

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
OCTOBER 27, 2008

The Council of the City of Ruidoso Downs met in regular session on October 27, 2008. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Jay Smith, Museum Director to lead the Pledge of Allegiance. Mayor Armstrong asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Hood
Councilor Holman

Councilor Williams
Councilor Olivo

Carol Virden, City Clerk/Treasurer informed Mayor Armstrong there was a quorum.

Also present:

Carol Virden, City Clerk/Treasurer
Steve Dunigan, Planning & Zoning Director
Jay Smith, Museum Director
Alfred Ortiz, DPS Director
Terri Mosley, Finance Director
Cleatus Richards, Public Works Director
W.T. Martin Jr., City Attorney

APPROVAL OF AGENDA

Mayor Armstrong stated next item on the agenda was approval of the agenda.

Councilor Olivo moved to approve agenda. Seconded by Councilor Hood.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Armstrong stated next item on the agenda was approval of the Consent Agenda.

Councilor Williams moved to approve consent agenda. Seconded by Councilor Hood.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

APPROVAL OF MINUTES OF RESCHEDULED REGULAR MEETING OF OCTOBER 6, 2008.

Motion was made by Councilor Williams and seconded by Councilor Hood to approve the Minutes of the Regular Meeting of October 6, 2008.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLES

Motion was made by Councilor Williams and seconded by Councilor Hood to approve Accounts Payables.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye, Councilor Olivo, Aye. Motion carried.

UNFINISHED BUSINESS

Mayor Armstrong stated next item on the agenda was Unfinished Business.

Councilor Williams said he would like to commend the Public Works Department for the superb job done on South Central Street up by the Collision Center. He said that is what we look for when we want to provide a quality job to the citizens and invited anyone to look at it and it was a good street repair.

OTHER BUSINESS (items are for discussion only-no action will be taken)

Mayor Armstrong stated next item on the agenda was Other Business and that items are for discussion only and no action will be taken.

Mayor Armstrong stated the first item was Employee of the 3rd Quarter-Patricia Valdez.

Jay Smith, Museum Director said Patricia Valdez is a full-time custodian who serves both the Hubbard Museum of the American West and here at City Hall. She has been one of the hardest workers it has been his pleasure to work with for the past three years. He said he has had numerous people both at the museum and city hall and who compliment the work that she has done. She always pitches in to help when they have projects to do. He said he would like to direct their attention to their survey they conducted and one of the things that was the highest rated was the cleanliness of the museum and he wanted to give full credit to Patricia and it is noticed by not only the folks here but also the public. He said it is a real pleasure to recommend her for Employee of the Quarter.

Mayor Armstrong said he would like to echo that too. He said we have a lot of traffic in and out at City Hall and she keeps everything in very good order.

Jay Smith, Museum Director said Patricia was unable to be here but they would be sure to congratulate her tomorrow. There was a round of applause for Patricia Valdez.

Mayor Armstrong stated the next item on the agenda was Proclaiming Month of November 2008 as Ruidoso Downs Recycles Month.

Mayor Armstrong read the Proclamation to the audience. He encouraged everyone to do this everyday and it would benefit our town so much.

COMMITTEE REPORTS

Mayor Armstrong stated next item on the agenda was Committee Reports.

Gary Williams spoke for the Beautification Committee. He thanked all of the citizens who came out on Saturday and those who come out everyday for the support they give the community to keep it picked up. He said several people have told him they think our city has come up a step when it comes to how it looks now. Gary said he wanted to thank those who came out Saturday; they collected 74 bags of trash, patio doors, chairs, mattresses and other miscellaneous such as tires and so forth. It was a good event and the weather was great with no wind. The highway was picked up as well as some of the side streets. Gary said they have also distributed some of the Desert Poppy seeds to fifteen businesses so far who have shown a desire to plant these. He said if there were any local residents who would like to plant some seeds there is a supply left. Gary thanked those businesses who have already considered to use them.

