

DRAFT  
MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
MARCH 14, 2005

The Council of the City of Ruidoso Downs met in regular session on March 14, 2005. Mayor Miller called the meeting to order at 5:30 p.m. and asked Tommy Hood 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 were:

John P. Waters, City Administrator  
Carol Virden, City Clerk/Treasurer  
Robert Logan, Chief of Department of Public Safety  
Dan Gens, Public Works 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. Councilor Garrett moved to approve the Consent Agenda. Seconded by Councilor Morales. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF FEBRUARY 28, 2005 REGULAR MEETING

Motion was made by Councilor Garrett and seconded by Councilor Morales to approve the Minutes of the February 28, 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.

UNFINISHED BUSINESS

None

## OTHER BUSINESS

Councilor Garrett said Mayor Miller could I ask that we place on the next agenda an item to consider possibly the Board going to salary and Mayor Miller stated you certainly may.

## NEW BUSINESS

Mayor Miller stated next item on the agenda, Beautification Committee, discussion and consider approving to request Lincoln County Solid Waste to extend hours of operation on Saturdays from 8:00 a.m. to 4:00 p.m.

Councilor Miller said I am the Chair of that Committee and we have a few members here tonight that would like to talk to the Council. We made a decision that we think we need more time for dumping. Councilor Miller asked Sebrina Lundquist and Ursula Eckersley to come forward. Sebrina Lundquist said I am part of the Committee and we would like Lincoln County Solid Waste to be open from 8 o'clock in the morning until 4 o'clock in the afternoon giving all the residents a chance to get there. A lot of the problem we found is the first person to get there it is already full and they can't dump. If we had all day to do it, that would eliminate part of that problem. Councilor Garrett asked right now do we only do it twice a month. Councilor Miller answered no, it is the second Saturday from 8 a.m. until noon. Councilor Garrett said I certainly would love to do it but I don't how much it would cost. Ms. Lundquist said we talked about it and we don't think it would cost that much more. All they would need is one employee and maybe give them Monday off. Councilor Miller said they are making more money anyway because the City has to pay for everything that is dumped there. Councilor Garrett said why don't we ask the staff to talk to Solid Waste to see if we can make that arrangement. Ms. Lundquist said we thought it would be very beneficial to the City. Again, if it was something that was year around it would be something we could keep in progress where it doesn't build up. Mayor Miller said we will relay that to Don Coleman. Councilor Morales said then when we hopefully get an "A" from them, we will put it in the paper so people will know that they can go every Saturday. Ms. Lundquist said it would still go under the process that we would show our water bill because it is just for Ruidoso Downs. A little bit later down the line we would like to maybe have an employee pickup some of the trash for the elderly people or those that have no means of transporting it over there. Again, it would follow the same procedure; it would have to be approved by somebody. We talked to Bill or Leonard to be on a committee to talk to those people to make sure it is a need. Councilor Miller said we talked about getting volunteers. Sally Turner said that she knew of some and she will be back for the training. Maybe she will help us get some volunteers for that. We also discussed like Sebrina said maybe a City worker one day a week picking up in certain areas. They put it out, of course, where they can get it so they don't have to go on the property. Then, if they need help putting it out, let the Beautification Committee know and maybe we can arrange something. Councilor Garrett said I know Solid Waste will pick up. I think there is a fee for it of \$5 a yard. A dump

truck with three yards would be \$15. We might be able to make some kind of arrangement that way. I just hired them to come pick up one load and it is a per yard fee and that was really nice. Councilor Olivo said if you have someone to haul stuff, I am willing to donate my trailer. You can use it anytime.

Ms. Lundquist said we know it is going to be a slow progress but with the aid of Solid Waste staying open on the weekend, it would be very beneficial to the whole community.

Administrator Waters said we have an agenda item to discuss and consider approving so if you could formulate a motion and pass it. I would remind you that Solid Waste is probably going to come back with some type of discussion on fees. Before we approve it, I want to make sure we bring back the full story to the Council and let you know what their response is on it.

Councilor Miller moved to table considering this until we see what kind of deal we can make with Solid Waste on being open every Saturday. We will probably have a decision at the next meeting. Seconded by Councilor Garrett. Councilor Morales asked would that be enough time since we have a Council meeting next Wednesday. Administrator Waters said I will try to get an answer by the next meeting. They may not have one in which case we can table the item again until we can come back. 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, presentation and consider approving Audited Financial Statements and other financial information, City of Ruidoso Downs, June 30,2004, Ronnie Hemphill, CPA.

