

MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
AUGUST 9, 2004

The Council of the City of Ruidoso Downs met in regular session on August 9, 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  
Robert Logan, Department of Public Safety Director  
Tom Armstrong, Planning, Licensing & Permits Supervisor

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES OF JULY 26, 2004 REGULAR MEETING

Motion was made by Councilor Garrett and seconded by Councilor Morales to approve the Minutes of the July 26, 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 Garrett and seconded by Councilor Morales to approve the Accounts Payable. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

MONTHLY REPORTS

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

Fire Report	Animal Control Report	Public Works Report
Court Report	Permits/Licensing Report	Code Enforcement Report
DPS Report	Maintenance Report	

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

PUBLIC HEARING

MAYOR MILLER STATED NEXT ITEM ON THE AGENDA IS A PUBLIC HEARING FOR AN ORDINANCE AMENDING THE CITY OF RUIDOSO DOWNS CODE OF ORDINANCES BY ENACTING A NEW SUBSECTION (7) TO CHAPTER 9 ZONING AND LAND USE ARTICLE 10 DIVISION 3. DISTRICT REGULATION; SECTION 70 TITLED "C1 NEIGHBORHOOD COMMERCIAL DISTRICT".

- A. ORDINANCE 2004-05
  - 9-10-70 C-1 Neighborhood Commercial District
  - (7) Mobil Home Parks

I HEREBY OPEN THIS PUBLIC HEARING TO COMMENTS AND WILL BE ACCEPTED IN THIS ORDER. INTERESTED PERSONS MUST APPROACH THE PODIUM, ONE AT A TIME, STATE THEIR NAME AND PRESENT THEIR TESTIMONY. A LIMIT OF 3 MINUTES WILL BE ALLOWED PER PERSON.

ARE THERE ANY PERSONS HERE TO SPEAK IN OPPOSITION OF ACTION?

ARE THERE ANY PERSONS HERE TO SPEAK IN SUPPORT OF ACTION?

AS THERE WERE NO COMMENTS MAYOR MILLER CLOSED THE PUBLIC HEARING AND ENTERTAINED A MOTION TO APPROVE.

COUNCILOR MILLER MOVED TO ADOPT ORDINANCE 2004-05 AS PRESENTED. SECONDED BY COUNCILOR OLIVO. ROLL CALL VOTES: COUNICLOR OLIVO, AYE; COUNICLOR MILLER, AYE; COUNCILOR MORALES, AYE; COUNCILOR GARRETT, AYE. MOTION CARRIED.

UNFINISHED BUSINESS

None

## NEW BUSINESS

Motion was made by Councilor Garrett and seconded by Councilor Morales to approve amendment to Resolution No. 2004-18 approving and accepting Cooperative Agreement Control No. 86526 with the New Mexico Department of Transportation (NMDT for Project No. SP-2-05 (974). Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, selection of Voting Delegate for the 2004 Annual Conference in Tucumcari, New Mexico. Mayor Miller asked Judy Miller. Councilor Miller said if I can go; I might have jury duty in Las Cruces. Councilor Morales said if Judy Miller cannot go, I nominate Susan Garrett as voting delegate for 2004 Annual Conference in Tucumcari, New Mexico. Seconded by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Councilor Miller nominated Margie Morales to be the Alternate Voting Delegate for the 2004 Annual Conference in Tucumcari, New Mexico. Seconded by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving personnel recommendation for Patrol Lieutenant position in the Police Department.

Chief Logan said in a meeting on July 8<sup>th</sup>, the Council elected to create a new position to help us out in the Police Department, a police lieutenant. I have worked very hard with the City Administrator and the Personnel Department to come up with a comprehensive selection process. Tonight it is my pleasure to recommend Robert Denny for promotion to Patrol Lieutenant. Of 100 points, there was only approximately four points difference between the top two candidates. Between the selection process and the candidates, it was very close. I would like to recommend that Robert Denny be promoted to Patrol Lieutenant and request that he remain in the acting temporary position of Lieutenant until August 19<sup>th</sup> when it becomes a permanent promotion.

Councilor Miller moved to approve Robert Denny to the position of Lieutenant in the Police Department. Seconded by Councilor Olivo. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller said welcome aboard lieutenant. Chief Logan said I would like to invite Lieutenant Denny and his wife up here and do a pinning ceremony. I think one of the most important things in making an officer a very good candidate for promotion is the support of loved ones. Mrs. Denny is here to support him and she was given the honor of presenting the pin.

Mayor Miller stated next item on the agenda, Beautification Committee Report, Trek for Trash September 25, 2004. Councilor Miller said Administrator Waters said we are going to have this Trek for Trash but I do not have all of the details yet. We do have a Beautification Committee meeting this Wednesday at 5:00 p.m., August 11<sup>th</sup>, here in our chambers of our new members. I would like to invite Joe Blaney and his wife to join us to help us on this since they do a lot with Ruidoso and any one else who would like to come. We only have four of us and we really need two more members if anyone would like to join us, you are welcome.

Mayor Miller stated the next item on the agenda is Planning and Zoning. First, consider P&Z recommendation to approve zoning district change to C4 and site plan review for mobile home park requested by Harlan and Rhonda Vincent.