Mayor Armstrong asked if Gary Williams knew how much was picked up along the highway? Gary said he did not know as in tons but with seventy-four bags it should be quite a bit of tons and that they did fill the big city dump truck.

There was no one to speak for the Economic Development Board. Mayor Armstrong said he knew they were working hard to keep the city on board with the changing situations out there.

There was no one to speak for the Parks & Recreation Committee. Carol Virden, City Clerk/Treasurer said the Parks & Recreation Committee would soon be coming before the city council to approve some refurbishing for the baseball park. She said hopefully they will be at the first meeting in November. She said they were in the process of ordering some of the items listed on their report for the Parks & Recreation Committee. She said the BMX bike trail was close to being finished and they would also like to have a grand opening for the BMX bike trail when it is finished and would come before council at that time.

Steve Dunigan, Planning & Zoning Director said the report was written by the chairman of the board. He said the report was similar to the last one but that they are continuing to go through the land use articles and was a large process. With the recent decision to make in-home daycare a permitted use in a residential area and it would mean that all applications in the future would be directed to the Planning Department. Steve said they are continuing to update the ordinances on mobile and manufactured homes. Future plans are to review the fence ordinance.

Carol Virden, City Clerk/Treasurer said Paul van Gulick was the city's choice to sit on the Rio Ruidoso Restoration Committee along with a member of Ruidoso's employees. She said they haven't heard anything about how their meetings have been going and she hoped Paul would have been here this evening to report on this and would keep up with this. Just then Paul entered the meeting.

Paul van Gulick said prior to the flood they had several meetings and their inaugural meeting was with some attorneys to get them going in the right direction. He said this is a settlement agreement that binds the Joint Use Board to pay a million dollars for the river restoration project. Carol Virden, City Clerk/Treasurer said it was over a five-year period. Paul said they met to get started and one of the members is Nora Midkiff representing one of the plaintiff's, there is a person representing the Forest Guardians, there is Sean Denny representing the Game & Fish Department, and himself representing Ruidoso Downs, and Bill Morris and Randall Camp representing Ruidoso. Before the flood hit they had talked about putting together an assessment of the river so that they could talk sensible about projects that would make sense and if there were ongoing projects in either the village or the city they could do in-kind work. When the flood hit it became a different river. He said they are on track to apply for a CDBG grant. He said this assessment would be from the Mescalero Reservation to the treatment plant and some of the other tributaries like Carrizozo Creek. This is going to allow them to think about ways to improve the river. He said there is some talk about developing a park down by the wellhead and if they can fulfill their obligation by doing that then they certainly will and to the extent of using their own crews then they will do that too. He said we can apply for CDBG grants and Ruidoso cannot because of their average income level and CDBG always allows money for planning. Paul said even though the committee is put together of people who are adversaries in the legal sense it has not been adversarial.

Carol Virden, City Clerk/Treasurer said the CDBG grant and particularly the planning grant can be applied at any time during the year. She said she didn't believe there is a criteria for low and moderate-income people. Carol said it is a given \$25,000 and we can make application at any time.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was Presentation by Dean Haynes- Possibility of Purchasing Property of Pappy's Diner for Future Planning by City of Ruidoso Downs.

Dean Haynes said she has been a realtor here for thirty-two years and twelve years with Bill Pippin. The property of Pappy's Diner is owned by Pat Birmingham and she said it is his hope and prayer that the City of Ruidoso Downs will be interested in getting this property since it adjoins the city's property already. At the present time there are 22 storage units on the property. She said the property has potential and is historic. Dean said that Pat Birmingham could not be here this evening but offered as an incentive to owner finance if the city really is interested. This is an offer to Ruidoso Downs only because he has a wish that Ruidoso Downs have this property for future development. He hoped that some day it would house the city offices. Owner financing terms would be \$35,000 down at 7% for as long as the city needs for up to 10 years. Dean said she would show this property at anytime.

Mayor Armstrong said they would take this under consideration and that they know the property very well.

Mayor Armstrong stated next item on the agenda was Consider approving Resolution No. 2008-21 Opposing the Designation of U.S. Forest Service Roadless and Wilderness Water as Outstanding National Resource Waters in the State of New Mexico.

Cleatus Richards said he attended the initial meeting that was scheduled by the Environment Department to discuss this concept. He said what came out of the meeting was the Forest Guardians is the driving force behind the designation of the Outstanding National Resource Waters. He said there was a lot of concern expressed about all types of uses within the forest area that might be best. Cleatus said he pointed out at that meeting the impact to the Forest Guardians to Ruidoso and Ruidoso Downs and what they have cost both of our communities with regard to our Regional Wastewater Treatment Plant. This could setup some very stringent standards that could affect even close in areas to our community. Cleatus said Mr. Metcalf was wanting them to recruit the Eagle Creek area, which extends down into a developed urban area around Ruidoso. He said he thought it infringes on cattle grazing and other rights that would affect people in the valley areas. He said he believed he and Mr. Williams were at another meeting where this was further discussed. Cleatus said it is being urged that all communities that might be effective to pass a resolution similar to this. Ruidoso has already passed an almost identical resolution to this and Lincoln County has also. He said our community needs to go on board objecting to the rapid sequence that the Environment Department is trying to push this through. There is one great concern in that there is no legislative control in what happens here. The environmentalists basically have full input and control over making these types

of designations. The Water Commission can approve it based on the recommendation of the Environment Department and Cleatus said we come under various regulations. He said he thinks we have already become a victim of some of those regulations on designations they have imposed on the Ruidoso River by making it a clean water fishery and this affects the standards that we have to meet on discharge for our plant. Cleatus said it opens the door for the Environment Department to not only continue the current level of standards but to make those standards more severe in the future. He said he didn't think that we want to allow them another opportunity to place greater regulations on our communities. He said he recommended adoption of this resolution to at least slow this process down.

Councilor Williams said Otero County has also approved this resolution and so it covers both counties and those are the ones that will be affected.

Mayor Armstrong entertained a motion to approve Resolution No. 2008-21 opposing the designation of U.S. Forest Service Roadless and Wilderness Waters as Outstanding National Resource Waters in the State of New Mexico.

Councilor Hood moved to approve Resolution No. 2008-21 opposing the designation of U.S. Forest Service Roadless and Wilderness Waters as Outstanding National Resource Waters in the State of New Mexico. Seconded by Councilor Olivo.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was Consider Approving Resolution No. 2008-22 city of Ruidoso Downs Governing Body Code of Ethics.

Mayor Armstrong entertained a motion to approve Resolution No. 2008-22 city of Ruidoso Downs Governing Body Code of Ethics.

Councilor Williams moved to approve Resolution No. 2008-22 city of Ruidoso Downs Governing Body Code of Ethics. Seconded by Councilor Olivo.

Councilor Holman said he had the privilege of watching the Las Cruces city council meeting this weekend. The televisé that and it's in color and they seem to have a good handle on their city council. He told Council Williams that Miguel Silva was there and Sharon Thomas was also there. Dolores Archuleta was there and she is mayor pro tem. Councilor Holman said one of the things he noticed that was different was that their mayor votes every time. He said they have a very formal type meeting and they seem to work together very effectively and he tried to watch what was not being said and body language. It seemed they had a genuine affection for each other and a good working

relationship. He said it fits in with the topic they are going to talk about tonight. Councilor Holman said he was sure they haven't always agreed on topics so sometimes it is good to have these rules and live by them.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was Consider Approving Wastewater Treatment Plant Operating Invoices for July 2008, August 2008, and September 2008.

Mayor Armstrong entertained a motion to approving Wastewater Treatment Plant Operating Invoices for July 2008, August 2008, and September 2008.

Councilor Williams moved to approve Wastewater Treatment Plant Operating Invoices for July 2008, August 2008, and September 2008. Seconded by Councilor Hood.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was Consider Approving Personnel Recommendation-Position-FT Outreach/Gift Shop Assistant-Hubbard Museum of the American West.

Jay Smith, Museum Director said he wanted to recommend Irene Chavez for the position described for the Outreach/Gift Shop Assistant. She is well qualified with retail experience prior to moving here as well as experience at the casino handling large amounts of cash and probably more than they do here. He said she has excellent character references from past employers and that she would make a very good addition to the museum staff. Jay said the Gift Shop will be primarily where she will be especially during the tourism months during the summer. During the off-season months is when they do cross training in the Outreach.

Mayor Armstrong entertained a motion to approve personnel recommendation-position-FT-Outreach/Gift Shop Assistant-Hubbard Museum of the American West.

Councilor Hood moved to approve personnel recommendation-position-FT-Outreach/Gift Shop Assistant-Hubbard Museum of the American West. Seconded by Councilor Williams.

Councilor Holman asked if this was replacing an existing position or if it was a new position? Jay Smith, Museum Director said it was replacing an exiting position.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

PUBLIC INPUT (3 minute time limit)

(*For non-agenda items only)

Mayor Armstrong stated next item on the agenda was Public Input with a three-minute time limit.

Wayne Williams said the citizens are no longer able to speak about things on the agenda and that it was his duty to inform them that he plans to write letters to the governor, the attorney general, and the secretary of state every month until this is changed. He said what they are doing is not correct and that he believed is not legal under our charter. Wayne said if the citizens can't comment on what is taking place in our council meetings and what is going on in our city it is not right and he said he would fight them. He said he would write letters every single month until it is corrected. He said if he has to he will go to Santa Fe and sit on their doorstep.

Councilor Hood said Mayor Armstrong's wife is going to have surgery in the morning and asked that they pray for her and keep her in their prayers.

Vickie Widener said she was the pastor's wife of the Baptist Church and they were desperately trying to help the homeless people of the area that are willing to try to help themselves. She said they sell donated used merchandise in their "People Helping People" thrift store to provide money to help people in trouble. She said it is totally run by volunteers receiving no salary whatsoever. They have had some success in fulfilling their goal but that sometimes they are guilty of only enabling people to remain in the same lifestyle that they are trying to rescue them from. What they would like to do is help one family at a time to get back on their feet. With the high cost of rent, deposits, and utilities they have only been able to help several which is only a drop in the bucket. She said what they are proposing is to be allowed to permanently set up an RV in the backyard of the thrift shop where they could house a minister to a family or individual for up to 90 days. They feel that within that time help them find employment, assist with transportation, housing, and food. Vickie said most important however is to teach them money management skills. She said placing them in an RV park defeats their purpose, as they wouldn't be able to monitor their activities. They would be granted housing in two-week phases depending on their cooperation with the program. Vickie said the main agenda is to help people become responsible and law-abiding citizens and to minister to them spiritually. She asked that the council consider granting this hardship variance by allowing an attractive RV to be setup behind the thrift shop.

Councilor Hood said they do an excellent job at the church. Mayor Armstrong said this would have to go through the P & Z Board first but said he understands the problem and would see what we can do.

Joyce Gustafson said she over two weeks ago she called Lincoln County Solid Waste to do repair on a polycart that had a wheel knocked off during trash pick up. The polycart belongs to her neighbor and she is in her mid-seventies, which makes it even more difficult to handle a large polycart with only one wheel. After waiting for over a week and no repair Joyce said she went to the office of Lincoln County Solid Waste and asked if she brought the broken polycart in if they would give her neighbor a replacement. She said she was told firmly "no way." She was told they have no extra polycarts and to leave the broken one on the street for repair. When asked when that would happen she was told they only have one serviceman for all of Lincoln County. Joyce said as of this morning her neighbor's polycart was still not repaired. She said then she called Lincoln County Solid Waste one week ago today for limb pick up at her address and was told that instead of 6 foot limbs they now had to be 4 foot limbs. When she asked when that had changed to 4-foot limbs and the lady said two or three years ago. She said apparently Lincoln County Solid Waste and the City of Ruidoso Downs failed to inform the residents of this change because she has not talked to anyone who was informed of this change. Joyce told Mayor Armstrong that Lincoln County Solid Waste was one of his pet peeves during his campaign last spring. As a resident of Ruidoso Downs she said it was time for him and our city government to address this issue if Lincoln County Solid Waste continues to charge our city and its residents more money for this service. Joyce said because at times Mayor Armstrong has had a hard time understanding some of them that are sitting here she made a copy for him of what she just said and will present it to him at this time. There was a round of applause.

Jim Burrow said he would have to agree with her because he has had to call them several times after picking up the polycarts on the side of the street. He said they don't put them back down on the pavement and maybe cars and trucks are hitting them and that may be the reason they are getting damaged. He said it doesn't do any good for him to call because he already has and he understands that Steve's bunch has called so maybe the council can call. He said they need to give more service than what they do.

Councilor Olivo said tomorrow they are having a meeting of which he is a member and told Joyce that she was welcome to go. He said he has brought up all the issues of tonight but to no avail so far. He said the council would get after this and hopefully get something done. Joyce Gustafson asked when the meeting was and Councilor Olivo said it was at 2:00.

Councilor Olivo said he would like to congratulate Councilor Williams, Councilor Holman, and Mayor Armstrong on completing the MOLI classes, which makes Ruidoso Downs the only municipality to have all of the councilors and mayor members of the MOLI classes. He said it was an honor for the City of Ruidoso Downs. There was a round of applause.

EXECUTIVE SESSION

Mayor Armstrong 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: Wastewater Treatment Plant: Yon Rue and Corena Baca: Limited personnel Matters Pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 2 Investigation or Consideration of Complaints Against Any Individual Public Employee.

Mayor Armstrong entertained a motion 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: Wastewater Treatment Plant: Yon Rue and Corena Baca: Limited personnel Matters Pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 2 Investigation or Consideration of Complaints Against Any Individual Public Employee.

Councilor Hood moved 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: Wastewater Treatment: Yon Rue and Corena Baca: Limited personnel Matters Pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 2 Investigation or Consideration of Complaints Against Any Individual Public Employee. Seconded by Councilor Williams.

Roll call votes: Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong closed the regular meeting at 6:23 p.m. and invited W.T. Martin, Jr., City Attorney, Carol Virden, City Clerk/Treasurer, Cleatus Richards, Public Works Director, and Randy Reynolds, Payroll/Personnel into the Council Chambers after a five-minute recess.

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

Councilor Hood moved to go back into regular session. Seconded by Councilor Williams. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong called the regular session back to order at 7:24 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Executive Session were that of Discussion of Threatening and/or Pending litigation pursuant to the Open Meetings Act Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant: Yon Rue and Corena Baca: Limited personnel Matters Pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 2 Investigation or Consideration of Complaints Against Any Individual Public Employee.

Councilor Williams attested to the fact that the only items discussed in executive sessions were that of discussion of threatened and/or pending litigation Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant: Yon Rue and Corena Baca: Limited personnel Matters Pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 2 Investigation or Consideration of Complaints Against Any Individual Public Employee.

Councilor Hood moved to direct Mr. Martin, City Attorney to sit with P & Z Director and try to work out and achieve a settlement resolution of issues with Yon Rue and Corena Baca and city attorney is give wide discretion to achieve the goals. Seconded by Councilor Olivo.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

ADJOURNMENT

There being no further business to attend to Mayor Armstrong entertained a motion to adjourn.

Councilor Williams moved to adjourn at 7:26 p.m. Seconded by Councilor Hood. All were in favor and motion passed.

Tom E. Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer