

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
MARCH 26, 2007

The Council of the City of Ruidoso Downs met in regular session on March 26, 2007. Mayor Miller called the meeting to order at 5:30 p.m. and asked Ursula Eckersley to lead the Pledge of Allegiance. Mayor Miller asked John Waters, City Manager to take roll call. The following were present:

Councilor Hood  
Councilor Holman

Councilor Miller  
Councilor Garrett

John Waters, City Manager informed Mayor Miller there was a quorum.

Also present:

John Waters, City Manager  
Carol Virden, City Clerk/Treasurer  
Dan Bryant, City Attorney  
Alfred Ortiz, DPS Chief  
Arnie Castenada, Public Works Director  
Steve Dunigan, Planning & Personnel Services Director  
Jay Smith, Museum Director

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the Agenda.

Councilor Miller moved to approve the Agenda. Seconded by Councilor Holman. Roll Call Votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, 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 Holman. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF MARCH 12, 2007

Motion was made by Councilor Garrett and seconded by Councilor Holman to approve the Minutes of Regular Meeting of March 12, 2007. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

### APPROVAL OF ACCOUNTS PAYABLE

Motion was made by Councilor Garrett and seconded by Councilor Holman to approve Accounts Payable. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

### UNFINISHED BUSINESS

Mayor Miller stated next item on the Agenda was Unfinished Business.

Councilor Holman said he had some comments that he initiated at the last Council Meeting and was pursued by Councilor Garrett regarding the Wastewater Treatment Plant. He commended Jim Kalvelage of KBUY and the Ruidoso News for the excellent coverage the City of Ruidoso Downs has received. He read an excerpt from an editorial of the February 16, 2007 edition of the Ruidoso News. In part it stated "the trust of the city is ours directed at both the Village of Ruidoso and perhaps even more so the Mescalero Apache Tribe." Councilor Holman said he felt the comment was an assumption or perhaps the Editor did not intend to say it that way. He said if he had been in the position of the Mescalero Apache Tribe leadership he would have accepted the same deal so he asked how the Mescalero Apache Tribe could be held at fault for making a good business decision in accepting the deal made by the Village of Ruidoso. He said some people might be misinformed and believe the City of Ruidoso Downs was being critical of the tribe.

### OTHER BUSINESS

Mayor Miller stated next item on the Agenda was Other Business.

John Waters, City Manager introduced Angelita Mejia and said she was a representative from the office of Congressman Steve Pearce. He said she came from the Roswell office and had been at City Hall most of the day asking for input. He said she would be visiting on a regular basis and hoped many more people would offer their opinions in the future.

Angelita Mejia said her purpose for coming to the City of Ruidoso Downs was to help constituents with problems they may have with federal agencies. She would also accept and relate any comments to the office of Steve Pearce. Councilor Garrett asked how often she would be in town and she said every two months. Mayor Miller said she was welcome in the City of Ruidoso Downs at anytime and expressed his appreciation for her time.

Councilor Hood said since the City was not currently under any water restrictions he would like to see some attention to the area at the Senior Citizen Center and ball park area. He said he would like it to be watered and re-seeded if needed. There was trash along the fence lines. John Waters said the Parks and Recreation employees had been working on the sprinkler system at the softball field and replaced parts. Arnie Castaneda, Public Works Director said the sprinkler system was repaired and his department began watering approximately a week ago. Some of the sprinklers were on manual and some on automatic. Last week his department

met with some of the local softball coaches and leagues. The teams began using the fields and came back last weekend to clean up some of the trash that was left behind. He said he was scheduling regular clean up and was tending to the grass area around the swing sets. The ground was recently tilled and he said it was work in progress to get it ready for summer. Councilor Miller said the area would be cleaned up during the Earth Day Cleanup on April 21st. Arnie Castaneda added that fertilizer and seed and replacement solenoids for the sprinkler system had been ordered.

#### PUBLIC HEARING

Mayor Miller stated next item on the Agenda was Public Hearing-Ordinance No. 2007-04 Second of Two Hearings. He opened the Public Hearing at 5:43 p.m.

#### **AN ORDINANCE REPEALING CHAPTER 4 TITLED "DEPARTMENTS" ARTICLE 4 "SEWER DEPARTMENT" SECTIONS 1 THROUGH 17 OF THE CITY OF RUIDOSO DOWNS CODE OF ORDINANCES AND ENACTING NEW CHAPTER 4 TITLED "DEPARTMENTS" ARTICLE 4 "SEWER DEPARTMENT" SECTIONS 1 THROUGH 20 ARTICLE 4 SEWER DEPARTMENT.**

Councilor Garrett said she believed there was confusion in the general public about what an Enterprise Fund was. She said the public needed to be made aware that water and sewer funds were Enterprise Funds. State Statutes provide that payments cannot be taken from the General Fund and moved to augment the Enterprise Fund. The fund could only be increased through a rate increase. Mayor Miller stated the City inherited the Wastewater Treatment Plant over 30 years ago and were now being dictated to by the Village of Ruidoso as to how much the City pays. Councilor Holman stated the funds could not operate in the red either. Councilor Miller said she thought the 15% paid by the City was for repairs being made to the plant. Mayor Miller said the 15% only represented operating expenses. She asked how item 4-4-12 Connection Required would be enforced. She understood those who were not connected to sewer would receive a notice that they had to connect within 30 days. She said some people could not pay their water/sewer bill now and hoped there would be some help given to people who needed it or were on fixed income. John Waters said the requirement was implied through State Statutes and the City of Ruidoso Downs had no choice in the matter. He said a private group could be formed to offer assistance but the City of Ruidoso Downs could not. Councilor Garrett suggested putting out a notice to customers that within 4-6 months the requirement would be enforced. This would give the public time to prepare.

Dan Bryant, City Attorney said under the anti-donation clause the City could not pay for or use city staff to help connect people to the system. The City had complete discretion to initiate an amnesty program and he suggested it start now and run through the end of October 2007. It should be publicized where the sewer lines were and have a map available for customers and the public to look at. Through the amnesty program the public could be educated on how to save for a plumber and reach the mark by October.

Mayor Miller closed the Public Hearing at 5:55 p.m.

Mayor Miller stated next item on the Agenda was Consider Adopting Ordinance No. 2007-04.

Mayor Miller entertained a motion to Adopt Ordinance No. 2007-04.

Councilor Garrett moved to adopt Ordinance No. 2007-04 an ordinance repealing Chapter 4 titled "departments" Article 4 "sewer department" Sections 1 through 17 of the City of Ruidoso Downs Code of Ordinances and enacting new Chapter 4 titled "departments" Article 4 "sewer department" Sections 1 through 20. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

#### NEW BUSINESS

Mayor Miller stated next item on the Agenda was Budget Outlook for fiscal year 2007-2008.

John Waters said he was happy to report that Gross Receipts were back up to where they need to be from the State. This month the City would be on record territory again. The City had been on a continual upward trend before the grocery Gross Receipts tax was taken away. He said municipalities were supposed to be held harmless and were to be reimbursed. There were five separate months where the City did not receive the reimbursement checks. Those checks ranged in a shortage for the City of \$100,000.00 down to \$20,000.00 and it took several months and some into the following fiscal year to send reimbursement. He said the City of Ruidoso Downs had approximately an 18-month period of unstable Gross Receipts but had become more stable over the past 8-month period.

John Waters said the first part of the Budget process was done. Department Directors had submitted their requests. At the next Council meeting he wanted to have a session to explain the Budget process. He said there were two new Councilors and if they were interested he would see that it was put on the Agenda. He would explain how revenues and expenses were viewed from one year to the next. The Budget Hearing process continues through the month of April for the Budget Committee and then the Council goes through the Budget Hearings and Workshops in the month of May. The Interim Budget must be submitted by May 31st or the last business day of that week for the year. He said either he or Carol Virden, City Clerk/Treasurer would deliver the Budget to the office in Santa Fe on that day.

Councilor Holman said John Waters had done a great job in Santa Fe in acquiring additional monies. He thanked Carol Virden for her hard work also. John Waters said Mayor Miller had gone to Santa Fe several times prior. Senator Adair said it really helped to meet members of the governing body and board members.

Mayor Miller stated next item on the Agenda was Consider Approving Budget Adjustment for Municipal Courts.

John Waters said the Budget Adjustment was received and it appeared there were line item adjustments that were just moved around. The Budget Adjustment was up for consideration without recommendation from the executive offices. Councilor Garrett said it appeared the adjustments were made to cover the change in personnel during the time of illness of the previous court clerk.

Mayor Miller entertained a motion to approve Budget Adjustment for Municipal Courts.

Councilor Miller moved to approve Budget Adjustment for Municipal Courts. Seconded by Councilor Garrett. Roll call votes: Councilor Hood, Nay; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

### PUBLIC INPUT

Mayor Miller stated next item on the Agenda was Public Input.

Bonnie Richardson made a report for the Ruidoso Gymnastics Association about their competitive program for the year. She said Ruidoso Gymnastics program was a non-profit school and its mission was to teach gymnastics to the young athletes in Lincoln County. Unlike the public schools they were not funded by public monies. They received funds through tuitions and fund raising events. She said when they compete, unlike public schools, their athletes were not divided into divisions and sub-divisions, they go head to head against schools in Albuquerque, Las Cruces, and other schools around the state. The sport of gymnastics goes year-round with their teams divided between boys and girls. They also have a recreational gymnastics program that did not compete. Bonnie Richardson reported on competition results. In the Level 4 Girls, which was the beginner level of competition, took 1st Place at state in Albuquerque as a team. Last weekend the Level 4 Boys, took 1st Place at state. John Hobbs took 1st Place in All-Around for Level 6 Boys and his brother Daniel Hobbs took 3rd Place in All-Around for Level 5. Last weekend the Level 8 Girls took 2nd Place at state. She said the gymnasts had worked themselves to the top, were goal oriented, and in top physical condition.

Dan Bryant said the Ruidoso Gymnastics Association was a perennial powerhouse in New Mexico gymnastics and credited Bonnie Richardson and her daughter Amy for their countless hours of devotion. He had a daughter in the program and said the two communities here owed them a debt of gratitude. Bonnie Richardson said there had been so much support from parents and numerous community members throughout the years. The Ruidoso Gymnastics Arts & Crafts Show funded much of their program each year. Councilor Holman added that a gymnast must be self-motivated and want to be good at the sport. Councilor Miller said she had a daughter in the program for 11 years and went on to pay for half of her college expenses through coaching gymnastics.

EXECUTIVE SESSION

Mayor Miller stated next item on the Agenda was Executive Session: Discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H)7.

Mayor Miller entertained a motion to go into Executive Session.

Councilor Hood moved to approve to go into Executive Session for the discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H)7. Seconded by Councilor Miller. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller closed the regular session at 6:16 p.m. to go into executive session. Mayor Miller invited John Waters, City Manager, Carol Virden, City Clerk/Treasurer, and Dan Bryant, City Attorney into the council chambers after a five-minute recess.

Mayor Miller entertained a motion to go back into open session.

Councilor Garrett made a motion to go back into open session at 7:04 p.m. Seconded by Councilor Miller. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Councilor Garrett attested to the fact that the only item discussed in executive session were that of threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H)7 and no action was taken.

ADJOURNMENT

Mayor Miller entertained a motion to adjourn. Councilor Garrett moved to adjourn at 7:05 p.m. Motion seconded by Councilor Miller. Motion passed unanimously.

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Bob A. Miller, Mayor

ATTEST:

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Carol Virden, City Clerk/Treasurer