

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
OCTOBER 12, 2004

The Council of the City of Ruidoso Downs met in regular session on October 12, 2004. Mayor Miller called the meeting to order at 5:30 p.m. and asked Terry Garrett 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

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the agenda. Motion was made by Councilor Morales 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 Miller and seconded by Councilor Garrett 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 SEPTEMBER 27, 2004 REGULAR MEETING

Motion was made by Councilor Miller and seconded by Councilor Garrett to approve the Minutes of the September 27, 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 Miller and seconded by Councilor Garrett 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 Miller 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
DPS Report	Permits/Licensing Report	

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

UNFINISHED BUSINESS

None

OTHER BUSINESS

Mayor Miller asked Mr. Waters to give an update on the water system. Mr. Waters said if you have been driving around town you will know that our water system upgrade is currently in the final stages. They are paving the roads. We are not getting a lot of help from the almighty as far as washing out the base when they put it in but they have been busy paving. Please be patient as you are driving through there. I know we had some citizen complain this morning about a road blocked off for a while but they were trying to get the whole lane paved all the way down the street. I believe that was North Central. We will try to get signs posted in those areas. The engineers, ASCG, are finishing their final preliminary engineering report information on the water tank project. Once the cost estimates are finalized then we move forward with the final design phase. We are still on schedule to get it done hopefully by the summer so we can get that extra storage on line. Currently the proposal by the engineering staff is to put the storage tank up near our spring. It is their recommendation, and it is definitely my concurrence, that we don't take any of our tanks out of production while installing the other one. They think they can have the tank put in that area by the spring and we have enough property for it without having to disrupt much service. The design construction phases will be coming before the council fairly soon. We are still looking for funding and we have some sources we are pursuing at the state level to help us with the additional Riverside well project. Currently the drilling of that well is going to cost approximately \$700,000. In addition to the drilling we also have the well itself, which is probably another \$500,000 for the infrastructure that is required to get the water from the well to the system. We are currently getting the drilling specs finished and they are probably 90 percent complete so we do have a pretty firm estimate on how much it is going to cost to drill it. Hopefully we can get that drilled in the spring but we will see how the funding sources go.

I have been asked to look at the water system particularly on the west side of town. As you know we are limited on our storage with our motels, Wal-Mart and laundry on that side of town. I was asked to look at the possibility of limiting development in that area until we get our storage tanks on line. Currently ASCG is looking over

the production estimates on how much we believe we can take in that area both before we build the tank and after we build the tank so that you, the governing body, has a number so we don't arbitrarily say no growth. They have a good model of our system which will allow them to do that. We hope to have that by the end of this week of how much capacity we will have on the west side. As you know that was the side that was hit first when our well went down. We only have 500,000 gallons of storage there. The spring tank upgrade will have an alternate to raise the Redman tank up to the equivalent of the spring tank. That should also give 200,000 gallons additional storage capacity. Not only are we building a 1,000,000 gallon reservoir but we are also going to try to add 200,000 gallons of capacity to the Redman tank.

Councilor Morales said I had complained to John about West Street and they did some major rolling of gravel. It looks really wonderful and luckily at the top of the hill it didn't wash down. I want to thank the guys that did it because they did a wonderful job and I want John to pass that on to them.

Councilor Garrett asked if the Wastewater Joint Use Board met. Administrator Waters said no, they did not. I believe Thursday is the next scheduled meeting and we have not heard whether that meeting is still on or off. I know we are waiting on word from Taylor Sharp of the EPA to let us know whether we have gotten our administrative order. We have not received anything back to my knowledge. The City of Ruidoso Downs has requested a status of the filming project trying to determine where the leaks were on the lines from Hollywood to the plant.

NEW BUSINESS

Mayor Miller stated first item under New Business, consider approving personnel recommendation for Parks/Recreation/Building Maintenance laborer.

Administrator Waters said we have recommended before you today Mr. David Sanchez. He will be working with Leonard Sanchez but they are no relation. He was interviewed by the personnel department and public works. He was very interested in the position. As you know, it is a very critical need position.

Councilor Garrett moved to approve personnel recommendation to hire David Sanchez in the Parks and Recreation as a Building Maintenance Laborer. Seconded by Councilor Morales. 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 Resolution No. 2004-25, removal of dangerous buildings or debris, Jack Price.

Attorney Bryant said this item and the next item on the agenda concern the cleanup of two separate pieces of property within Ruidoso Downs. The first one is one you are all painfully familiar with. This property was previously held by two other land owners. We did a resolution, started working out a cleanup, and they lost the

property in court action. We went through a period of time where the property was for sale and Mr. Price was going to transfer his ownership to a new property owner who had agreed to cleanup as soon as her transaction closed. For completely unrelated reasons that transaction has ceased to exist so we are starting the process again with Mr. Price directly. Under the provisions of Statute 3-18-5, if you pass this resolution tonight, I then post it on the property and mail it to him at his mailing address in the County Clerk's records. He has a ten-day period of time to respond to me with a plan to clean up. If he does not do that then we have the ability to hire a contractor or use City staff to clean the property up, keep track of the cost of expenses and lien those back against the property.

