

MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
MARCH 25, 2004

The Council of the City of Ruidoso Downs met in regular session on March 25, 2004. Mayor Miller called the meeting to order at 5:30 p.m. and asked Dr. Tate 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 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. Motion was made by Councilor Garrett and seconded by Councilor Miller to approve the consent agenda. Councilor Morales stated she would like to pull the updated accounts payable. Councilor Garrett amended her motion to approve the consent agenda with the accounts payable pulled for discussion. 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 MARCH 11, 2004 REGULAR MEETING

Motion was made by Councilor Garrett and seconded by Councilor Miller to approve the Minutes of the March 11, 2004 Regular Meeting. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

ACCOUNTS PAYABLE

Councilor Morales said I want to discuss the Valor Telecom bill on page 2; it seems awfully high for \$782.21. Then on page 3, we have AT&T for \$288.75 and Valor Telecom for \$229.27. I just wondered if we have pursued changing from AT&T to a lower long distance carrier and I also wondered why that one bill was \$782. That seems awfully high; was it for more than one month. Administrator Waters said Finance and Administration has been instructed to look into the possibility of another carrier and we are currently investigating that. The \$782.21 is coded to each staff member using it so we can check into that and see what this was used for and get back to you at the next meeting. Councilor Morales said she would appreciate it. Motion was made by Councilor Morales to approve the amended Accounts Payable. Seconded by Councilor Olivo. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

PUBLIC HEARING

Mayor Miller stated next on the agenda, Public Hearing, Ordinance 2004-01, an Ordinance enacting a new Article 4 Under Chapter 2 Article 1 Section 1 titled "Creation (B) Titled Economic Development Act" and asked Administrator Waters to read the proposed ordinance.

**Ordinance Number 2004-01**  
**LOCAL ECONOMIC DEVELOPMENT ACT**

**WHEREAS**, Economic Development is a necessary component for a growing municipality, and

**WHEREAS**, the creation of additional high paying jobs is of great importance to this administration and governing body for the improvement of the quality of life for Ruidoso Downs Citizens, and

**WHEREAS**, additional business in the City helps add to, stabilize, and diversify the City's revenues, and

**WHEREAS**, the State of New Mexico's Certified Communities Initiative Program lists six mandatory requirements for qualification including the establishment of an Economic Development Organization, Development of a Community Business Plan, Development of an annual land & business inventory, development of a retention/expansion program, the adoption of a local economic development ordinance, and the completion of an annual NM Economic Development Department Community Profile, and

**WHEREAS**, it is vitally important to form a coalition composed of the Ruidoso Downs Chamber of Commerce, the Mayor and Governing Body, City Administration, and private citizens representing the economic and cultural diversity of our great City.

**NOW, THEREFORE**, be it ordained that the governing board of the City of Ruidoso Downs that: **(I)** The Local Economic Development Act is hereby enacted and by doing so creates the Economic Development Board as described below.

Ordinance shall be codified in the Ruidoso Downs Code of Ordinances under Chapter 2 Boards and Commissions as follows.

Under Chapter Title Add:

**Article 4- ECONOMIC DEVELOPMENT BOARD**

Under 2-1-1 add:

**B. Economic Development Board**

New Article:

**ARTICLE 4  
LOCAL ECONOMIC DEVELOPMENT ACT**

- 2-4-1 General
- 2-4-2 Appointment
- 2-4-3 Organization
- 2-4-4 Duties
- 2-4-5 Fiscal Responsibilities

2-4-1 GENERAL

The City recognizes that Economic Development is a necessary component for a growing municipality. The creation of additional high paying jobs is of great importance to this administration and governing body for improvement of the quality of life for Ruidoso Downs Citizens. Additional business in the City helps add to, stabilize, and diversify the City's revenues. In consideration of these facts, the City of Ruidoso Downs shall form an Economic Development Board (EDB). In forming this board, it is vitally important to form a coalition composed of the Ruidoso Downs Chamber of Commerce, the City Government, and private citizens representing the economic and cultural diversity of our great City.

2-4-2 APPOINTMENT

The Economic Development Board shall consist of eight (8) board members. Three (3) of these members shall have voting authority and be dedicated to and AUTOMATICALLY filled by persons in the following positions:

- A. The Mayor
- B. The Mayor's designee who shall be a member of the City Council
- C. The President of the Ruidoso Downs Chamber of Commerce

D. The Chairperson of the Ruidoso Downs Planning and Zoning Board

There shall be four (4) at-large, voting positions appointed from the citizens of Ruidoso Downs by the Mayor with Council confirmation. These confirmed appointments shall serve a term of two years, with any subsequent renewals for additional two-year terms to coincide with the City Council Organizational Meeting held on the first Thursday following each General City Election. The Mayor shall also fill vacancies with Council confirmation as they arise from time to time.

The City Administrator shall sit as the eighth, ex-officio (non-voting) member of this board, and shall serve in an advisory capacity.

2-4-3 ORGANIZATION

Every two years, on the first board meeting following the City Council, the Economic Development Board shall have an organizational meeting to elect officers. These officers shall consist of a Chairperson and a Vice-Chairperson. The chairperson shall provide the contact for all state agencies, and will report on a quarterly basis to the City Council during regularly scheduled City Council meetings. The Vice-Chairperson shall serve in this capacity if the Chairperson is unavailable.

2-4-4 DUTIES

- A. The EDB shall be the sole and official economic development organization charged with the representation of the City of Ruidoso Downs on all economic development efforts and is hereby designated to meet and negotiate with prospects. This board shall make any necessary recommendations to the planning and zoning board and / or City Council.
- B. Every two years the EDB shall develop and draft a two-year community business plan that will establish goals to attract capital investment and business relocation, while supporting existing businesses and improving the community's quality of life. The plan must include an analysis of the communities strengths, weaknesses, threats, and opportunities, specify targeted industries, specify resources for resource development, and identify any possible incentives to offer prospective businesses.
- C. The EDB shall develop and publish an annual land & business inventory available to prospects.
- D. The EDB shall develop a business retention / expansion program.
- E. The EDB shall complete an annual NM Economic Development Department Community Profile for submission to the state.
- F. The EDB shall present a semiannual report to the council on quarterly completed board activities.

## 2-4-5 FISCAL RESPONSIBILITIES

The City shall act as the fiscal agent for all normal and customary office-related supplies, personnel, and grants that the board may need or receive, provided it is used for the benefit of the City. In addition, a line item in the General Fund shall be established under the heading of "Economic Development" and such expenditures and revenues shall be budgeted by the City Administrator and approved by the City council prior to expenditure of funds. The City Administration shall provide secretarial services to transcribe, print, and distribute minutes associated with board meetings.

PASSED, APPROVED AND ADOPTED this 25th day of March 2004.

Administrator Waters said this Economic Development Ordinance partially fulfills the New Mexico Economic Development Department requirements for business plans, which makes us eligible for Economic Development grants. It also fulfills several other grant programs where you have to have community action plans or business plans prior to proceeding forward to plan for bringing in new businesses to the community. This particular Board would help identify particular industries that would be coming in and help ease their transition to the City either by providing areas that the City feels are important and requirements beforehand so these entities know about it before they approach the Planning and Zoning Board and the City Council. They can address these things in detail before they bring them before the City Council and if necessary, the Planning and Zoning Board. It is a dynamic program meant to bring new businesses into the City, keep the ones we have and possibly even expand upon the businesses we have in the City limits through the utilization of our existing resources and under the requirements of the State statute. I would recommend to the City Council at this time to pass this ordinance upon hearing the Public Hearing.

Mayor Miller stated I hereby open the Public Hearing for comments and will be accepted in the following order: first those who oppose the ordinance and second those who support the ordinance. Interested persons must approach the podium one at a time, state their name and present their testimony. A limit of three minutes will be allowed for each person. Are there any persons here to speak in opposition of this action? There was no one. Mayor Miller then stated are there any persons here to speak in support of this action.

Paul Van Gulick said I am chairman of the Planning and Zoning Commission and I certainly want to commend the Council and staff for putting this together. We have a 40-year water plan, a comprehensive plan, a drainage master plan; all of these things are working for the City. I think this is the place to put all of that to work. Our goal is to thrive as a City and I think this will take our City to the next level.

Pappy Bell said I would like to congratulate the Council if they would pass this ordinance. Being a Board member of the Chamber of Commerce, I think it is finest

move I have seen this Council do in quite a while; very well done and I will volunteer to be on this Board.

There being no further comments, Mayor Miller closed the Public Hearing.

Motion was made by Councilor Morales to approve, adopt and pass Ordinance No. 2004-01 - Economic Development Act. Seconded by Councilor Garrett. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

#### UNFINISHED BUSINESS

Councilor Garrett said there is some unfinished business in that we keep talking about a skateboard park. There are some young people here tonight who just want to speak to us and express their wishes for it and that we continue moving forward.