Mr. Hemphill said your audit report was delivered on time to the State Auditors prior to the due date of December 1st but due to the workload of the State Auditors Office they just got it out this past month. It was nothing to do with your staff, nothing to do with me, it was done on time and it was held up in the State Auditors Office. One of the reasons the State Auditors Office was covered up, this was the year that all of the third level of governmental agencies were required to do this GASB 34 conversion. That was a big change in format and reporting requirements and the State Auditors were overwhelmed. The statement that you have requests the new format. Probably the most useful things in this new format you will find beginning on Page 8. On Page 8 is the first page of the Financial Discussion Analysis. What you have here is a generic, not so complicated, not so accounting verbage report that gives you some idea of how the City is doing. Under Financial Highlights it notes the City's total net assets increased by \$762,519. It says the City's governmental funds reflected a decrease in fund equity or fund balances of \$414,000. If you are paying attention then you should say "how can that be". Again, this is part of the GASB 34 conversion. The new reporting format reflects all of the assets of the City and the reason why the governmental funds went down. You had \$400,000 plus paid on CDBG projects and other things that technically go away in

the old governmental fund format. In the new GASB 34 format, they are reported as assets of the City. That is why you have those two differences and it is a perfect example of the wide variation between the two methods. I encourage you to read the rest of this. On Page 9, where it says Government Wide Statement Analysis, again that is on the new reporting format. I would point your attention to the second line of Capital Assets. This is new; we haven't had that in the past. On down in the Liabilities, you did report Governmental Assets and Governmental Liabilities but they were way over on the right hand side of the Financial Statements in what they called Account Groups. Now they are in the mainstream and in a single column report form. It's confusing now but I think once you see this format for several years you will find it is possibly helpful. How did we do? You did real well. If you look on Page 78 at the top, Summary Audit Results, this Audit Report is all of 82 pages long. The general results of the report in my unqualified opinion which is what you want, that is a clean opinion, only one reportable condition was reported. Again, I was here last year telling you how much you had improved, well that is an improvement again. The one reportable condition that we found was in the software conversion; there was a glitch in the utility billing rates. One of the tests we do is ask what does the ordinance say and we just compute that rate manually on a sample of the utility bills. The good news is we found it and got it corrected and the rates are being applied correctly. On the next page is Summary of Prior Audit Findings. In the previous year you had four audit findings. The first one, if you remember, I took as much responsibility for that as Carol. You had hired our firm to do lodgers' tax audits. Nobody contacted the State Auditor's Office to ask if we could and that is an automatic fine. That was resolved. Then, expenditures and excess of budget, that was resolved. Investing of excess cash, you do have your excess monies invested now and you are earning interest so that was resolved. Collateral for public fundings, that issue was resolved. All of the four prior audit findings were resolved. All in all, I think this is a very clean report. John, Carol and the rest of the staff are doing a great job. Good hosts, easy to work with and I would be tickled to try to answer any questions.

Mayor Miller stated, if there are no questions I think we owe the staff a round of applause.

Councilor Morales moved to approve the audit. Seconded by Councilor Miller. 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 City sign contest for newly acquired building.

Councilor Garrett said Mya could not be here tonight. She really didn't want us to table these but I am not sure that we shouldn't have her here in order to ask her how she feels she would like to see this go forward. Especially the sign contest because I would like to table that to a later date. We need to know what we want to do with

the building first because we certainly don't want to put a mural on the building that we are going to redo.

Councilor Garrett moved to table consider approving City sign contest for newly acquired building, consider approving children's' picture contest on back of newly acquired building, and consider approving advertising in Ruidoso News, photo and/or story of City of Ruidoso Downs every Friday for thirteen weeks. 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 Employee of the Month program. Councilor Olivo said I think this will be a benefit for our employees to bring up the morale by giving them a plaque every month and possibly a dinner for him and his wife. We used to do it for a company I worked for and it brought up the morale in everybody. I think this is something we should approve. I know it is not in the budget but I'm sure the Council would pay for it. Councilor Garrett asked were you going to do it like a department a month or how were you going to do that. Councilor Olivo said Steve Dunigan and I were talking and each supervisor turns in a name. Then, they need to send it to the Council, the Council makes a decision and that would be fair to everybody. Councilor Miller asked Carol Virden how other cities do this. Clerk Virden said I am not sure but I know the County of Lincoln has a program in place already. I think they have certain guidelines and there is a possibility I can get information from County Manager, Tom Stewart. Councilor Morales asked Attorney Bryant if they have anything like that in Otero County. Attorney Bryant said we don't in Otero County but I am familiar with several. I think I have some formats at the office. I can get those together and give those to Carol to look at. If you wanted to, we could bring the design back to you at later meeting to look at if you approve the idea. Councilor Miller said I know everybody likes to feel appreciated and I think that would be a good way of showing appreciation.

Councilor Garrett moved to approve the Employee of the Month program and have the information available for the first meeting in April. Attorney Bryant said one thing a lot of communities have done, they have included a public suggestion box at City Hall because frequently a citizen will be involved with an employee of the City and they want to recommend them and that gives them the ability to do that. 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, Committee reports, Parks and Recreation. Bonnie Richardson said I am chairperson for the Parks and Recreation Committee for Ruidoso Downs. At our last meeting on March 3rd, City Public Works Director, Dan Gens, proposed locations for the two tetherball poles and the Park Committee agreed. Also, Dan said that the existing light poles on the west and east sides of the skate park can be updated with better lighting thereby keeping

expense for the lighting to a minimum cost. The Committee agreed with this lighting plan. Dan said current plans are under way and the City personnel are working to finish the walking trail and the baseball outfield. Hopefully, we will have a completed walking path around our park; that will be a big day for our Parks Committee. Park member Christina Portillo is checking schedules for skateboard competitions in surrounding communities and will coordinate a competition schedule for our new skate park. The skate park is being called "Crown of the Downs" and we will be working on a schedule for three consecutive competitions, aptly named "The Downs Triple Crown" Skate Competition. Although Dan said the old playground equipment can be worked on, the Committee feels that is outdated and a new playground complex is badly needed for the children of our community. We asked Leonard to gather information and pricing on new playground equipment. Over in Alamogordo's zoo area, they have a fairly new set of playground equipment that seems to have a lot of activities to challenge children and they enjoy that immensely. It is not real big and it might work well in our park. If we could get a price on that from Alamogordo and see where they purchased it, we would like to consider it. We would like to express our appreciation to Mr. Gens for his concern about the park and the time he spent with us at our meeting.

Councilor Miller said if I remember right, that equipment was purchased about ten years ago. We had a raffle, donated money and all of us got together to purchase that so it is not real old.

Ms. Richardson said we can check into it but compared to what children are playing on now, I have known families that go over to Alamogordo to play on their playground equipment. We in Ruidoso Downs have people going to White Mountain school to play on their playground equipment and we would like to have something comparable for our children to play on here. Councilor Garrett said I think the safety has changed over the years. Ms. Richardson said that is what the engineers told us. Councilor Garrett said I think we need to look at it from a safety standpoint also. Council Miller said I know this definitely is not very old because I can remember when it was put in. Mayor Miller said you get the equipment and volunteers to put it together; they did it in one day at White Mountain. Councilor Miller said you are looking at a lot of money for that kind of playground equipment.

#### PUBLIC INPUT

Wayne Williams said I live in Ruidoso Gardens. About three months ago you passed a deal saying there are two pieces of property that they would be notified. They were given 45 days; 10 days notification and 30 days to clean them up. The one over in the Gardens is especially bad because it really does need to be cleaned up before the races start. Once the race people come in, there will be people camping out in that trailer and selling drugs out of that trailer. The 45 days are up and I just wondered where you stand on it.

Attorney Bryant said I apologize. I don't know off the top of my head where we stand. If you will give me your phone number, my staff will call you tomorrow and let you know and then we will get a report to all of the Councilors. Mr. Williams said it is 378-1382. It was so bad last year there was everything from Cadillac's to Model T's showing up to buy drugs and people camping out. They don't even have doors on the place, the skirting is all gone and insulation hanging down.

Deanie Beavers said we were over working on the ditch on what I call Pappy Johnson's old place, the piece of land you all acquired. There was a couch and a recliner there people were dumping. There was a dead goat. It is tucked way back in there but I thought I'm sure that none of you know. Mayor Miller said we appreciate you letting us know.

Dusty Beavers said I come before the Council just to give you a little bit of insight. I apologize for last time for me exploding. I do appreciate the money I finally received for the basketball court. Mayor Miller said I want you to know that the little speal you gave did not hinder that one way or another because it was already in process. We have gone way out of the way to get you that money; it saved you attorney fees. The staff did a wonderful job of getting that money for you ahead of time. Mr. Beavers said I beg to differ; I disagree with you on that. And that is where we will leave that at but I do appreciate getting that issue resolved. I come before you to discuss the water meter again. In the Code book that I looked up the fees; the fees were only \$700 and that is what I have a problem with. This is how you guys Code book is being enforced now. Mayor Miller said "you guys" is the Council here. Mr. Beavers said yes sir. I feel I should have some consideration for a little bit of help on the water meter cost. When the City was having trouble with the water well, I let use of my truck for over two and a half days with no charge to the City or to the people of the City. Also, when they were doing their water test on the flow of the rate of the well, we did let the City run the water off on us and Mo was supposed to come back and blade the road. That still has not been done. I was just like a little help on the rate for the commercial connection tap. I feel like I am putting in a pretty good business to help the City. I don't see any businesses coming in right now. I don't know how long it has been since someone got a commercial meter in the Downs. I just think that tap is a little bit high. Thank you very much for your time. Councilor Olivo said there is a note here that this is not the current ordinance so we will have to look at the new one and see what we can do for you. Mr. Beavers said I got these here in this office and this is what I was informed was being enforced. That is why I was a little bit upset over the rate because by my calculations right here it says commercial tap \$700 and it went over double that; I was quoted \$1,500. I know this is public input and I should have been on the agenda.