Councilor Morales asked after he gets his posting, how much time does he have to clean up. Attorney Bryant said ten days to notify me and the time to clean up is at our discretion. The statute allows us to shrink that down to as little as five days. In most cases, five days is not adequate to get a piece of property cleaned up. Councilor Morales said I think five days is too short of time but I would like to see us move as fast as we can on this one because it has been ongoing.

Councilor Miller asked are there structures. Attorney Bryant said there are three structures. Councilor Miller said you are lucky if you can get somebody to tear down structures so it may take more time. Attorney Bryant said what is key is that this is just the first step to get the property owners attention and try to get something done.

Councilor Morales said I think this has gone on for about a year and I think it is time they do something to definitely clean it up. Attorney Bryant said my file on this particular property was opened in September of 2003.

Administrator Waters said there have been several questions about whether a time limit can be put on this. If the Council wishes to do that, you need to do it during the resolution.

Councilor Garrett moved to approve Resolution No. 2004-25 with the understanding he has thirty days. Seconded by Councilor Morales. 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 Resolution No. 2004-26, removal of dangerous buildings or debris, John Goodman.

Attorney Bryant said this is a new piece of property that has come to our attention. We have not had any involvement with Mr. Goodman in the past. Once again this is just under the statute. Passage of this resolution is the first step to open communication. Again, if you want to set a specific time limit, then do that. I typically give homeowners in the first iteration of the resolution thirty days to get

the clean up done and then we check their progress on a weekly basis, document that progress with photographs and if something occurs that they need more time and they have made meaning improvement then we extend those deadlines. As an aside with the previous piece of property that in fact is happening. We watched several truckloads of car bodies and debris hauled off of that property. Unfortunately, if you look at it today, that was far short of the clean up. We would engage in a typical process unless the Council wants to specifically limit us with respect to this property in which case we will do whatever you direct.

Councilor Olivo asked is this the property on Highlands and Attorney Bryant said the Goodman property is at 705 Highlands.

Councilor Olivo moved to approve Resolution No. 2004-26 with 30 days. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Councilor Morales asked that Mr. Bryant let Susan Goodrich know about the previous one and he said he would copy her with our correspondence.

Mayor Miller stated next item on the agenda, consider approving contract amendment for hydrologist. Administrator Waters said Attorney Bryant and myself have been meeting with Glorieta Geoscience. They were originally contracted to do the evaluation of our spring. They are about finished with that information. In the meantime, we had a water emergency. As you know, we have a challenge to a water rights transfer out of the City of Ruidoso Downs. In addition, we have several water rights purchases that are pending. We are trying to use Glorieta Geoscience to assist with providing data not only our challenge to water rights that may impair the spring but also vice versa to defend against challenges to our water rights transfers. They will tell us ahead of time if we are going to run into something that won't pass muster with the state engineer. This agreement will allow them to go ahead and take care of this. I will let you know that we did budget \$40,000 for hydrologic services for this year. All this does is amend the original contract we have with them that allows them to do related emergency water rights evaluations and help out with the challenge situation.

Councilor Miller moved to approve contract amendments with Glorieta Geoscience, Inc. Seconded by Councilor Morales. 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 the Community Wildfire Protection Plan. Administrator Waters said we have the Community Wildfire Protection Plan that is produced by the Wildland Urban Interface group. We do have some association with that group. They certainly are trying to make the communities fire wise not only the incorporated communities but the other areas in

the county. They have a plan put forward for your consideration to adopt. One thing I will note that in the back there are several appendices also listed to approve with it. The only one we have is a resolution that was faxed to us by Barbara Luna. I know there were a couple of questions on where the other appendices were and we don't have those at this time. It is not critical that this be passed now but it is certainly something that would be good to read and ask questions. If you have the internet, look up the Wildland Urban Interface group. The group is supporting one of our grants we received from the U.S. Forest Service. We received up to \$80,000 to clear the eighty acres behind us that the city purchased back in 2000 and that will help thin out the area at least above the spring. It connects with the other forest service projects going on, the Turkey Canyon project. Then there are some private projects on the John Hill property and some others in the area which will help put a southern buffer zone between us and the really thick forest that is to the south of us. This group is trying to help out with that and I think its goals are good goals but I certainly want to give you all of the information before you consider approval of the plan.

Councilor Garrett said I think we should read all of the documents before we approve it. Councilor Garrett moved to postpone until the next meeting on October 25, 2004. Seconded by Councilor Morales. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated the next item on the agenda is DWI Planning Council Coordinator Report by Jerry Shaw.

Jerry Shaw said I am the coordinator of the DWI Prevention Program. This program is called the Village of Ruidoso Lincoln County Prevention Program. It is funded by distribution and a grant from the state. We were able to receive \$101,954 this year but that is just distribution funding which comes from tax on alcohol. Next year we will be able to go for both distribution and grant funding. Hopefully, if the amount of money is still available, we will have even more money next year to work with. The reason I am here is that we want everyone in the county to be involved in this program because it is a countywide program. Just because the Village of Ruidoso is the fiscal agent it is still for the entire county. I wanted to let you know what we are going to try to do. I think it has been out of action for over a year. First, the mayor of Ruidoso appointed a task force to find out why the program failed and to make some recommendations. They found many reasons I'm sure but they did suggest we try to revive it because it is a worthwhile effort. He began forming a planning council. From the small amount of members we had, we started getting information from the courts, substance abuse councilors, probation and we had the state people who issued us money to give us their input. Then we had an organizational meeting and we began the application process for the funding and we decided prevention was the best way to go this year. Next year we may put in treatment but even next year prevention is going to be the main emphasis. One program we are going to do

is called Project Alive. I am sure some of you have read about it. One of our police officers does this program. He has golf carts and drunk goggles. He puts those on the students and they drive the carts and they get the feeling of being inebriated. He will have a laptop computer so he can take a face of a student and show that face after he has been in an accident. He will be in the Wal-Mart parking lot this Saturday giving a demonstration of the program. That is really for the high school level and then we are looking at a program for the middle schools range which is called All Stars. We plan to hopefully have a prevention specialist on board by the first of year. One of the duties of that person will be to revive the ping court. We had a lot of input that the ping court was really needed and well liked. This year we want to include the schools of Ruidoso, Capitan and Carrizozo and hopefully by next year we will be able expand at least to the valley and hopefully to the tribe. During the process of putting the council together, I had a call from Children, Youths and Families Department and we were eligible for a grant because of our population. It is called a Rural Initiative Grant for underage drinking. It was for a total of \$927,000 and fortunately New Mexico was one of four states selected for this grant. We were one of four counties or communities that was selected. It is also for prevention; there will be some law enforcement in this grant too. Hopefully we are going to target the grade school age with that one. What I am really here tonight for, other than to tell you what we are doing, is to involve Ruidoso Downs in this process by asking you to recommend someone so the mayor can appoint them to the planning council to bring your input back to us so we can meet the needs of the whole county. Basically that is what I am here to ask and hopefully you would be able to come up with someone that you feel could best represent the community. I will also be going to Carrizozo and Capitan asking for representation. So far the planning council is very small and we just have people from Ruidoso. I will even take two from Ruidoso Downs if you have someone really wanting to serve; it would be great. Hopefully you will be able to get involve with us and hopefully the prevention program which will help our statistics which you know are quite high in Lincoln County.

PUBLIC INPUT

Chief Logan said I would like to read a letter we received from Ruidoso Fire Department. This letter is dated September 30th and it is addressed to Assistant Chief Jim Badjar with reference to our response to the Foxworth fire. "The Ruidoso Fire Department would like to extend our sincere appreciation for the response from your fire department to the Foxworth fire. It leaves a very secure feeling knowing that within a very few minutes we can have that much rolling water on a structure fire of the magnitude that the Foxworth fire was. All crews worked diligently and were very cooperative with each other. Again, our many thanks for the cooperation and support from your department. I hope we can return the service if needed. Respectfully, Harlan Vincent, Battalion Chief, Ruidoso Fire Department."

EXECUTIVE SESSION

Mayor Miller entertained a motion to go into Executive Session pursuant to Section 10-15-1(H)8, Real Property and Water Rights - Acquisition of Land.

Motion was made by Councilor Morales to go into Executive Session pursuant to Section 10-15-1(H)8, Real Property and Water Rights - Acquisition of Land.

Seconded by Councilor Garrett. Roll call votes: Councilor Olivo, Aye; Councilor Miller, 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 6:08 p.m.

Motion was made by Councilor Morales to go back into open session. Seconded by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried. Mayor Miller called the regular meeting back in session at 6:26 p.m.

Councilor Morales declared that nothing was discussed in executive session except possible action for acquisition of real property and woodland property and no action was taken.

Councilor Garrett moved to instruct Administrator Waters to acquire real property on Wood Lane. Seconded by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Morales to go into Executive Session pursuant to Section 10-15-1(H)7, Threatening Litigation Case No. CIV-04-1121-BBDJS and Pending Litigation Case No. CV-04-0301-JCWDS. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller closed the regular meeting at 6:28 p.m. and invited City Attorney Bryant, City Administrator Waters and City Clerk Virden to attend the Executive Session.

Motion was made by Councilor Morales to go back into open session. Seconded by Councilor Miller at 6:42 p.m. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Councilor Morales declared that the only thing discussed was threatening litigation Case No. CIV-04-1121-BBDJS and pending litigation Case No. CV-04-0301-JCWDS and no action was taken.

Mayor Miller entertained a motion to adjourn.
Motion was made by Councilor Garrett and seconded by Councilor Olivo to adjourn
at 6:43 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer