

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
NOVEMBER 10, 2008

The Council of the City of Ruidoso Downs met in regular session on November 10, 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
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.

Mayor Armstrong said under New Business Item "I" they need to change the Zoning Committee back to Cleatus Richards. Carol Virden, City Clerk/Treasurer said this is a correction to the agenda and that Item "I" should say Public Works Director instead of Planning and Zoning Committee.

Mayor Armstrong said under New Business Item "E" was also going to be taken off of the agenda and postponed.

Councilor Olivo moved to approve agenda with the change on Item "I" and the removal of Item "E" under New Business. 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 Olivo moved to approve consent agenda. Seconded by Councilor Williams.

Councilor Olivo said he would like to discuss Accounts Payables. He said he thought we were in violation on the Accounts Payables because we have an account with Lincoln County. We have an employee that works for Lincoln County on our board and he said that was a conflict of interest. Councilor Williams asked him to clarify where that was located. Councilor Olivo said it was under the Senior Citizens drawn by Lincoln County. He said we have already been making payments and that he votes here and we make payments to Lincoln County. Carol Virden, City Clerk said they could seek the advice of their attorney. Councilor Williams asked where it was on Accounts Payables? Councilor Olivo said on page 2 and that under the contract we are obligated to pay water, sewer, and garbage collection and that the county is supposed to pay for the rest, whatever needs to be done on the building. He said since he became a board member in March we have been paying for other items and our board members have been voting to pay them and that was a conflict of interest. Councilor Williams said the only thing he sees is the City of Ruidoso Downs-Water in the amount of \$102.29. There is nothing specific to what the request was to open up this particular item. W.T. Martin Jr., City Attorney said the issue is that all there is here is a water bill for \$102.29 and his recollection is that under that lease we are required to pay the water. He said he understands that they have raised the issue on prior votes but on this one we all agree that we are obligated to pay the water bill.

Carol Virden, City Clerk/Treasurer said there is a state statute under the financial disclosure that for the councilor that had an interest in say a project or for any financial gain. She said there is no financial gain with the Accounts Payables. If there was an interest for financial gain that city councilor may at his own discretion bring up the issue and it is up to the council to allow him to vote or to not vote on the issue as long as he brings it up to the mayor and council that there is a financial gain or not. She said she didn't think this is a specific financial gain on utilities that are reoccurring every month to the Senior Citizens.

Councilor Olivo said he is aware now and will end the discussion.

Mayor Armstrong asked Carol Virden, City Clerk/Treasurer to take roll. Councilor Holman asked what we were voting on? Carol Virden said the approving of the consent item, which includes Accounts Payables as well as the minutes, and Item 9 "I" and "J". She said Councilor Olivo moved to pull Accounts Payables and it was seconded by Councilor Williams.

Councilor Williams said on Item "I" he wanted to ask about this particular regulation and that he had some question about and the information hasn't been completed. He said without clarification he didn't think they should approve it at this time until they get the regulation cleaned up.

Mayor Armstrong said this was just the recommendation to direct the City Clerk to have a Public Hearing on this and there would be plenty of time to work on the regulation. Councilor Williams said to have a Public Hearing you need to have the information that is ready to be provided to them so the public can comment on what is being discussed. He said right now there is something about this regulation that is not complete yet.

Carol Virden, City Clerk/Treasurer said that Councilor Williams was correct but what this says is that if you approve the Consent Agenda she would have to, by law, amend the Code of Ordinances dealing with Chapter 9 Building and Zoning, Article 9 Mobile Home Regulations, Section 1 through 3, as recommended by P & Z to amend the current article and bring in the new article. The same for Item "J" and what she would do is issue a Notice of Intent that the city council will be holding a Public Hearing that will be scheduled for the next city council meeting and all of this will be published in the Ruidoso News. The city council will have a full set of amended Articles for the Building and Zoning, Article 9 Mobile Home regulations which will read differently, the amendment to Chapter 4, Article 4. She said these would be amendments and the public will have the opportunity to voice their opposition or support of those amendments.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF OCTOBER 27, 2008.

