

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
JANUARY 22, 2004

The Council of the City of Ruidoso Downs met in regular session on January 22, 2004. Mayor Miller called the meeting to order at 5:30 p.m. and asked Jim Burrow 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
Ken Mosley, Public Works Director
Tom Armstrong, Licensing/Permits Supervisor
Robert Logan, Department of Public Safety Director

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES OF JANUARY 8, 2004 REGULAR MEETING

Motion was made by Councilor Morales and seconded by Councilor Miller to approve the Minutes of the January 8, 2004 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 Miller to approve the Accounts Payables. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

UNFINISHED BUSINESS

Mayor Miller stated consider approving Resolution No. 2004-02 - Allowing City Administrator to sign contracts to expend public funds that have previously been budgeted for expenditures on behalf of the City of Ruidoso Downs up to \$.

Councilor Morales said we had talked about the possibility of going out for bid or RFP on things that had already been approved in the budget, but after some discussion with Mr. Bryant, we decided we probably needed to change this just for water rights and leave the rest of it as it is.

Attorney Bryant said on the purchasing end, there is a step or two we can eliminate with a resolution but the problem is that the dollar amounts you want to address in that circumstance are going to be radically different than the dollar amounts for water rights so we shouldn't do that in the same resolution.

Councilor Morales said we can do another resolution so we don't have to come to Council to go out for bid or RFP. Attorney Bryant said we have to issue the bid under the procurement code but the other steps we can kick back into the administrative side up to those bids of a certain amount.

Councilor Miller asked before we pass this do we need to put a dollar amount in here and would that usually be a down payment. Administrator Waters said water rights purchases, depending on the size of the purchase, can vary greatly. Small purchases that have been made can be as little as \$10,000 to \$15,000; larger purchases can go into the hundreds of thousands of dollars. Councilor Garrett said don't we usually make a down payment or earnest payment.

Attorney Bryant said the way this is worded let's say someone came to the City and said I want to sell you some water rights and we negotiated a price. We would come to the Council even with this in place and we would say we have this agreement cooking; it is this many acre feet with this priority date for this much money; is that okay with you. The Council would approve the purchase. What this does, when it comes down to signing the closing documents, we don't have to come back to you again. It does require us to report the expenditure to you within a week so you know the deal you approved is closed and done. The Council still has to approve the actual purchase.

Councilor Miller moved to approve Resolution No. 2004-02 to allow City Administrator to expend public funds for the purchase of water rights on a quarterly basis, that have been budgeted for in annual fiscal year budget up to what the annual budget is set. Seconded by Councilor Garrett. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

NEW BUSINESS

Mayor Miller stated next item on the agenda, consider approving Resolution No. 2004-03 Calling for a Special Election - Question(s) to be submitted to qualified registered voters. "Shall the issuance of restaurant licenses for the sale of beer and wine be approved for restaurants within the boundaries of the City of Ruidoso Downs, an incorporated municipality in Lincoln County?" "Shall the change of name from the City of Ruidoso downs to City of Greentree?"

Councilor Miller asked Attorney Bryant if we definitely need an election for the beer and wine license. Attorney Bryant said yes. While I was in Santa Fe this week I visited with them and I brought the file so I could read the language to you. They agree with my interpretation of the law because at the time there was no provision for cities under 5,000 population in the statute; that was changed later. When Lincoln County did its resolution, it specifically limited it to the unincorporated areas of the county. We are in a vacuum and we have to proceed.

Councilor Miller asked can we break this apart and Clerk Virden answered yes. I don't know if anyone else has had calls but some businesses do not want to change the name of Ruidoso Downs to Greentree or to anything else. It would be too costly and they do not agree with it. We did kind of designate ourselves differently from Ruidoso by calling ourselves a city instead of a village. That has helped us immensely in paper work not getting confused with Ruidoso. I feel like there is not enough interest to put this on an election right now. Councilor Garrett said I probably spoke to fifty people this week and out of those fifty, two would like us to put it on a ballot and the rest are adamantly against it because they feel like we are going to lose the identity we do have with a business. You are going to say come to our beautiful motel in Greentree and they are going to say where is Greentree. Councilor Morales said we did recently change the name from the Village of Ruidoso Downs to the City Ruidoso Downs. There was huge cost involved in changing stationary and everything. Since we just did it, I think if we wait a few more years and think about it again but right now it is too expensive to do again.