Bonnie Richardson said we appreciate the support of the City administration and Council on achieving the dream of a skate park for these young people. I would like to let you know we did a fundraising last fall and we are scheduling another one for May 23rd. We are calling it Mercado in Mayo, a market in May. It will be in All American Park and we are going to sell spaces for \$25 a piece. We are targeting the agriculture section of the Lincoln County community; however, it won't be limited to that. I am working with the County Extension Agent on that. Our young people will be selling food. We hope to get our cause out in the public and also start an annual tradition in Ruidoso Downs that we will finally be doing something with our park for young people.

Joseph Farrell said I have been with this since it started and helped out with the fundraisers. We just usually street skate right now. Bonnie Richardson said you skate anyway and what you need is a safe place to skate. Joseph said I have played sports all of my life; soccer, football, baseball, golf and skating is the "funnest" one I have done so far. I wouldn't give it up for anything. It is by far the hardest sport. I just want to say it is like getting money to build a gym.

Councilor Garrett said we thank you all for coming and we do care.

Chief Logan said I would like to speak in favor of the skateboard park as well. As a father my baby who is thirteen goes to the skateboard park in Ruidoso on a regular basis; he has a great time. As the Public Safety Director I think we need to get the kids that are going to skateboard anyway off of the streets, where they are liable to get hurt, into a safe environment. I just think it is a positive for our community and our youth and would give them a lot more to do.

Councilor Olivo asked how are we coming along with the basketball court. Attorney Bryant said in my mail today I have a letter from 3B's in which they indicate they are paying \$10,000 to the concrete supplier which is about a third of the principal amount of the bill. We are working out the details with the Ardex

product. I would hope within thirty more days I am able to bring a written agreement to you that will provide for installation of the Ardex. We were waiting on a show of good faith from 3B's for the concrete supplier. I have not verified whether Dusty Beavers has received the money yet.

Councilor Morales said I would like to comment on the skate park. I pull into the post office about twice a week and I see these young gentlemen out there skateboarding and they seem to be having such a great time. Hopefully we can get the skateboard park going for them really soon so you can have a fun place to go instead of the post office.

Councilor Miller said I would like to thank them for coming. This has been an enjoyable meeting. Come again and keep us on track until it is there.

### NEW BUSINESS

Mayor Miller stated next item on the agenda, Phyllis Reed from the Village of Ruidoso Public Library. Phyllis Reed said I am the Library Director at Ruidoso Public Library and this is the library that you and your citizens use and that is what I came to talk about. I would like to introduce you to two of our Advisory Board members who are with, Dr. Howard Tate and Mr. Scott Roser. We have a seven member Advisory Board who are essential to our library and its functioning. I also see a lot of Ruidoso Downs citizens who I see in the library in the audience. I was wondering if they could stand and show their support for the library. Last year I came and just gave you statistics about your library and how much you use it, how much your citizens enjoy it and I invited all of you and your children and your grandchildren to come to the library and use our services. You did come. In fact, we had 7,000 transactions at our circulation desk just for Ruidoso Downs citizens. We track that on our computer; we have physical addresses and we also have mailing addresses. So there were 7,000 transactions done just for your citizens as our customers. Those were check-ins and checkouts, people asking for books to be put on hold and various things. That is an average of three transactions per citizen or more. Out of our budget this year, which was \$470,665, we spent 13 percent on Ruidoso Downs citizens as our customers. The Village of Ruidoso spent \$61,181 on you. I am here to ask you to budget at least one-half of what we spend on your citizens. We can hire another library assistant for \$30,000 and that would include benefits. Please consider doing this. All United States libraries are in a budget squeeze. They are squeezed between needs and budgets. It is not just Ruidoso Public Library. Nationwide library statistics are showing us that people are hungry for libraries and your citizens want a library to use. Ruidoso is blessed with a Mayor and a City Council who actually appreciates and understands the value of a public library. They budgeted \$470,665 for your library in 2003-2004. Out of this budget, we pay six full-time library employees and we give Ruidoso Downs many library services. Two of our library employees are your citizens. We provide their lively hood out of this budget. We desperately need another library employee. Our circulation rose 40 percent this year. Our attendance in children programs rose 35 percent this year. These statistics include your citizens from Ruidoso Downs.

Ruidoso Downs has no public library. Your citizens have to come to Ruidoso to the library. In fact, more than half of our attendees at a cultural program this week were from Ruidoso Downs. Please ask yourself if you are showing support of the library your citizens' use. We desperately need another library employee. Ruidoso will provide the library facility, the books, the computers and the programs for you. We will also provide the majority of the staff. Won't you please consider paying for one staff member to help your citizens? It will only cost you \$30,000. \$30,000 is much less than building your own library, filling it with books and computers and library staff. Please make a gesture of support for your library.