Motion was made by Councilor Olivo and seconded by Councilor Williams to approve the Minutes of the Regular Meeting of October 27, 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 Olivo and seconded by Councilor Williams 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 Olivo said they had a meeting last Thursday with the Solid Waste and that he thought they solved some of the problems that are facing our citizens. One of the questions was the polycarts and who do you call to get a polycart repaired. Under the current agreement you would call city hall and they will fill out a form and send it to Solid Waste and then they will fix the polycart. Another item that was brought up at the meeting was about branches. To get them picked up they recommend 4 feet long and some of our citizens are putting them out at 6 feet long and they won't pick them up. He said they came to an agreement to notify our citizens about where to place them and to cut them to 4 feet.

He said there is a dumpster on 2nd Street where citizens can come to dispose of tree branches at no cost. Another question asked by a citizen was why when they empty the polycart it isn't put back where it was supposed to go. He said according to Debra Ingle and the contract the polycart is supposed to be six feet from the fence and a lot of places don't have fences. He said they have a new truck and the polycart has to be on the curbside. He said it was up to the residents to pick it up and put it back. Councilor Olivo said they are going to have another meeting to work on some of the other problems they ran across.

Mayor Armstrong said we do have forms here that can be filled out and faxed over to Lincoln County Solid Waste or they can also contact them for repair of a polycart. Councilor Olivo said it used to be the citizens would call Solid Waste because they didn't know about the form but now we all know.

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 asked Cleatus Richards to give an update on our projects.

Cleatus Richards, Public Works Director said the Riverside Well Project Highway 70 Water Line portion is being funded with a Community Development Block Grant. That is in substantial completion and the walk-through was done on October 30th. A punch list of items to be corrected was worked out with some twenty items. A final walk-through is scheduled for November 12th and hopefully all of those items will be wrapped up. They will be starting work on closeout documents. The contractor has provided some of the payroll and the contractor and sub-contractor still have some documents that need to be released but those are well on our way for preparation for submission.

Cleatus Richards, Public Works Director said the 10-inch water line on Joe Welch has been installed, pressure tested, and bactines done. He said it is ready for further connection and street cut. Repaving of the asphalt on Joe Welch has been started and hopefully that would be completed this week. The power company will be installing a pole at the corner of the property to extend power. The original plans called for a great mount transformer however PNM will not allow us to install that facility because it anticipates future growth for some reason and won't let us install improvements for future growth. He said they are having to put pole mount transformers in for that project. Cleatus said he does have a memo from PNM indicating that they can upgrade sufficiently for later phases of development to provide add on power to those poles. He said there will be some savings. The great mount transformer normally runs about \$5,000, which is the cost our contractor would have to pay. The pole mount transformers, he signed the agreement for those to be

installed at no cost to the village. He said current usage is adequate to make that a wash. He said if we upgrade there will be additional cost in the future.

Cleatus Richards, Public Works Director said they do have some work at the well house site, the slope area has been rough graded, and the drainage well has been installed. They are working on drain and other lines at that site and are waiting on final plans and specifications on the building and hopefully that will be completed this week.

Cleatus Richards, Public Works Director said on Parker Bridge the site has been grubbed and cleared. They had some delays because the telephone company failed to remove a pole and a line and that slowed them up about ten days. They are driving piles now and have most of the piles on the north side driven and hopefully this week will move to the south and have all piles driven.

Cleatus Richards, Public Works Director said on the Highway 70 sidewalk and other paving projects he has a meeting scheduled with Bob Kurtz of the Highway Department and Tim Burt the engineer for the project for Wednesday of this week. He said they would be going over funding, time limits, and other details on those projects. What they are hoping rather than go into extensive engineering is using the same design standards that they used for the Highway 70 project that's already been completed. It already has sidewalks and highway profiles in sections that we can use for this project and that should be a savings to us rather than having to go into full engineering. He said if we could pull all that together they would be in construction by early spring or May of next year on both projects.

Cleatus Richards, Public Works Director said on flood repair he signed the final worksheets and those worksheets were for Friedenbloom and Joe Welch. They only allowed us \$46,000 for the Friedenbloom Bridge and approximately \$5,600 for the Joe Welch Bridge. He said that was up substantially from where we started but that it was still significantly less than what it is really going to cost. He said he signed off with the understanding with FEMA that he would be appealing and that these projects are going to run considerably more. There is an appeal process once a project has been completed and there is substantial overrun and he said working with FEMA on these projects has not been simple. Cleatus said when Terri and I met with them it seemed there were new ground rules each time and their FEMA guidelines and costs, he's not sure where they get them. He said it had no relation to cost in this area. In order to get these projects moving we have to sign these project worksheets to get the money coming to us to get the projects started.