Councilor Morales moved to approve Resolution No. 2004-03 calling for a Special Election to be held on Thursday, April 15, 2004 but exclude the question of name change. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving Resolution 2004-04 2nd Quarter Budget Adjustment for Fiscal Year 2003-2004.

Administrator Waters said as you know we have quarterly budget adjustments to make sure our budget is moving along the right track so by the end of the year we end up with what we are supposed to have in these balances. It takes into account other things that the Council has approved along the way. It is mainly cleanup in nature. It would also take into account anything else the Council has asked to put

into the budget or emergencies that happen. If you have any questions we do have our department heads here also to answer any questions about their budgets.

Clerk Virden said I do want to mention to the Council under the General Fund expenditures for the election department, I did take into consideration the possibility of the Councilors approving the Special Election Resolution that was just brought before you increasing the line item for my poll workers, my supplies, contracts and professional fees for that particular department.

Councilor Morales said in looking at this, I am really concerned about the overtime in the Police Department. We are looking at \$17,000 for a six-month period and asked the Chief to enlighten us. Chief Logan said out of the \$17,000 much of that money is funded through Traffic Safety Grants. This money is paid out and that is where the \$17,000 comes from but some of it comes back into the Traffic Safety Grant Reimbursements and that doesn't show in there.

Councilor Morales said you have Other Reserve Officers, \$10,000 and Chief Logan said that is the grant from the Hubbard Foundation.

Councilor Morales asked why do we have such a high dollar amount for overtime. At one time we discussed keeping overtime to a minimum. Chief Logan said the overtime is kept to a minimum. Like I said a great deal of that is money that is reimbursed through traffic safety grants. Also anything we do with Narcotics Enforcement Unit is reimbursed and the DWI program. Clerk Virden said if you look on Page 1 of your General Fund Revenues under the charges for Miscellaneous, you will see the reimbursements for the overtime for the Police Department.

Councilor Morales said another question I have, I understand that Mr. Mosley has requested a budget adjustment and it is not on here. Administrator Waters said that is currently being considered by administration right now; it is not on the budget at this time but could be put on for future adjustment when I feel the time is right. Currently I am concerned with numbers I have received from the Taxation and Revenue Department concerning the General Fund. Right now we have received two very low checks compared to prior months. We had a \$300,000 plus check three months ago; our last two checks according the Taxation and Revenue Department have been due to the fact that the government has changed the way in which they are distributing it. However, that has adversely affected us seriously. The last two disbursements have been somewhere around \$180,000 and \$189,000, far down from the \$300,000 we received. It is currently the administration's wish to take a look at that budget and see what happens. The State has assured us that it will clean itself up come this next check which would include most of the December revenues. We have not seen that check yet and I am not comfortable enough to ask for a significant increase for a personnel budget that we may have to cut back on. We will review it again at the next budget adjustment and see where we are with gross receipts tax.

Councilor Morales asked when is the next budget adjustment and Administrator Waters said right before the end of the year. It would basically be considered in April for the next fiscal year's budget. Councilor Morales asked, for clarification purposes when you say the end of the year, you are talking about the end of the fiscal year which is June 30th. Administrator Waters answered yes. I can foresee the issue coming up again. It is always Council's prerogative if they wish to grant that raise and if they wish me to review that again in April. I really would recommend that we wait on that because of the precarious position we are in on gross receipts. We were way above our percentage two and a half months ago and all of a sudden we are at average which if we continue on the same trend could cause a lot of cutbacks.

Councilor Morales asked Ken Mosley his thoughts. Mr. Mosley said the person that is involved with this is has been at a lower pay and he is doing the same work as the other six men at the same level and has been for some time. Neither one of the supervisors is doing more or less than the other supervisor so he should be at the same pay as the other supervisors. That is the reason I put in for the budget adjustment. Councilor Morales asked Mr. Mosley if he is comfortable with waiting until the new budget year. Mr. Mosley said this is the second time I have presented it and I just don't think it is fair but I will keep presenting it. Councilor Olivo said I feel like the person involved is a good worker and does everything that is asked of him. I feel he should get a raise. Councilor Garrett said I don't know whom we are talking about; I haven't been part of this discussion. I would prefer that I at least be notified of what we are talking about before we come before the table and try to discuss this. I think this is not the right venue. Councilor Miller said I know nothing about this. Councilor Olivo asked to have an executive session at the next meeting to discuss this further.

Councilor Morales moved to approve Resolution No. 2004-04 Quarter Budget Adjustments for Fiscal Year 2003-2004. Seconded by Councilor Garrett. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving Personnel Recommendations, Communication Detention Officer positions.

Chief Logan said I would like to introduce Brady Chambers and Lisa Batt. These two candidates are candidates for Communication Detention Officer. I do have two vacancies. One of the employees recently left and John Sims was promoted to Code Enforcement Officer. These two folks come highly recommended by their former employers as well as some of the former employers actually want them to come back to work for them. Lisa also has experience working with the Denver Police Department. I would like to recommend Brady Chambers and Lisa Batt for consideration to fill these two vacancies.

Councilor Miller moved to approve hiring Brady Chambers and Lisa Batt as Communication Detention Officers. Seconded by Councilor Garrett. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving Precinct Board for Regular Municipal Election of March 2, 2004.

Councilor Miller moved to approve the names as submitted by City Clerk for precinct board, translator, absent precinct board and alternates for the March 2, 2004 Municipal Election. Seconded by Councilor Morales. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

OTHER BUSINESS

Tom Armstrong said I have been working on street addressing here and the 911 needs to be enhanced. The problem has occurred many times over. The emergency service has moved forward in time and we are addressing Highway 70 from county to county. I have met with the Connie Stone of the County, Victoria Allen from Ruidoso's 911 and also from dispatch service here. We have been working on our problem here in the City of Ruidoso Downs. We have come up with numbers to see if it would work or not and it will. The problem with that is people don't like changing their addressing. I am here to encourage everyone to change their addressing because you cannot find any businesses or persons and you cannot get the fire department or EMS to any place without having someone who knows this person and that is unacceptable. We have looked at the whole issue; I have addressed our City from the West to the East through our annexation. The way it works is by the mile marker. You have one hundred addresses just within that mile, odd and even, fifty on either side. I have run these figures and actually driven the whole part of it and it seems to work very well. Ruidoso is looking into changing their addressing to where we are not just Ruidoso and Ruidoso Downs. We will be Highway 70 with addressing that will allow everybody to get to where they need to go in time to do some good. I have also worked on our addressing for our new subdivision, Agua Fria, which didn't have very many addresses. I checked with the County and they have been holding back on their addressing but we do now have that addressing ready to go. This is to let everyone know there is a need for it because of things wrong in the past; we need to correct it. If you wanted to get a phone from the phone company they would not give you a phone just because of the addressing.

Councilor Garrett said I promised this Board when I got a reply back from the State of New Mexico Department of Finance on the Senior Citizens Center that I would put that before everybody. It appears that it would not be a problem with using the building but they really stress the fact that if we decide to do that we need to be sure we have all of the liability issues in place, that we have an internal policy developed in order to handle the procedures and the intended use of the facility and we seek

our legal council to ensure the activities the community chooses are allowed by any existing laws.

Councilor Olivo asked if the City of Ruidoso Downs decals are for all of the City vehicles. Administrator Waters said that is for Public Works vehicles.

Councilor Olivo asked since Agua Fria has become part of Ruidoso Downs, are they going to get our newsletter. Administrator Waters said they have received our newsletter from the day we first put them out. We sent them out to all the people on our water system. Smokey Davis said he has not ever received one. Administrator Waters said we will be happy to provide anyone with a copy who wants one; we have extra copies.

Councilor Olivo asked why it was not published in Spanish. Administrator Waters said we are currently working on the Spanish copy. Councilor Miller said I think Carol has done a great job on doing translations on all of our paper work and newsletters. Clerk Virden said I do want the Council to be aware there are approximately twenty customer accounts that we mail newsletters in Spanish. We can't get to every single one of our residents here and please keep in mind that it is very costly to do the newsletter in bulk in the Spanish version since we only mail out to the twenty on record unless they come in and give us their address.

Councilor Morales said I just want to pat Carol on the back. I heard from our neighboring community that she has been a wonderful source of information, helpful and so pleasant on the upcoming municipal elections. I just wanted our citizens to know that Carol is very well thought of and they appreciate her help a whole, whole lot.

Attorney Bryant said at our last meeting, I mentioned to you that the statewide water plan had been put out in draft form. I obtained a copy of it and I have been notified by DFA that they are putting together a task force pursuant to the statewide water plan to look at Statewide land use regulations to require communities to adjust their planning provisions, their subdivision ordinances and their zoning ordinances to be sure they conform to the State water plan and the legitimate water concerns that are expressed in that document. This week DFA asked me to participate on that task force because I assisted in a task force a few years ago drafting model subdivision regulations for counties and I have agreed to do that. I brought a copy of the water plan and some of the land use proposals that were given to me this week in my initial packet. The reason I am raising this to your attention is historically land use issues have been strictly local community decisions and for the first time in my experience, the State of New Mexico is planning on proposing and adopting legislation that will apply on a statewide basis. I think it is going to be some of the most important work that communities need to look at over the next decade or so because the costs of some of those regulations can be pretty expensive.

PUBLIC INPUT

Barbara Green said I live in Ruidoso Gardens, better known as Spaghetti Flats. I just wanted to publicly give our Fire Department a big hug. A couple of weeks ago we had fire there and I can tell you this is the most overwhelming thing I have ever seen in my life. How they kept it from becoming a major forest fire and wiping out our homes is just beyond me. Like Chief Logan said we had 80 m.p.h. winds and it was just a miracle, the good work of our Fire Department and the other fire departments that did respond saved our homes and they saved our forests.

Chief Logan said I would like to state that we also sent out letters signed by myself and the Mayor to all of those agencies that assisted. Assistant Chief Badjar hand delivered those and they were most grateful and we were very grateful for their help and that is how we were able to save those.

Jim Burrow said I just want to make a comment on what Mr. Armstrong said. I still say there are a lot of houses and streets that do not have numbers or signs. I think it is almost impossible for the Police Chief and Jim Badjar to be able to make calls to places that don't have numbers on the house where you can read them. Tom, do what you have to do as we really do need it. 911 is one of the best things we have working for us.

Mr. Frazier said since before New Year's a light was put outside my bedroom and I have been asking for it to be removed. The first few nights I couldn't sleep at all. The landowner next door, Mr. Farrell, has a pole that is one pole down and it can be moved to that pole. The electric company said all it would take is a phone call. I wake up at 4 a.m. and it looks like dawn and I can't go back to sleep. I have lived there for fifteen years and it has been dark.

Dean Holman said the President of the United States made a comment about when he traveled from Midland, Texas to Ruidoso that Roswell was a watering place. I hope the next time he makes a trip as a citizen again that he will say Ruidoso Downs was the watering place in between Midland and Ruidoso. I feel like we have to stay after the water situation; I commend the Council and the two professionals we have working full time on this. I feel like we have to have professionals in order to achieve these goals. I was in public education for thirty years and without professionals that know what they are doing such as Carol Virden and John Waters, you simply do not get it accomplished. It is like having a school board without a superintendent. I have been extremely pleased with the way things are going; a lot of positive things have happened here. When I was growing up this was known as Greentree, the little ghetto place. The changes are good and positive and I want to commend the Council and city employees for doing such a good job.

Councilor Miller said I want to remind you that we are a part of Keep New Mexico Beautiful. We joined last spring, Keep Ruidoso Downs Beautiful. We have had several little cleanups since and since the wind blew so hard during our holiday season there is stuff all along the roads. We want to do a little cleanup on February

7th. I met with Mr. Sanchez of our Parks & Rec and we are planning a little get together. We will meet at the Senior Center, Saturday, February 7th and have coffee and donuts and grab a bottle of water, a bag, some gloves and take off. Not only do we want to do the highway, if anyone has a neighborhood that needs attention let us know. Lincoln County Solid Waste plans to stay open unit 1:00 p.m. that day. We will get started in the morning between 8:30 and 9:00 a.m. until about 1:00 p.m. Someone asked if they were going to have the children involved and Councilor Miller said she would love to have the children involved. We are going to have some incentives; a few little prizes but not as big as the one in the Spring.

Mayor Miller entertained a motion to adjourn.

Motion was made by Councilor Morales and seconded by Councilor Miller to adjourn at 6:20 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer