

MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
FEBRUARY 28, 2005

The Council of the City of Ruidoso Downs met in regular session on February 28, 2005. 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 Olivo	Councilor Garrett

Administrator Waters informed Mayor Miller there was a quorum.

Also present:

Dan Bryant, City Attorney  
John P. Waters, City Administrator  
Carol Virden, City Clerk/Treasurer  
Robert Logan, Department of Public Safety Director  
Dan Gens, Public Works Director  
Tom Armstrong, Permits/Licensing Supervisor

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 Garrett moved to approve the Consent Agenda. Seconded by Councilor Morales. Councilor Morales said I would like to make a comment. I really like the new reports from the departments; they are very impressive. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF FEBRUARY 14, 2005 REGULAR MEETING

Motion was made by Councilor Garrett and seconded by Councilor Morales to approve the Minutes of the February 14, 2005 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	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.

### PUBLIC HEARING

Mayor Miller stated next item on the agenda is a public hearing on Ordinance 2005-03, an ordinance amending Ordinance 2004-06 adopted October 25, 2004, Chapter 4 titled "Departments" Article 8 titled "Public Health and Safety" Section 10 (B) License Fees 1 through 6; (G) Renewal of License (2); (E) Enforcement and Penalties (1); and Section 12, Sale of syringe needles to minors unlawful of the City of Ruidoso Downs Code of Ordinances.

I hereby open the Public Hearing to comments and will be accepted in the following order, first those who oppose Ordinance 2005-03 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 five minutes will be allowed per person.

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

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

Mya said I am trying to understand what is happening here. It says the Code of Ordinances really isn't public knowledge to the citizens and we are asking for an amendment here of the ordinance. Therefore, my concern is if the correction made for this year on this, when is it possible the actual booklet of our Code of Ordinances would be available for the people who actually live here.

Attorney Bryant said we have received the draft Municipal Code from American Legal. It has been reviewed by Carol's office and by my office. The next step is for Carol, John and I to get together and there are a number of areas in the draft code we have to look at where I have questions about the language. When we get that done, it is shipped back to American Legal and those questions will all be clarified

and then it will come back to the Council for a public hearing. The same formality applies for passing the Code as applies to passing an ordinance. We have to publish it, put it out for public review and people will be able to comment on any part of the Code whatsoever and then it will come before the Council for passage.

Clerk Virden said I also might add, Mya, once that process is completed we will have the Code of Ordinances on CD that will be placed on the website. We currently have the Code of Ordinances available for public review at any given time Monday through Friday.

Mayor Miller entertained a motion to pass, approve and adopt Ordinance No. 2005-03. Councilor Miller moved to pass, approve and adopt Ordinance No. 2005-03. Seconded by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

#### UNFINISHED BUSINESS

Mayor Miller stated next item on the agenda is for discussion only, 2003 International Building and Residential Codes.

Administrator Waters said this was a discussion item on the last agenda and we tabled it because Mr. Bryant was not here. Both Mr. Bryant and Mr. Armstrong are somewhat familiar with the International Building and Residential Codes and what it means.

Attorney Bryant said my concerns are that we ought not to just blindly adopt the entire International Building Code without having that code analyzed by somebody at an engineering level looking at the City of Ruidoso Downs, where we are, what our capabilities are, what can we really administer and enforce. I have reviewed the code on behalf of Otero County and there are some segments of that code that I am absolutely convinced that a rural county in the State of New Mexico won't be able to handle for at least a decade. I think the City should do the same thing. We ought to put together a budget, turn it over to one of the engineering firms and have them walk through it with our Public Works Director, Tom's office as well as Code Enforcement and take a look at it. There will be large pieces of it we can adopt but there are some segments in it that will be very costly to try to monitor and enforce. You need to plan those and implement them as we can fiscally do a responsible job of monitoring and enforcing those provisions. We need to have the right experts at the table looking at it with the appropriate input from the local folks so we do a rational and intelligent job instead of just adopting the thing wholesale and then someone coming to us and saying "what about this" and our response is a dumbfounded "I don't know".

Councilor Garrett asked what year are you working from now and Mr. Armstrong answered 1997 UBC. Councilor Garrett said there would be some drastic change between 1997 and 2003 then and Mr. Armstrong answered there are some changes.

Administrator Waters said this is the Uniform Building Code that we are under right now which is adopted by the State of New Mexico, not the International Building and Residential Codes. There are some earthquake provisions and other things in there we have questions over.

Attorney Bryant said you just need to know what you are getting into and I'll use the earthquake item. We live in a fault zone up and down the Rio Ruidoso. There are a lot of people here that don't know that. Those earthquake provisions are going to apply to us in certain respects and we need to understand what it means if we adopt those and what kind of expertise we have to have available in order to assess building plans, development plans and things of that nature before you bite off that big chunk. It is a lot easier to ask these questions upfront with engineering help than it is to sit in a witness stand and answer questions from a plaintiff's lawyer.

### OTHER BUSINESS

Mayor Miller stated the next item on the agenda is Dan Knorr, President of Alto Lakes Water Corporation, and he has a presentation. Earl Adamy said I am also from Alto Lakes and it is my pleasure to introduce Dan Knorr who will be talking to you about regional water planning. I asked Dan to do this because I think it is important to understand the qualifications of the person speaking to you about such an important topic. Dan is a native New Mexican who received his degree in civil engineering from New Mexico State. He has spent the last thirty years of his career with the engineering/architectural consulting firm of Carthill, Smith and Cooper with a staff of 160. At retirement, Dan served as vice president, a member of the firm's Board and headed the firm's El Paso office. Dan has had a major role in the planning and design of numerous projects for many cities in West Texas including the Public Service Board of the City of El Paso, Texas. He has provided the technical guidance for water rights negotiations for the El Paso Public Service Board and has also been responsible for many innovative water and wastewater projects. Dan is now retired and has all of the volunteer work he can handle. He has served since 2001 as a Director and President of the Alto Lakes Water Corporation where he has introduced forward-looking management skills including preparation and adoption of a 40-year water plan. Dan has been the driving force in bringing together many of the areas water purveyors for a regional water planning effort which has evolved into the Upper Hondo Collaborative Water Group. Dan is also a Director of the newly formed Alto Lakes Water and Sanitation District which will lead to the development of an integrated water and wastewater management system for the Alto Lakes community.

Mr. Knorr said what we want to talk about to you this evening is the need for regional planning water systems that we have in the Upper Hondo; you are probably not aware how extensive they are, and then the status of other water planning in the area. A lot of you are probably up to speed on that. I want to tell you about our Upper Hondo Collaborative Water Group, what meetings we have held to date, what our planning phases are and what is next in our plan. The need

for regional water planning is several reasons. One is we have increasing water supply needs here in the Upper Hondo area. We have limited and depleting water resources. We have a high density of water suppliers which I will show you in the Upper Hondo and that leads to competition for supplies. We are likely to have some very costly solutions down the line to meet our demands and our funding agencies in the state and actually nationally are really encouraging regional solutions to water supply planning. For example in Alto, we did a 40-year plan and this is what we found in our case is that with significant conservation effort, we see that we can maintain our existing production pretty well and then it starts dropping off as we overdraft our aquifers in the Alto area. Then we are planning to put in a water reclamation system sewage treatment and reclaim that for use on our golf course. That brings us somewhere to the 2015 to 2020 range where at some point we will have to import water into the Alto area. I think we would probably find there is something like this on most of the water systems in this area. Water systems in the Upper Hondo - I got these from the ED records back in December 2003. There were fifteen water utilities that served 9,700 connections. There were thirteen business providers that had 731 connections and then there is at least one subdivision, Ranches of Sonterra, that has houses on 125 individual wells. There are 10,000 customers in our area. Mr. Knorr then showed a topographical map of the area. Now the planning area we are talking about is in the Upper Hondo. (He showed the water utility connections.) We have considerable water planning going on in the area but we probably have not done a very good job of connecting all of these plans to really see the total picture. The Lower Pecos Regional Plan which was completed in 2001 and we have the Tularosa Basin which was completed in 2002. These are very large areas. Then we have the geological study of Lincoln County which is under way. We have the USGSI hydrological study of the Rio Ruidoso and Rio Bonito. Ruidoso has completed a 40-year plan and I understand that Ruidoso Downs has too. In Alto, we have completed a water/ wastewater plan that has a 40-year plan within it. The Upper Hondo Collaborative Group was initiated in September of last year and held a meeting at Alto Lakes and invited all of these suppliers that were listed. The purpose of the meeting was to see if there was any interest in developing a regional water plan and/or supply for the Upper Hondo. Mayor Miller joined us in that meeting and helped kick it off as did Mayor Eggleston from the Village of Ruidoso. At that meeting we also had Mary Helen Fonstad from the Interstate Stream Commission and we were very fortunate that she was able to bring Carl Moore, a facilitator for New Mexico Tech, who was just kicking off a statewide project to identify ten areas within the State that wanted to start regional planning. He was able to tell us about this grant program and I think we are first in line of these ten to be formed. This grant provides a facilitator and some technical support for our meeting. It is not a huge amount but it does bring somebody in from outside to help us work through some of our initial planning. Everybody that was at that meeting was interested in continuing. Mr. Adamy said thirteen of the sixteen water companies were there. Mr. Knorr said since then we have had a meeting in October where we developed planning goals, meeting ground rules. Then in November we met and focused on water supplier

participants. In other words, this is a planning group made up of people that have long-term commitments to meet water demands to customers. It is strictly related to water utilities that have to find water supplies for the future. Then in December we met to discuss the type of agreement that would be necessary to implement the planning, get some kind of a project approach and define the planning goal. In January we met to work on the Letter of Commitment that would get us together in the planning process. Today we met to work on the Letter of Commitment and then we have another meeting scheduled for March. The goal of the group is to develop an economical and feasible way to meet the water demand of the Upper Hondo area with a sustainable water supply. Sustainable would be where long-term supplies exceed long-term demands. The planning phases we are looking at this point is to agree on the planning objectives which I think the group has done. We will then execute a letter of commitment and that letter of commitment has a purpose as it is limited only to planning. We are not going forward together after planning; that is another deal. We need to see what is recommended and then try to work something out at that time. We have planning phases that are outlined in the document. Then, we have a management concept that we specify how to manage the study. The next phase would be to develop a scope of work for the planning consultant. Then, we would have to identify a management committee and a fiscal agent. We talked a great deal about that in our meeting today. We have to find funding for a planning consultant and then we do an RFP for consultant selection. Then we have to execute the study. What is the study and what is it likely to be. An example scope of work for this study or the planning work would be to inventory the water resources and facilities within the area and then forecast our future population and water demands. From there, we would develop alternatives, matching resources and demands. I can see there could be maybe twenty to thirty alternatives and then streamed down, evaluated and see something that would really work well for us. We analyze the alternatives in this process. We consider the liability, the cost and all of the environmental factors. Then we select an alternative to be implemented or recommended. After we have identified a project that could be implemented then we need to find funding for it. We need to form the interagency agreements or whatever it takes to manage the project. You have to design it, build it and start it up. We actually polished up a letter of commitment today and it will be available for your consideration late this week. You will need to give this to your attorney. Our March meeting will concentrate on the scope of work for the planning consultant, the organization of the management committee and the fiscal agent that would handle the funding for the planning. Funding sources will be sought when we have a letter of commitment and scope of work at hand. Some of the benefits we need to consider is a sustainable regional water supply to provide a base for economical development, more drought resistance, minimize the resource development cost because we can all participate in cooperative projects. We will maximize the state and federal funding because that is what they want to see and that is what they want to fund. Our upcoming meeting is March 28th from 1:30 p.m. to 3:30 p.m. It will be at the Village of Ruidoso City Hall.

Mayor Miller said we certainly appreciate the demonstration and information. Councilor Garrett stated she attended the meeting that morning at the Mayor's request.

NEW BUSINESS - There was no new business.

PUBLIC INPUT

Sebrina Lundquist said I just wanted to thank the Council, the City and the Chief for enabling Judy Miller and I to attend the Wildland Fire Academy. It was a wealth of information and we are hoping to do a good service for the Downs. Councilor Miller said I join Sebrina and thanks to everybody for allowing us to do that.

Councilor Olivo said I would like to bring up a new program for employees. We used to have it at work in my company where every month you give an award to the Employee of the Month and it brought out the morale of the employees. I would like it to be put on the next Council agenda to see if the other Council members will approve it. Even though we don't have it in the budget, I am pretty sure the Council will buy the plaque.

Councilor Garrett said in Dan Gens' report for the Department of Public Works, there is a photograph of some damage to the bathrooms that is happening at night. The suggestion is possibly that we unlock them in the morning and lock them up after the park closes in the evening. I think that can be handled within the City; I don't think we have to vote on that. I think it is important that we have them open but with some control.

Mayor Miller said we are thinking about building a fence around the whole thing with an opening that can be closed and open.

Administrator Waters said one of the things Bonnie Richardson brought up, and it is part of the Park Master Plan whenever we get the funding, the lights for the area are going to greatly help the problem. The backstops have been vandalized for the second time in the last year. I think certainly the Police Department as part of a patrol checklist can go out and shut the lights off and lock the door.

Councilor Garrett said I would like to put on the agenda considering some of Mya's suggestions. Those were excellent and I would like to move forward on those. I am sorry, Mya, I forgot to call and ask if you could be put on the agenda before they closed the agenda this time.

Councilor Morales said the sign has been painted and no longer says "Cigarette Alley".

Public Works Director, Dan Gens, said Tom Armstrong and I had an opportunity to look at that building and do an assessment. We could do an estimate at any time on what it would take to do the repairs if you are interested. One of the costs that Tom

brought to my attention is everything has to be handicap accessible. Currently there are two bathrooms. To make those handicap accessible, we would have to eliminate the wall between the two bathrooms and make it one large bathroom. We will have to put a ramp outside. Then our existing sidewalk wouldn't be wide enough. The door in the main part of the building is large enough. We would have to cut out the other door and make it larger for the bathroom. Tom spoke to the State inspector and unfortunately we would have to professionally contract these jobs so that will raise our cost. Just roughly, Dennis and I estimate the cost upwards of \$5,000. The main building is in good condition and needs a coat of paint. I did include a couple of pictures. The major part of our cost would be the parking lot which is in poor condition. The ideal way to fix that is we would come in and cut out sections and repair those. Then you would have to make a decision of what to do with the concrete isle in front. If you want to keep the electrical out there, it can be done. There are a few issues that we have to discuss and see what direction you want to go then we can give you more details.

Chief Logan said I just want to bring to your attention that on February 11th Dawn Hightower graduated from the Law Enforcement Academy for Communications as a dispatcher. She didn't just graduate, she graduated as the top member of her class of about 35. She did graduate as Valedictorian for her class and the competition was extremely tough. I just want her publicly recognized for that.

Councilor Miller said there will be a Community Center meeting in Ruidoso City Hall on Monday, March 7th at 7:00 p.m. I am inviting all of this Council and any residents that would like to go. There will be somebody there from Santa Fe to talk to us. I would like our Parks & Rec people to join that group especially because a community center could mean so much for this whole area. Our children would have a place to go after school. We might not have all of this graffiti going on and beating up bathrooms if people paid a little more attention to our kids and set up a lot more programs for them to attend. This community center could be the answer to lot of our problems.

Jim Burrow said the only thing I have to say about the park is Bonnie and the rest of them have worked very hard to get the park out there for our kids. Some of the parents appreciate that and try to get over to their kids that it is there for their benefit and not to be torn up and banged up. I just can't understand kids tearing up something that was built for them. I just wish the parents could get involved in this. I think the Parks and Rec department has done a real good job in what they have done out there and I just hate to see it get beat up.

Tom Armstrong said I would like to speak up for the kids. I know in the past it seemed like kids were doing a lot of bad things. I feel that has dropped off. The damage that was done to the restrooms was people spending the night there and building fires in the commodes and the sinks; this wasn't the kids. I think our kids are doing a lot better. I know what you are saying, Jim. We need more support

from the families because this is for them but I am speaking now because our kids are doing better but I think we should lock the bathrooms up at night.

Sebrina Lundquist said I would also like to speak on behalf of the kids. As you know I have five boys but a lot of the local children do visit that park. They do take pride in it because when other children from Ruidoso that I know personally come to this park and if they make a derogatory comment, the children that live here defend that park; they are very proud of it and it means a lot to them.

Mayor Miller said we will step up the police schedule on the park since it is just across the street. We might even put up surveillance cameras.

Mya said just a couple of comments. I don't know the handicap laws but what would be the possibility of saving that \$5,000 simply by making a trail for a wheelchair to get from that building to the bathrooms in the park. That is just an idea. Have you noticed that Circle K was painted lately with a southwestern theme. I know we have the fire hydrants at the park but summer is coming and I don't see access of drinking water for the children outdoors. I ran into thirteen children that spoke Spanish and I asked them why have you chosen to use the basketball courts to play soccer. Isn't soccer played on the grass? There was all that open area behind the baseball field where if they kicked it the fences could stop the ball. I said can you tell me why you want to play on cement but they couldn't tell me. About four kids left the basketball court because thirteen kids used it for soccer. I hate to see signs that say "for basketball only" because it is obvious it is a basketball court. I just wanted you to be aware of it. It is silly for it being used for other than it was intended.

Administrator Waters said the State Department of Transportation came by this morning. In a stop light/parks update, the stoplight has been ordered. Today, the Mayor signed the signaling agreement which is similar to the one at Wal-Mart. If we have to do everything up to hitting the reset button, it requires intense electrical reprogramming, then the State will come down and take care of that for us. It is going to be a 3-way stoplight. One of the things I have talked to the Council before about is the concern the State Highway Department has is the small exit behind the Saddle Shop. They indicated to me they have to have that spot for a light pole. However, they did say they would widen our other entrance, which is good because we now have bought the property that allows us to do that. They are actually going to do the widening for us; possibly a three or four lane entrance and exit which will be really nice. We can have it landscaped and it will provide the one focal point as you come in to town. We can have a fancy sign there for All American Park and a nice sign for the Senior Citizen's Center as well. The plus is that the stoplight is on its way and will be installed within a couple of months. The negative side of that, of course, is that we are going to lose that spot. There is a silver lining in that cloud because know we will have a little more park to work with and it actually allows for us to put a sidewalk in all the way around which is another thing the Parks & Rec

Committee recommended. There are some good things we can do with this and certainly Dan is already aware of that. He was thinking how we could change that dusty, old road and turn it into part of the park. I don't know if Dan has anything further.

Mr. Gens said we are just looking at things we can do with it. We have already looked at moving the water lines so we can abandon the area and put in grass. It should be an extra area for the Parks & Rec Committee to have ideas for.

Mayor Miller asked Pappy Bell if there was anything new to report on the Chamber. Mr. Bell said we have had some good meetings. We have some advertising going. We are ordering brochures. Councilor Garrett said the advertising will be in the Enchantment magazine. Mr. Bell said we are moving along and we got our plumbing in our other building.

#### EXECUTIVE SESSION

Mayor Miller entertained 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 Morales to go into executive session pursuant to Section 10-15-1(H)7, Threatening and or Pending Litigation. Seconded by Councilor Miller.

Attorney Bryant said before we vote, what we will be discussing tonight is providing the Council with a progress report based on the February 16th meeting with the EPA discussing the administrative order and there may be action that comes out of the meeting tonight depending on the Councils' wishes. I am not expecting a real long Executive Session.

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 6:25 p.m. Mayor Miller called for a five minute recess to clear the Council chambers.

Motion was made by Councilor Garrett to go back into open session. Seconded by Councilor Miller. 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 7:38 p.m.

Councilor Morales attested that the only item discussed was the EPA order in executive session pursuant to Section 10-15-1(H)7, Threatening and or Pending Litigation and no action was taken.

Mayor Miller entertained a motion to adjourn.  
Motion was made by Councilor Garrett and seconded by Councilor Miller to  
adjourn at 7:38 p.m. Motion passed unanimously.

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Bob A. Miller, Mayor

ATTEST:

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Carol Virden, City Clerk/Treasurer