Cleatus Richards, Public Works Director said on the Regional Wastewater Treatment Plant Tatsch Construction is doing demolition and removal. That initial work was held up for about two weeks. The original subcontractor doing demolition and removal declined to proceed with the work and now Tatsch Construction crews will do that phase of the work. The rest of the work seems to be moving on schedule. The rebar for the first phase foundation should have been delivered the first part of this week. On Phase 1B which is the major portion of the work, we have a meeting on November 12th at Village Hall to continue discussion on the building of this Phase 1B. On the Settlement Agreement Compliance documents that are specific to Ruidoso Downs, Molzen-Corbin is nearing completion and hopefully we will have those documents submitted to the EPA and EID by the end of this year. There is a whole series of items that each community has to do on their own and he said he thought we were ahead of Ruidoso on getting that done. Under the overall Settlement Agreement, the RFP is being prepared to go out for the Stream Monitoring and Ruidoso finally approved that. That was substantial in moving that part on. He said he thought they were supposed to have a Joint Use Board meeting this week. Carol Virden, City Clerk/Treasurer said it has been cancelled. Cleatus said he and Carol were trying to press on getting an update on where we stand on forming a true Joint Use Board but apparently we are being continually put off on that.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was Consider Approving Request to Hold Military Appreciation Weekend for 2009 event at All American Park, May 15 and 16.

Millie Woods said she Michelle Rollins were part of an evaluation team and were considering All American Park as the site for the demonstration display for the 15th and 16th for Military Appreciation Weekend. She said the event will begin with a golf tournament on Thursday, May 14th. At 9:00 on Friday, May 15th a convoy of military vehicles will arrive at the "Y" and if we determine it will be at All American Park then the Ruidoso Downs police will be at the front to escort the convoy to All American Park. In the setup Colonel Goud is commander of their base and can setup an entire military city anywhere in the world in 24 hours. He will be in charge of setting up everything in the park. Millie said Mr. Sanchez took them over today and it is determined that the site is adequate for what they want to do. She said last year they had it at the soccer field in Ruidoso and it went well there and it is available to them again this year but they would also like to consider locating in Ruidoso Downs. Military Appreciation Weekend is about supporting the troops attitude in this area. It would be two days of demonstration and display and each branch of the military service would be participating, even if it is a recruiter. On Saturday around 9:30 at least one Raptor if not two would be landing at Sierra Blanca Airport and it would probably fly over the demonstration field and there will be a ceremony.

Their base would break camp around 5:30 on Saturday so they would need the park around 9:30 on Friday and until 5:30 p.m. on Saturday.

Mayor Armstrong said he believed they had a question about landing a helicopter at the baseball field. He said they had used it before for other emergencies and our police chief had looked it at.

Millie Woods said there would be no damage to the fields and that last year Rafael Salas of Ruidoso said it was the cleanest they had seen after an event. She said the Camp Sierra Blanca boys cleaned up with so much detail.

Mayor Armstrong entertained a motion to approve to hold Military Appreciation Weekend for 2009 event at All American Park, May 15 and 16.

Councilor Olivo moved to hold Military Appreciation Weekend for 2009 event at All American Park, May 15 and 16. Seconded by Councilor Williams.

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 contract between the City of Ruidoso Downs and Bonnie Richardson for Rental of Space-Lincoln County Transit.

W.T. Martin Jr., City Attorney said we have to provide office space for Lincoln County Transit and of course wanted it in Ruidoso Downs since this is a Ruidoso Downs project. This lease agreement is for a proposal for leasing the space and having it function as office for Lincoln County Transit. The rent is \$475 a month, a one-year contract, and is renewable.

Mickie Compton said the location of the duplex is perfect, it is right on the highway and would be easy access to the public. Ms. Richardson has also provided parking for us behind one of her other buildings across the street so the vehicles would not be right on the highway. It has a living room for a reception area, a kitchen, and a small dinette area that could be used for a break room. It has another room that could be used for storage of files and supplies. There is also another room and bath for another office. She said it is very sufficient for our needs and within our budget.

Mayor Armstrong entertained a motion to approve contract between the City of Ruidoso Downs and Bonnie Richardson for rental of space-Lincoln County Transit.

Councilor Williams moved to approve contract between the City of Ruidoso Downs and Bonnie Richardson for rental of space-Lincoln County Transit. 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 Contract Services FY 2008-2009 Funding Between the City of Ruidoso Downs and County of Lincoln.

W.T. Martin Jr., City Attorney said the purpose of this agreement was that there was some concern expressed by Lincoln County about there not being some sort of Joint Powers Agreement. The purpose of this agreement is to provide Lincoln County with an agreement that we will service Lincoln County with the Transit Authority service to citizens and in return Lincoln County pays us \$25,000 of their contribution towards the budget that was set up.

Mayor Armstrong entertained a motion to approve Contract Services FY 2008-2009 funding between the City of Ruidoso Downs and County of Lincoln.

Councilor Williams moved to approve Contract Services FY 2008-2009 funding between the City of Ruidoso Downs and County of Lincoln. 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 Lincoln County Transit FTA Drug and Alcohol Testing Policy.

Mickie Compton said the funding for the Transit System through the programs we've applied for to receive grants from, that funding is FTA money. It filters down through the State and that's where the New Mexico D.O.T. comes in. However, whenever there is any kind of funding that is using federal or state money usually drug testing is mandatory. There are two types of policies. There is a "return to work" policy and a "zero tolerance" policy. She said we try to keep our policies in conjunction with local municipalities as the fiscal agent or helping with the transit system. The policy with Ruidoso Downs is a "return to work" policy and this policy will mirror the Downs policy. There may be some differences and the FTA Drug and Alcohol policy may be heavier and more stringent. The Downs policy would still be first in effect and would be the priority policy for all employees.

Anyone working for or with the Transit System would be put on this policy but it would be the Downs policy first and then they would have to adhere to this policy also.

Carol Virden, City Clerk/Treasurer said the policy of the City of Ruidoso Downs does allow for random testing also. Mickie Compton said this would apply to any mechanic that may be working on their vehicles, any new employees in the maintenance department and this policy would allow them to pay for the pre-employment drug testing. Carol Virden asked if a mechanic had to be certified to work on federal transit vehicles? Mickie Compton said they do if they work on the lifts if there is a malfunction in the hydraulics. She said there is one in Roswell and familiar with hydraulics.

Councilor Hood moved to approve Lincoln County Transit FTA Drug and Alcohol Testing Policy. Seconded by Councilor Holman.

Councilor Williams said on page 6 it lists the five major drugs that will be tested for. It also says they will test for additional drugs if suspicious in that employee and there is a list of what those are and the characteristics.

Mickie Compton said the testing procedures will always be for the first five drugs but if there is reasonable suspicion that would have to be documented by another employee and a test can be ordered for that. Councilor Williams asked if there was a list of additional types of drugs? Mickie Compton said they use a list out of the consortium in Alamogordo. She said they would be working closely with the Police Department and hospital in case a driver has an accident while City Hall is closed.

Councilor Olivo asked if a driver gets in an accident would they do a drug test? Mickie Compton said absolutely, it's mandatory. She said this test is the FTA's Chain of Custody and that Ruidoso Downs probably has their own Chain of Custody. If one of our drivers got in an accident there would be three reasons why we would be mandatory to use the FTA's Chain of Custody. One would be if there was an injury that required care away from the scene such as if an ambulance is called and carried the victim away from the scene. Second is if there is a fatality. Third is if one of the vehicles has to be towed.

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 Destruction/Disposal of Unusable Public Property-Hubbard Museum of the American West.

Mayor Armstrong entertained a motion to approve Destruction/Disposal of Unusable Public Property-Hubbard Museum of the American West.

Councilor Williams moved to approve Destruction/Disposal of Unusable Public Property-Hubbard Museum of the American West. Seconded by Councilor Hood.