Bonnie Richardson said Paul asked me to present this to you as this is his busy season. This is the first request for development within the newly annexed area. This is in advance of our Comprehensive Master Plan and subsequent zoning for the area. Consequently, and per the advice of the City Attorney, the applicants have requested to be considered under the provisions of the Planned Unit Development zoning district. Therefore, we did not need to consider the request for C4 zoning and proceeded instead to conduct our hearing on the Site Plan Review. The site plan submitted by the applicant is for a mobile home park. This tract of land is north of the Hale Cemetery with access to Highway 70 via existing easements. The owners will provide water from a private well. A sewer line traverses the property and all sites are able to connect. We reviewed the site plan submitted as part of the request and will require the flood plain and setbacks to be shown. Additionally, the sites designated for RV use will be changed to trailer sites with minimum 30 foot by 50 foot size. There were no other concerns regarding health, safety, welfare or impact to property values. There were no protests. With the required modifications to the site plan, the Planning and Zoning Board voted to recommended approval of the site plan.

Councilor Miller moved to approve the P&Z request with required modifications to the site plan for Harland and Rhonda Vincent for a Mobile Home Park. Seconded by Councilor Garrett. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Bonnie Richardson said the second item is a conditional use requested by the applicants for a 4-bay car wash. There was much discussion about water use and its impact to the City. The manufacturer of a mechanical system was present and provided the following information. Number one, the system recycles 100 percent of the water produced by the rinse cycle. Therefore, while non-recycling car washes typically use 12 gallons per wash, this one will use 2 to 3 gallons per wash. Number two, they expect an average of 300 car washes per week for a total of 900 gallons per week. Compared to our average gallons per-capita per-day use in the Water Master

Plan, this is less than one individual would use in a week. This proposed conditional use appears to be conservative of our water. We note that our ordinances limit the hours of operation of car washes to 10 hours per day when sever water restrictions are in place. The request was duly published and notification sent. There were no protests. The P&Z Board voted unanimously to recommend approval of the Conditional Use.

Councilor Olivo moved to approve Conditional Use request for a car wash at 533 W. Highway 70 requested by Dusty and Deanie Beavers. Seconded by Councilor Morales. Councilor Miller said I am really happy to see this because they put right in here with all of the conditions they go ahead and do this. I know it is costly but there are not very many businesses that will go to that expense of putting in something like this. It tells me that they are thinking about water conservation. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

### OTHER BUSINESS

Mayor Miller said Administrator Waters was going to give us a water report. Chief Logan volunteered to read the memorandum to Mayor Miller and City Councilor from Ken Mosley, Public Works Director titled Water Report as follows:

“As of 10:00 a.m. August 9, 2004, our water situation is in fairly good shape. The water tanks are at the following levels: Spring tanks are 21 of 32 feet and the Redman Tank is 31 of 35 feet. Theses are good enough levels to maintain our system excluding any major catastrophes. I am still reserving approximately 350,000 gallons, of the one million Ruidoso has allotted us, for emergency purposes only. We’ve run into issues with the well drilling. We were trying to save money by using PVC casing and screens, although at approximately 250 feet, we ran into a stratum that caused the PVC to collapse. Now we’re in the process of ordering steel casing and stainless steel screens that can withstand what the PVC could not. This will set us back at least one week, but we will have a well that should last a long time and bear plenty of water. I would rather be safe than sorry and spend a little more time and do it right. I apologize for the delay but with our water storage along with the afternoon rains, I have every bit of confidence that we’ll be okay.”

### PUBLIC INPUT

Bonnie Richardson said I am giving you a report on the Ruidoso Downs Parks and Recreation Committee meeting held August 5<sup>th</sup>. The first item we need to let you know about is the Market in the Park that we had scheduled for Saturday, August 14<sup>th</sup> has been delayed. There are several entities planning to make this event encompass more than the originally planned Market. A new date will be announced when plans are finalized. The second, addressing the three-plus year old basketball court construction, children who were 13 and 14 years old when this project started have now graduated from high school and will no longer have the opportunity to spend afternoon and weekend hours hanging out and shooting buckets at our park. Upon hearing that the original contractor of the basketball court has still not fulfilled

his agreement to pay Beavers Concrete \$10,000, this Committee unanimously requests that the City of Ruidoso Downs calls the contractor's bond and that the City proceeds immediately to expedite the completion of the resurfacing of those courts.

Attorney Bryant said I sent the demand letter to 3B's over a week ago for their failure to fulfill the settlement agreement that we entered into. We are going to proceed with the resurfacing with or without them. Ms. Richardson asked do we have a date. Attorney Bryant said we have to schedule with Ardex and the contractor that is going to come down from Albuquerque. Our plan is to do it in the month of August.

Councilor Olivo said it is my understanding that the ramps are supposed to be installed on the 16<sup>th</sup> of this month for the skateboard park. Attorney Bryant said this is my understanding.

#### EXECUTIVE SESSION

Attorney Bryant requested that the Executive Session be tabled. It is critical that Mr. Waters be here for the discussion concerning acquisition of water rights. The litigation issues is to just give everyone an update on where we are and I can do that at our meeting in two weeks. I would request we put it on our schedule it for our next meeting.

Councilor Morales moved to table the Executive Session until the next regular meeting. Seconded by Councilor Miller.

Councilor Morales said I would like to recognize Mr. Charles Rennick who is the Planning and Zoning Director for Ruidoso attending our meeting tonight.

Councilor Garrett said I would like to thank everyone that came and helped and participated at the Senior Center this weekend for the Meals on Wheels program. I think we did really, really well.

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

Mayor Miller entertained a motion to adjourn.

Motion was made by Councilor Morales and seconded by Councilor Miller to adjourn at 5:55 p.m. Motion passed unanimously.

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Bob A. Miller, Mayor

ATTEST:

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Carol Virden, City Clerk/Treasurer