Councilor Olivo said if the City pays for these services, could we have a Board member from the public. Ms. Reed said I think that is a wonderful idea to have at least one Board member from Ruidoso Downs; I would really love to see that. I think the Village of Ruidoso would be more than glad. Councilor Olivo said I believe last year you asked for about \$19,000 and now you are asking for \$11,000 more. Ms. Reed said actually we didn't figure how much use there was last year from Ruidoso Downs citizens. We were trying to gather enough funding to get two part-time people to equal one so we wouldn't have to pay benefits. We were trying not to ask for any more than we needed. The County did provide us with \$10,000 and we were able to add a part-time person but that position will end at the end of this fiscal year. Councilor Olivo said that was my next question; does the County help. Ms. Reed said they did this last year; they have not helped in years and years. It is a lot to expect the Village of Ruidoso to take care of this for everybody.

Councilor Garrett asked if the library has ever considered a mobile unit. I think it is hard for our kids to get there. Ms. Reed said the New Mexico State Library provides mobile library units. One does stop at Hondo but I don't think they stop in Ruidoso Downs. A lot of your children are coming to our children programs; I don't know how they are getting there. It would be nice to provide them with a bookmobile, especially in the summer but bookmobiles are expensive. Councilor Garrett asked if funding could be found from a grant process. Ms. Reed said possibly; we could certainly be looking.

Councilor Morales said we are going to be looking at our budget for the next fiscal year and we can certainly look and see if we have any funds and give you some consideration.

Councilor Miller said my children and I have used the library for over thirty years and I know the importance of it and the children's programs especially.

Mayor Miller said I promise if it can be done, we will make every effort to do that. I whole-heartedly support the library. I do thank you for giving us this presentation and the information that we didn't have. We appreciate your coming.

Mayor Miller stated next item on the agenda, appointments to the Economic Development Board and they are: Susan Garrett, the Mayor's designee; Barbara

Green, Ruidoso Downs Chamber of Commerce President; Paul Van Gulick, Chairman of Planning & Zoning Committee; Thomas E. Chavez, At Large; Mercedes Fernandez-Wells, At Large; Dean Holman, At Large; C.E. "Pappy" Bell, At Large.

Councilor Olivo moved to approve the Mayor's appointments to the Economic Development Board. Seconded by Councilor Morales. 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, appointment to the ETZ Authority. Councilor Morales moved to approve the reappointment of Councilor Miller to the ETZ Authority Board. 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, appointment of the Lincoln County Solid Waste Authority alternate and I am presenting the name of Susan Garrett. She keeps up with this regularly. Councilor Morales moved to approve Councilor Garrett as the LCSWA alternate member. Seconded by Councilor Olivo. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

#### OTHER BUSINESS

Administrator Waters said I met with Solid Waste Authority representative, Don Coleman. He had two items that he would like to bring to the city's attention, the first of which is our scheduled pickup with the clamshell truck. They will be going around Ruidoso Downs on the 12th of April so you are asked to put your brush by the side of the road for pickup.

Next is the Earth Day celebration on April 17th for clean up. If you want to be a volunteer, Councilor Miller is the Keep America Beautiful coordinator and she will be happy to take your name or call Ken Mosley. Leonard Sanchez is over our Parks & Rec Department and he also handles special events like this. I would like all of the public to come out to this and help us pick up trash along the highway. Also the Lincoln County Solid Waste Authority will be open all morning long to take in materials you bring by so if you want to clean up your house. It is a good day to clean up our community.

Councilor Miller asked if it would be possible this year to put some roll offs at the park so people could also dump there. So many don't know the solid waste accepts things. Maybe if we announce it, people will bring it to the park. I would like to see our side streets get cleaned this year too, not just the highway. I think that is the highway's job.

Councilor Morales asked is there any possibility we could get with the Solid Waste Authority and see about having it open one Saturday out of the month where

citizens could take trash. I know some people that are cleaning up have a real problem in that they work five days out of the week and they can't take it to the Solid Waste Authority on the weekends. Councilor Miller said and not just until noon.

Administrator Waters said we can ask our representative to bring that issue up with the Solid Waste Authority. As you know, we are one of several members. I think that is a good idea.

#### PUBLIC INPUT

Mya said I am a member of the CCC. I talked to Phyllis Reed this morning and I have been trying for about ten days to get a hold of the ordinances for the City of Ruidoso Downs. I called the reference department and they had no copies. I checked with her to see if it was O.K. if the City provided these ordinances in a notebook and gave it to the library, then all of our citizens could have ready access. I am hoping the Council will consider that possibility.

I have been looking all week at our website wanting to pull up the Agenda for tonight so I would be prepared. Up until 4:00 p.m. I couldn't find anything. I think at least one day before the meeting if it was on the website, more of us would have access and be prepared when we walked in here. Also on the website, I would like the Council to look at the Mayor's photo in the greeting for our City because it is a total embarrassment. We need to make a good photo if we are going to go on international advertising of our City.

If the Council chooses to continue a closed discussion on any item that is being voted upon, then I suggest the Council have this item on the agenda two times; one week to discuss it and the following week to vote on it. This way the citizens are able to have a say so and contact their Council members on how they want their Council to vote. If you consider time is of the essence, then why don't you consider opening up the discussion portion of a motion that is made and let the people who are present have a limited time to speak right before you vote so you know how your citizens feel about some of these issues.

At the citizen's table, I look at my elected officials here and I am seeing legislative, I am seeing executive and then I am seeing judicial. I think that in a democracy what you want is to have discussions and to see your Council decide and vote as a legislative unit. This is my personal preference and I think I've expressed it previously. I don't want direct communication between the citizens sitting here and the judicial and executive reps of our City during a meeting that is suppose to be a meeting for the people. The reps of this City should address the Council; they should be seated here and they give you professional feedback when you, as our Council, ask them questions; not be a part of the legislative process. The citizen's table is where the Council reigns.

1,246 registered voters for the municipality of the City of Ruidoso Downs. Mayor, you received 8 percent of the votes. Please don't answer these questions, Mayor. Why did so many citizens run for the elected office this year. How can the remaining 92 percent of the voting residents believe that you have any intention of taking care of their concerns. If your name was a blank line on a computer ballot, how would you vote for yourself. I am one of the 92 percent voting residents who will hold the Council and especially this Mayor accountable for the next four years and that is why I am a member of the CCC. As a member of this CCC, I close my mouth. First, I want to say I love Ruidoso Downs and I will see you again.

Natalie Koch said I have lived in the Downs for four years now; three years ago I bought a home here. There have been rough spots but it has been a good experience. All of you have helped me with different things, Chief Logan and his whole department. By the way I don't know if you know how special the police force is that you have here. The kids here run to the police cars. You don't see that anywhere. They respect the officers so they respect the law. There is a lot of stuff that doesn't happen here that does happen in Ruidoso and I think the police department has a lot to do with that. The kids here try to be good because they don't want to disappoint Manny and Shawn and the rest of them because they know them on a personal level. Dan has helped me with things and you all have helped me with things. I just wanted to say thank you and I think you are doing a good job.

Except, there is this pit bull problem and a number of dog problems. I would like to know how to get the ball rolling to change some laws to give citizens a little bit more protection from dogs that owners seem unable to contain in their own property and also a limiting of the number of dogs that people can have; nine dogs are a lot more frightening than one or two.

Lucy Mink said I am here with Natalie on the dog problems. She is behind me and the dogs are in between us. We call the cops on the average of two or three times a week on these dogs. They are vicious except for the three that were there when I moved there. I know that in most cities if you have over so many dogs, you have to have a kennel license. Across the street is a Rottweiler with ten puppies; they need to get rid of some of these puppies because they bark continuously. I don't like to have to call the police department so we need to see what we can do about these problems.

#### EXECUTIVE SESSION

Mayor Miller stated I would like to entertain a motion to go into Executive Session pursuant to Section 10-15-1(H)7, Threatening and or Pending Litigation.

Motion was made by Councilor Miller and seconded by Councilor Olivo to go into executive session pursuant to Section 10-15-1(H)7, Threatening and or Pending Litigation. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated I would like to invite City Attorney Bryant, City Administrator Waters and City Clerk Virden to attend the Executive Session and closed the regular meeting at 6:26 p.m.

Mayor Miller called the regular meeting back to order at 6:58 p.m.

Motion was made by Councilor Morales and seconded by Councilor Garrett to go back into regular session and declared that nothing was discussed in executive session except threatening and or pending litigation and no action was taken. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller entertained a motion to adjourn.

Motion was made by Councilor Garrett and seconded by Councilor Miller to adjourn at 6:56 p.m. Motion passed unanimously.

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Bob A. Miller, Mayor

ATTEST:

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Carol Virden, City Clerk/Treasurer