Jay Smith, Museum Director said there were a lot of items on the list that required some explanation even if they were in approval. Important to note was that they inherited two closets full of old computer equipment. Over the course of the last couple of years they have gone over to see if there is anything useful. There is also a graveyard of computers that has been hiding and they discovered so a lot of this has been inherited by the museum. He said they have gone over all of these pieces and there are no motherboards on them. They really need to dispose of these and clear some space to use for storage space for other things.

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

Jay Smith, Museum Director asked what the next step was to clear these items.

Terri Mosley, Finance Director said after Council approves it they have to submit it to the State Auditor and give them thirty days before we actually dispose of the property. Jay Smith, Museum Director asked if it was then their responsibility to load up the items and take them to Solid Waste? Terri Mosley said it had to be in a city auction.

Mayor Armstrong stated next item on the agenda was Consider Approving Mayor's Appointment Recommendation-Planning & Zoning Committee-Judy Miller.

Mayor Armstrong said Judy Miller has written a letter that she would like to become a member of Planning & Zoning and entertained a motion to approve appointment recommendation-Planning & Zoning Committee-Judy Miller.

Councilor Olivo moved to approve Appointment Recommendation-Planning & Zoning Committee-Judy Miller. Seconded by Councilor Holman.

Councilor Olivo said Judy Miller was well qualified for this position after being on the City Council for sixteen years.

Roll call votes: Councilor Hood, No; Councilor Williams, No; Councilor Holman, Aye, Councilor Olivo, Aye.

Carol Virden, City Clerk/Treasurer informed the mayor that there was a tie vote.

Mayor Armstrong voted aye to break the tie vote.

Carol Virden, City Clerk/Treasurer stated that the motion carried.

Mayor Armstrong stated next item on the agenda was Consider Approving Mayor's Appointment-Beautification Committee-Deb Dvorak.

Mayor Armstrong entertained a motion to approve Appointment-Beautification Committee-Deb Dvorak.

Councilor Williams moved to approve Appointment-Beautification Committee-Deb Dvorak. Seconded by Councilor Hood.

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

The next item on the agenda was Consider Approving Planning and Zoning Committee Recommendation-To Direct City Clerk to commence process for Public Hearing to consider adoption to amend Chapter 9 Building and Zoning: Article 9 Mobile Home Regulations Section 1 through 3.

Councilor Olivo moved to approve Planning and Zoning Committee recommendation to direct City Clerk to commence process for Public Hearing to consider adoption to amend Chapter 9 Building and Zoning: Article 9 Mobile Home Regulations Section 1 through 3. Seconded by Councilor Williams.

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

The next item on the agenda was Consider Approving Public Works Director Recommendation-To Direct City Clerk to commence process for Public Hearing to consider adoption to amend Chapter 4: Article 4: Section 8-Grease, Oil, and Sand Interceptors.

Councilor Olivo moved to approve Public Works Director recommendation to direct City Clerk to commence process for Public Hearing to consider adoption to amend Chapter 4: Article 4: Section 8-Grease, Oil, and Sand Interceptors. Seconded by Councilor Williams.

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

PUBLIC INPUT (3 minute time limit)

(All concerns to be addressed only to the Governing body as a whole with a 3-minute time limit)

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

Judge Harrold Mansell said he has been called to represent the City of Ruidoso Downs and invited to swear in the newest six-month policemen at the academy in Santa Fe. He will also represent the senior municipal judge of the State of New Mexico. Even though they will be sworn in up there they will need to go back to the individual cities to be sworn in. He said he will be riding up with people from the Police Department so there shouldn't be any expense involved.

Councilor Holman asked Judge Mansell how he was selected? Judge Mansell said he really didn't know but Jim Minter might have had something to do with it. Councilor Holman said no matter what the process it sounded like a compliment to him and he congratulated him.

Warren Beaver said the other day the police drove by and saw a light on in the back room and a door open in the back room and investigated. He said the police officer turned the light off and locked the outside door. He said this was a compliment to the police department.

Councilor Olivo invited anyone who wanted to attend the Solid Waste meeting that it was on the 20th at 2:00 p.m. at the Second St. office. He encouraged any public input.

Ellen Roberts said she lives at 213 La Canada. She said there are several areas in Agua Fria where the roads are breaking down. One particular part is her own driveway. She said the road surface is breaking down and running into her yard. The ditch on Acequia drains down the hill and is not clear, it is clogged up. The water comes across the street and runs down her driveway and on her way down here tonight she noticed several potholes on Griffith right when you are getting to the highway. She offered a picture if anyone wanted to see it.

Sharon Paul said she lives at 207 La Canada. She said her property tax bill was due today. She said she started asking some questions about it. She said she knows that she is currently paying a portion of a bond for a tract and Ruidoso Downs is paying their part. She said she currently does not have sewer service. They said that was the fair way to do it, that's probably not the word she would use, but that was probably the only way they were going to get service, to tax everyone that has property even if you're not hooked in yet. She said she is currently paying for and asked when she was going to get hooked in to it? She said she doesn't mind if she knows there is a date that she would get the service. She asked if there was a budgeted item for Agua Fria?

Carol Virden, City Clerk/Treasurer in the latter part of May an engineer was selected for wastewater projects. The mayor signed today an engineering contract for water projects. We do have a contract for wastewater as well she said. There are funds available for the Agua Fria Subdivision sewer system and there is grant money available for that. As soon as they get the contracts in the mail they will get on board and meet with the staff to get a design and it will be put out for bid.

Jim Burrow said he lives on Colorado Street. He asked if he could talk about Unfinished Business. He asked Mr. Martin what was going to happen if these polycarts are out in the street and a car hits them, tears them up, damages their car, who is going to be responsible? W.T. Martin Jr., City Attorney said he understands the Solid Waste is responsible for emptying them and putting them back. Mayor Armstrong said the process is the owner moves the polycart to the street, which has to be six feet away from the fence or property line, and then it, will be the owners' responsibility to move it back. Jim Burrow asked what if it were out on the pavement? Mayor Armstrong said it still had to be moved back by the owner. W.T. Martin Jr. said there might be some danger if it is left out in the street and the other side of the coin is that the driver needs to be aware of where they are going. There could be negligence on both sides. Jim Burrow said when they set them back they are out in the street. W.T. Martin Jr. said the law in New Mexico is that each individual that contributes to an accident, the jury will assess so much percentage of that accident they feel contributed to that accident. He said it would seem that if Solid Waste put it out there then they should move it back. Mayor Armstrong said he would appreciate a call when this happens so that he or Steve could have a look. He said he would go by on Tuesday morning when the garbage is picked up. Councilor Olivo asked if it was marked where they were supposed to put the polycart? He said Solid Waste was supposed to go out and mark it. Jim Burrow said it wasn't marked. He said he would call Debra tomorrow about marking.

Sue Garrett said she lives on Colorado too. She said she almost got hit the other day because those polycarts are put on the pavement and then it makes it a one-lane. You have to go up that hill and you can't get by the other car. She said where they put their polycart the road is eroded and the last time they picked up a big piece of asphalt came up so now they were going to have to put theirs way out in the road. She said she can hardly get out of her driveway because it has eroded so badly from the garbage truck hitting that corner and when the city put in the sewer line, they didn't put back in the culvert. Every time it rains it continues to erode.

Joyce Gustafson said she wanted to express her appreciation for those who made it possible for the removal of non-agenda items only in Public Input. She said she along with many others were shocked and saddened that this was ever allowed to be put on the agenda. She said those who ran a campaign of open government and an open door policy, keeping them informed and listening to their opinions on issues that concerned our city and its residents. She said those who serve on the governing body to the City of Ruidoso Downs, whether elected or hired, that they work for the people as a whole and that they do hold them accountable. She said it is nice to see our city officials attempting to work together during the council meetings for the City and the decisions they make and the money they spend. Joyce said it was crucial that they work together to make the best decisions for the benefit of others. She said as far as Lincoln County Solid Waste and the City of Ruidoso Downs and her cut limbs that are still six foot, she said she does expect the same courtesy and service from both the City and Lincoln County. She said she was not told prior to cutting her limbs that they had to be four feet.

Sebrina Lundquist said she didn't know if it would help or not but every year at the high school they have a thing where they rejuvenate electrical things. She suggested maybe contacting the high school.

ADJOURNMENT

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

Councilor Holman moved to adjourn at 6:43 p.m. Seconded by Councilor Williams. All were in favor and motion passed.

Tom E. Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer