well as a one-year vaccination. Accordingly

the legislature amended the statutes that govern the state's Department of Health and permit municipalities to do either the one year or the three year vaccination. We had to go into our ordinance, clean the language up but it is still permitted, you can either do a one-year vaccination or a three-year vaccination. If you do a one-year vaccination, you have got to do it again in a year. If you do a three-year vaccination, you get to wait three years and now our ordinance allows for that option to the pet owner.

Mayor Miller stated comments will be accepted in the following order. First those that oppose Ordinance No. 2003-02 and then those that support the ordinance. Interested persons must approach the podium, one at a time, state their name and present their testimony. A limit of five minutes will be allowed per person.

Are there any persons here to speak in opposition of the action? There was no one to speak in opposition of the action.

Are there any persons here to speak in support of the action? Chief Logan stated I would like to speak in support of this ordinance. I believe this ordinance by allowing the pet owners to have their pet's vaccinations only once every three years will save stress upon the pet themselves. It has been my understanding from my Animal Control Officer it is stressful on the pet to go in for their vaccination and I think it will be very good for the pets.

Mayor Miller stated the third public hearing is C. Consider Adopting Ordinance No. 2003-03 - An ordinance granting to Zia Natural Gas Company, a Division of Natural Gas Processing Co., A Wyoming Corporation, its successors and assigns, a franchise in the City of Ruidoso Downs, County of Lincoln, State of New Mexico, as now or hereafter constituted, to use the streets, highways, right of way and public grounds of said city for the purpose of constructing, operating, and maintaining a natural gas distribution system, for a period of fifteen (15) years, and prescribing terms and conditions herein contained.

Attorney Bryant stated this is a franchise ordinance which grants to Zia Natural Gas Company a franchise to use the public streets and alleys of the City of Ruidoso Downs to put their gas lines in and to provide for natural gas services to the community. This is not a new ordinance. We are renewing a twenty-five year franchise that has expired. We have made one change to the franchise agreement in that we have shortened the term from twenty-five years to fifteen years. By doing that your city council has a little greater control over how things are done and gets a little better input into the utility company. That fifteen year term is becoming pretty much standard around the country these days. Other than that, the franchise agreement is not altered. It still provides for a two percent fee for use of those rights of ways. That has to be in the document because the anti-donation clause in the state constitution tells us as a municipality we can't let people use public property for free for profit making purposes. So there is a two percent franchise fee that is provided for in the ordinance. That is not a change; that is the same fee that has

been paid for the past twenty-five years. On our current population and natural gas service that amounts to a whopping \$12,000 to \$13,000 a year in revenue for use of those public streets and alleyways.

Mayor Miller stated comments will be accepted in the following order. First those that oppose Ordinance No. 2003-03 and then those that support the ordinance. Interested persons must approach the podium, one at a time, state their name and present their testimony. A limit of five minutes will be allowed per person.

Are there any persons here to speak in opposition of the action? There was no one to speak in opposition of the action.

Are there any persons here to speak in support of the action? Paul van Gulick said I would like to offer a little input on this as a surveyor who works in Lincoln County. One thing I found consistently is property corners have been missing through the utilities doing their work. I think this would be a good opportunity to try and get the gas company at least to submit a plan when they are going to do some specific work that is going to be near a property corner. There are many options. Another one would be to simply have a blanket statement that they have to remain so far away from corners. The reason this comes up, I think this harms people in two ways. One is that every time I have to replace property corners, someone pays for it. I think it would be almost impossible to go back and say it happened because of this utility or that utility and actually prove it. Accept for in one case where a corner was missing and I replaced it. Since I punctured a gas line, I know what the problem was which raises another issue of public safety. It is becoming more and more common around the United States as there is more population that surveyors are doing what they haven't had to do before and that is to call for a utility locate. That is going to become more prudent but I think we could do something at this time to try and extend that by simply making it a requirement. It would make sense and would have the affect of protecting property corners. There have been cases where surveyors put in property corners usually with rebar of some size and they have nicked gas lines. The gas lines will start leaking a year or two or three down the road so it actually is a problem that could easily be addressed at this time.