Mayor Miller said Mo said he would straighten that road up. Mr. Beavers answered yes sir. Mayor Miller asked Dan Gens to take care of that. Councilors agreed Mr. Beavers should be on the next agenda. Attorney Bryant said for the record, we had

two or three topics and then somebody said let's make sure this is on the agenda next time. We need to make sure when we make that request, and what I believe from the discussion, is that we mean to make the request for relief from the water tap fee. Mr. Beavers said yes.

Joe Blaney said Mayor and Council, I find myself in a precarious situation. Undoubtedly we have a working force that's very unhappy with working situations, money or why Ruidoso Downs has finally started moving in a direction that now requires them to start working toward a progressive goal. Although the City Council thinks personnel situations have to be addressed first, the City has much larger problems: city water and storage capability, city sewer disposition with our "historic partner" and EPA resolutions that may leave both our municipalities bankrupt and bowing to the control of others. I feel as a resident of our community, it is once again time for harsh words toward all. First, get it together. We need communication and cooperation among our elected officials which without doubt seems to be very hard for all of you to commit to. Without this, we may as well admit Ruidoso has once again pulled its political clout and sent us in the direction of what some feel is a sinking boat. The EPA is not going to turn a blind eye much longer; forest guardians are not to be ignored. Although fines from either party are not helping either community, they cannot be ignored. Ruidoso, as the fiscal agent in our wastewater problems, has taken the cheap way out when looking for and/or responding to leaks in the interceptor line between Ruidoso and Ruidoso Downs. Sticking your head in a manhole seems to be Ruidoso's number one line of defense; however, it cannot be that way for Ruidoso Downs. We must be active in finding a better way. Unless Ruidoso has corrected its policy regarding who's hooked up to sewer after our annexation thirteen months ago of a small amount of land in comparison with Ruidoso's annexations in the twelve to eighteen months, they are indeed in violation of the JUA between our towns after their agreement with Mescalero brought to their council on March 8th. Now to the meat of my problem. I am feeling a bit lonely when it comes to trying to get the word out to both communities as to why this is not a good decision for our communities. You were voted in to represent our best interests, but so far I have heard no opposition from you. Can the sewer plant handle this extra load? No! Does it handle the peak times now? No! But no one seems to understand Mescalero was just dealt a sweetheart of a hand. Just put the pipe in and we will pay the rest. Reconstruction of the plant of Ruidoso and Ruidoso Downs is being designed not only to handle our growth, but to handle anything our neighbor deems it wants to send to us "at a fair price per gallon". Ruidoso and Ruidoso Downs cannot economically handle this by ourselves. Mescalero unwilling to help is being supported by Ruidoso's mayor and council. Can they not see what this may potentially cost their citizens as well as Ruidoso Downs citizens or do they not care. Ruidoso's city council response is "EPA may want this or we're not sure yet, we haven't even asked". It's time for you to ask yourselves are you just going to argue about the trivial things or are you going to work for the people who voted you in. Get your act together and do what is best for our two communities, not just argue about if Ruidoso is going to like your decisions

or if staff likes your decisions. Try asking if the citizens like your decisions or if citizens can afford your decisions.

Mayor Miller asked has the Executive Session been cancelled. Attorney Bryant said we have on our agenda, and I have asked the Clerk to keep it on our agenda for each meeting because things are happening so quickly with respect to the EPA administrative order but there is nothing happening tonight that I need to take us into executive session. There are no decisions I need to request you to make so we can move past the executive session to the next item on our agenda.

Mayor Miller entertained a motion to adjourn.  
Motion was made by Councilor Morales and seconded by Councilor Miller to adjourn at 6:15 p.m. Motion passed unanimously.

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Bob A. Miller, Mayor

ATTEST:

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Carol Virden, City Clerk/Treasurer