Public Works Director Mosley said I think that is an excellent idea because we have water lines there too.

Mayor Miller stated the fourth public hearing is D. Consider Adopting Ordinance No. 2003-04 - An Ordinance amending Chapter 4 Departments Article 7 Health and Sanitation Section 16, Titled: "Monthly Rates" of the City of Ruidoso Downs Code of Ordinances.

Attorney Bryant stated this ordinance is also a clean up amendment. A number of years ago Ruidoso, Ruidoso Downs, Lincoln County, and the other municipalities in the county entered into a joint powers agreement, formed the Lincoln County Solid Waste Authority and through that process began participating with another solid

waste authority down in Otero County to create a large landfill at Ore Grande and provide for solid waste collection. Over the years, since we entered into that joint powers agreement, the solid waste authority has come back and asked the city to approve rate changes. We have approved those and the rates have changed over the years. We never went back and updated our ordinance so it reflected the current rates that we had approved with the Lincoln County Solid Waste Authority. That is precisely what this amendment does. The second thing it does it has a Paragraph B that was not in the ordinance before that acknowledges the existence of that joint powers agreement and provides that the rates currently specified would be the applicable rates if the city were ever required to bring solid waste collection in house as a city department again for any reason. It is just clean up language to make sure our ordinances line up with what we are really doing.

Mayor Miller stated comments will be accepted in the following order, those that oppose Ordinance No. 2003-04 and then those that support the ordinance. Interested persons must approach the podium, one at a time, state their name and present their testimony. A limit of five minutes will be allowed per person.

Are there any persons here to speak in opposition of the action? There was no one to speak in opposition of the action.

Are there any persons here to speak in support of the action? There was no one to speak in support of the action.

Mayor Miller stated the fifth Public Hearing is E. Consider approving transfer ownership of existing license - Circle K Stores, Inc. 601 W. Highway 70, Ruidoso Downs, New Mexico.

Attorney Bryant stated pursuant to the state statute whenever there is an application to change the location of or the ownership of a liquor license that is located within a local option district and a local option district is either a county or city government, once the department goes through and completes all of its work and determines the application is otherwise complete, the application is sent to the local governing body to conduct a public hearing at the local level to consider change in ownership and/or location. The state statutory scheme has very limited bases on which a local entity has the power to disapprove and basic provisions say you can disapprove it if it is located within so many feet of a school or a church. You do not get to disapprove it because you don't think any one should drink. The legislature has predetermined that decision on your behalf. This is not a change of location; it is simply an administrative change to appropriately reflect who the actual owner of the liquor license is and it is for the Circle K Store here in Ruidoso Downs.

Mayor Miller stated comments will be accepted in the following order, those who oppose the transfer of ownership of existing license 215-A / A-5725 and second those who support the transfer of ownership. Interested persons must approach the

podium, one at a time, state their name and present their testimony. A limit of five minutes will be allowed per person.

Are there any persons here to speak in opposition of the action? There was no one to speak in opposition of the action.

Are there any persons here to speak in support of the action? There was no one to speak in support of the action.

Mayor Miller closed the Public Hearing at 6:04 p.m. and entertained a motion and second to each individual ordinance as well as the transfer of ownership of existing liquor license and asked for roll call on each item.

Mayor Miller entertained a motion to approve Ordinance 2003-01 as read. Motion was made by Councilor Garrett and seconded by Councilor Morales to approve Ordinance 2003-01. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

Mayor Miller entertained a motion to approve Ordinance 2003-02 as read. Motion was made by Councilor Olivo and seconded by Councilor Morales to approve Ordinance 2003-02. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

Mayor Miller entertained a motion to approve Ordinance 2003-03. Councilor Miller made a motion to approve Ordinance 2003-03 and I believe Paul is right and I would like to have it amended so they do find the corners before they dig if we can put that in there.

Attorney Bryant suggested he send a letter to their attorney and visit with her about that issue to set up a process to make sure that is done.

Councilor Miller amended her motion to approve Ordinance 2003-03 as written. Second by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

Mayor Miller entertained a motion to approve Ordinance 2003-04 as read. Motion was made by Councilor Morales and seconded by Councilor Garrett to approve Ordinance 2003-04. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

Mayor Miller entertained a motion to approve transfer of ownership of existing liquor license No. #215/A-5725 Circle K Store #1341. Motion was made by Councilor Miller and seconded by Councilor Garrett to approve the transfer of ownership of existing liquor license. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

## NEW BUSINESS

Mayor Miller stated next on the agenda, consider approval of Resolution 2003-14 Professional Services - Southeastern New Mexico Economic Development District/Council of Government.

Motion was made by Councilor Miller and seconded by Councilor Olivo to approve Resolution 2003-14 Professional Services - SNMEDD/COG. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, consider Tommy Hood's request of installation of a street light on Riverview.

Councilor Miller stated she had been down that road in the daytime and at nighttime and it is dark. I walked my street yesterday evening and there are streetlights about every 150 feet and there is only one at the very end of that street. I noticed other streets in that same subdivision are very much in need of streetlights. I don't think it is just their street; I think it is the whole area that needs to be looked at for the safety of our residents.

Councilor Garrett said I did talk to Natalie Koch today. She called me and has talked to Tommy and she said she would really like us to consider this because she can't see.

Councilor Morales asked Tommy Hood if the whole area was pretty dark. Tommy Hood answered yes and there is really only one streetlight and it is in the first part of the circle. The rest of the lights are individual security lights. Councilor Morales said I think we need to possibly look at getting more streetlights in that area as opposed to security lights.

Administrator Waters stated we can certainly look at the request of Mr. Hood if that is the Council's request to do that and fill out a request with the Texas-New Mexico Power if we have the authority to do that for that entire area. I am sure Mr. Mosley and I can go down there and evaluate the requirements. Do remember with the power company we have up here and if you remember the street lights we currently own and I do emphasize we bought them, we own them, we have to replace them and pay for a lot of the cost to put the infrastructure in. It will be a significant expense so if this is the Council's wish to do this for the entire neighborhood, we will have to budget and plan for it because it will have to be phased in. It could entirely be necessary. I have seen other parts of town that are fairly dark as well at night.

Councilor Morales said if we could get ten as opposed to twenty and determine where the need is most. Councilor Miller said the city has to buy them but when an individual puts one up you just pay \$12 a month for it if you have the power company put one up.

Administrator Waters said unfortunately we buy everything for the city and I believe the county has to as well. We also have to pay for the electricity. Not every power company requires that. Maybe that is something we should think of when the franchise agreement comes up in two and half years for the power company. Another instance of us having to take care of things are the poles along the highway. Generally the power companies, I am thinking of those on the eastern side of the state, have a deal with the municipality. Generally you just pay for the materials and they go up and replace your light bulbs for you. Here we have to do it ourselves; they have washed their hands of it. It is done that way in some places and in some places it is done other ways. That is something we probably need to consider because we have a lot of places that need to be lit up. I know Councilor Morales' neighborhood in some areas is fairly dark.

Councilor Morales said we have a security light and we have a street light at the corner of the hill and then there is another security light so part of that block is really lit up. A security light is only about \$10 per month. People can get security lights but I think we need to determine what the need is and place them where they can be of the most use.

Councilor Miller moved to approve the request to install a streetlight on Riverview. Second by Councilor Garrett. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, Planning and Zoning. Paul van Gulick stated this particular item of business before you, we haven't addressed it yet. There is actually no need to come before the Council. This would qualify as a minor subdivision under our ordinances and under the county ordinances. It was reviewed by Tom Armstrong, I looked at it and the subdivision seems to be in the best interest of the city and the citizens. It is a commercial tract. By the creation of the easements it will benefit the city. Something like this should typically only require an administrative review. Since the plat was submitted requiring the signatures of the Council that is why it is before you now. We are going address that to come up with some system so we know what signatures need to go on the plats. Having said that, I think this is something we recommend to be signed by Council members and that is why it is on the agenda.

Councilor Morales asked where it is. Paul van Gulick said it is in an area that we had considered commercial before and it was changed to agricultural. We looked at it and we didn't mean to do that so we changed it back to commercial. It lies between the track and Ray's property.

Mayor Miller entertained a motion to approve replact of a tract of land in the SE ¼ SW ¼ of Section 20, T 11 S, R14 E, NMPM Ruidoso Downs Lincoln County for Stormy Brian Wilson, Carlos Orozco and Hector Armando Orozco.

Councilor Miller moved to approve to replat the tract of land. Second by Councilor Morales. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next is Item 2. Paul van Gulick said consider approval of P&Z recommendation to deny request for seasonal placement of RV's known as 1008 Highlands requested by Clinton Wright, owner.

This was one of those situations under the current zoning ordinances where this activity qualifies as an RV park. Under the current zoning that really cannot be accepted. We cannot recommend a variance on use. We are recommending a denial but we are addressing the problem in two ways. One, it may be that he would be able to continue that use since it has already been established. Emma is going to check into that and there are other options. This next item we will be talking about is how RV's and mobile home parks are going to be zoned.

Councilor Garrett asked does he have separate hookups to the sewer and water on that property. Paul van Gulick answered it is my understanding yes. There is actually a sewer line that runs right across that is accessible by the property. Councilor Garrett asked do they get billed individually. Paul van Gulick said that is one of the issues that we don't know if they are billed individually. That is something that would have to be addressed regardless. That is really more of a municipal function than planning and zoning. That is on record and it will be looked at.

Administrator Waters said I do want to point out on that last question; it did bring up some issues for us. This is one of the reasons why we need to pay close attention to this. They were not paying for sewer and it has been like this for quite some time. We are finding these things as we go. This is one we discovered. At some times I understand they have several RV's hooked up to it. There is a substantial amount of sewage going into that. We had no record but we are now trying to make sure they are billed for their sewer. This is one of the issues we have to resolve. We also have some other issues relating to the fact that this individual doesn't appear to be on the city water. Therefore we have to find the metering situation where we meter their well to charge them accurately for the sewage.

Councilor Miller asked are you charging them individually on how many trailers there are since we are not giving them a water bill. Administrator Waters said we have the rules that the ordinance establishes that we can apply to them depending on what the Council allows this operation to be. Councilor Miller said it sounds like it is seasonal; just during the horse racing. Administrator Waters said evidently it is year round but it is more prevalent during the horse racing season. I believe we determined that there are trailers there year round. It may reduce down to two or three during the off season as opposed to several. I am not sure but I know code enforcement went down there to check up on it and there are several down there now.

Councilor Miller asked what the denial is; are you trying to deny him using it as an RV park. Paul van Gulick said he was looking for a variance to have RV's on his property and rent them out during the racing season. When we reviewed it we determined that the activity is that of an RV park. Under the zoning we really couldn't recommend approval. Councilor Miller asked so he could have the zoning changed and keep using it like he is now. Paul van Gulick said the next item on the agenda is going to address that and if that comes along that should help. In the meanwhile he might establish a legal non-conforming use.

Attorney Bryant said denying this tonight is not going to force him to move the people there off this summer because we are still looking at it through two other processes. I have asked Mr. Wright to get in touch with me and put together a description on how this really works so I can make an accurate determination about whether it is a preexisting non-conforming use or not. Then the next item on your agenda is for us to discuss with you making some alterations in the zoning ordinance on these issues that might also solve the problem.

Councilor Garrett said I got a call from Diane Carpenter about this and she said to be very aware of the fact if this was to be approved now or later, they need to follow the same rules because it is not fair to the other parks if we don't.

Mayor Miller entertained a motion. Council Garrett moved to approve recommendation from P&Z to deny request for seasonal placement of RV's known as 1008 Highlands requested by Clinton Wright, owner. Second by Councilor Morales. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

Mayor Miller stated next is Item 3. Paul van Gulick said Item 3. consider approval of P&Z recommendation to initiating changes to P&Z Articles to make Mobile Home and RV Parks a Conditional Use in the C-1 district and to update the definitions of Mobile Home Park and RV Park.

This has come up numerous times and after a lot of discussion, we feel like the way to take care of a lot of the questions that come before Planning & Zoning is to make mobile home and RV parks a conditional use in the C-1 district. Right now the only place it appears is in the C-4 district. So what that leaves us with is mobile home parks which could be considered somewhat transitional and not that hard on the neighborhood. We would have to make that a C-4 district which means they would have to cease using it as a mobile home park and then it would be a cement plant. So that really doesn't work. Conversely, it doesn't make much sense to create a new district just for mobile home parks. If we make it a conditional use that means when anyone wants to create one, they have to come before Planning & Zoning and they have to go through the process of meeting any requirements that the city would like to make. We think it is the best solution to the problem and it may affect the last item we looked at.

Attorney Bryant said what we are actually looking for on this item of the agenda is some indication from the Council whether you are in favor of us going through the process of amending the zoning ordinance to do this. If we get a motion to approve this item what you are doing is you are directing the Planning & Zoning Commission and staff to draft the ordinance changes, do the publications and then it will come back to you for a public hearing as a formal ordinance amendment at a future meeting. We are not asking you to amend your ordinance without any language tonight. We didn't see any sense in going through that whole process if you all were not interested in cleaning it up in that fashion. We wanted you to have some sense of what the issue is and why we think this is a good solution.

Motion was made by Councilor Miller to approve for P&Z to initiate the changes to make Mobile Home and RV Parks a Conditional Use. Second by Councilor Garrett. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

#### OTHER BUSINESS

Councilor Garrett said I just wanted to say how beautiful and nice the fence looks around the acreage and I know the residents really appreciate it.

Administrator Waters said I wanted to bring to your attention every month Mr. Mosley brings up a water metered versus consumption curve. This is where we look at how much water we are using versus how much water we are actually putting out into the system. It breaks it down by commercial uses and so forth. Essentially it is in gallons for most of it but we do have gallons per minute. They are somewhat technical graphs but they are available for your review. If you would like this included in your packets we can certainly get this to you. The point we want to make, last Council meeting I indicated that we had upwards of 20 or 30 percent water loss in our system. Mo has actually quantified this now for the first time. It is 17.5 percent using a more accurate meter reading. He can talk to you about what we have planned for this and we actually have an even more accurate method we are looking at installing over the next few months.

Public Works Director Mosley said we have more accurate meters that we are using now. The actual production out of the Springs and the Denton well certain parts of the year it looks like we have a lot of water loss but it is not actually going into the sewage. We all know that the spring overflows periodically and we are looking at getting a couple of meters and putting it on the overflow of the spring and the top of the tank. Then we can calculate out of there what we are actually not sending to our customers. It will make a much more accurate determination on what our water loss is and we should be able to bring that 17.5 percent down. Once we get these meters in we will have a pretty straight line on what our system is doing. We do have an old system. We know we have leaks out there; we just don't know where. This will help us determine how much is leaking.

Mayor Miller stated we have a newsletter that went out in the mail today that explains the water situation and also how the drinking water compares to federal and state standards.

Attorney Bryant said I conducted a meeting at the Senior Citizen's Center. The new air conditioner was in and the gates were up on the window; the place looked nice and it was very cool and comfortable in there. That was a great place to hold that meeting Tommy and thank you.

#### PUBLIC INPUT

Jim Badjar said I would like to update you what is happening in the Department of Public Safety Fire Department. The guys are real enthused. They show up at ninety percent of all of the calls, trainings and meetings. Everything is working out real well across the street in our department and wanted to keep you posted.

Councilor Morales asked if the fire restrictions had been lifted in the forest today. Jim Badjar answered yes. Councilor Morales asked what are they allowing, campfires now. Jim Badjar responded they opened it up completely. Mayor Miller said the forest service was in today and said they were lifting the restrictions. Mayor Miller also commented that the Fire Department and the equipment looks really great. You have done a really good job and have my sole appreciation and I am sure the Council feels the same way.

Mya said perhaps eleven acres can be purchased by our city for water rights some day and I would like all of us to consider that eleven acres as possibly reserving some of the acreage for a community center. I believe a community center for our city would have to be done in phases. I am here tonight to ask, on the record, I would prefer the first phase be an indoor aquatic Olympic size pool. If we are doing it we should do it right and plan for the future. Olympic size is 25 feet wide and 50 meters long. In other words it is 3,950 square feet which is only nine percent of an acre. We will have the land and I guess I am here this evening to say my idea would be let's own the land as a city; let's own the building as a city and let's lease the pool facility to the county. Let's include all of the people of Lincoln County to use this facility. It would relieve our city of a lot of responsibility and liabilities if we did this. It would certainly give us a wonderful public image in our county that we invite all of them to come here for their recreation.

Mayor Miller asked where are the eleven acres are located. Mya said Honorable Mayor I am not sure but if it is ever purchased for water rights perhaps we could consider reserving some of that acreage. Mayor Miller asked her where she got her information. Mya said I really cannot verify that information. I can simply say as a growing city we will be purchasing perhaps in the future some land and if we have that land, let's try to reserve some of it for a community center. I would just like you to know I would be the busiest volunteer in the city to see that we achieve this goal of an indoor aquatic pool. This does not mean that I wish to be the leader but I will

be the busiest volunteer for one of the employees of our city so that we can achieve this goal.

I have noticed that the five o'clock (CDBG) meeting offered an opportunity for public service capital outlay to include asking for grants for a swimming pool. I feel if they allow us to apply in November for two more grants that we should consider working very hard to get money to do Phase I of a community center because we are long term planning here.

Councilor Miller said my comment was also about a community center. I am with this "YES" group that wants a community center for the whole community, of course. We do have a meeting this Monday night at 6:00 p.m. at the high school library. I would like to invite everyone that interested to go. If we should by some miracle get it in Ruidoso Downs that would be wonderful. I would like to see us all work towards the same goal for the whole county. I think that is the only way we are going to get a first-class community center is for all of us to go together, work at it together and get funds together because one little community of 1,200 people is not going to afford a \$10 million project.

Bonnie Richardson asked for an update on the basketball courts. Administrator Waters said we are working right now with the engineers to try to get the specifications for the additional pour. We have not advertised that yet because we are waiting for final specifications. Essentially we are going to have the basketball courts repoured. As far as the progress with the previous company that performed that job, we are working through Dan's office to go through the bond process. We are not just waiting for that to get completed; we are actually going to do some work on it ourselves. The Council has approved us to do that. Dan Bryant said I don't want to discuss it in a public meeting but we are pursuing legal procedures to collect on the bond and to bring the construction dispute case to court with the contractor that did the work that is there now. Bonnie Richardson asked if there is time frame for the engineers to get their work done. Administrator Waters said they have exceeded it by a week now which is something we need to address with them.

Councilor Garrett asked now that the fire restrictions have been lifted can we as a municipality patrol Turkey Canyon, the forest. We had a problem a few months ago and I would really hate to see anything happen up there again. That is too close to the city limits. Administrator Waters said that is in our city limits and is something that we can patrol. We do have a city easement through that property for water line and access to some public lands behind there. We have also been working with the property owner who is also interested. The forest service, they haven't this year but they did last year, approached us and gave us funding to have extra patrols in that area. We did have several of our officers patrol in Turkey Canyon. The majority of that land up there is private property but it is within our city limits so it is within our jurisdiction.

Mayor Miller entertained a motion to adjourn.  
Motion was made by Councilor Miller and seconded by Councilor Morales to adjourn at 6:45 p.m. Motion passed unanimously.

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Bob A. Miller, Mayor

ATTEST:

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Carol Virden, City Clerk/Treasurer