

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
MARCH 22, 2010
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on March 22, 2010. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Wayne Williams 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
Cleatus Richards, Public Works Director
Terri Mosley, Finance Director
A.C. Ortiz, Chief of Police
Zach Cook, City Attorney

APPROVAL OF AGENDA

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

Mayor Armstrong said there were a couple of corrections to the agenda. On 8-Monthly Reports for the Fire Report there is a correction there from "Fire Chief" to "Firefighter." We don't have a Fire Chief at this time. He said the other correction was under New Business it says "A, B, C, and E" and we need to correct it to "D and E" instead of "E and F." He said this was a computer error but Carol Virden said it was an oversight.

Mayor Armstrong entertained a motion for approval of the agenda with these corrections.

Councilor Hood moved to approve the agenda with those corrections. Seconded by Councilor Olivo.

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.

Mayor Armstrong entertained a motion to approve the Consent Agenda.

Councilor Williams moved to approve the Consent Agenda. Seconded by Councilor Hood.

Councilor Williams asked that all four of the Committee Reports be pulled from the Consent Agenda so they could be talked about.

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

APPROVAL OF MINUTES OF ORGANIZATIONAL AND REGULAR MEETING OF MARCH 8, 2010.

Motion was made by Councilor Williams to approve the Minutes of Organizational and Regular Meeting of March 8, 2010. Seconded by Councilor Hood.

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.

APPROVAL OF MONTHLY REPORTS

Motion was made by Councilor Williams and seconded by Councilor Hood to approve Monthly Reports.

APPROVAL OF COMMITTEE REPORTS

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

Councilor Williams said on the Beautification Committee they have three major events coming up. This weekend the Solid Waste Center from 8:00 to 12:00 will allow residents to

bring in large or recyclable items for free. On April 3rd is the second annual Easter Egg Hunt at All American Park and is sponsored by the Parks & Rec Committee and Beautification Committee. The event will start at 1 pm and run until 3 pm and they invite all of our children from the City to attend. He said the event was very successful last year with over 50 kids in all age groups Councilor Williams said the last one was the Great American Cleanup on April 17th on Saturday from 8:00 until noon and will start at the Senior Center and end with prizes and food. He said they encourage all residents to spend all of that week to do whatever they would like to do for beautification whether it be in their neighborhood or own yards or the City itself.

Mayor Armstrong asked if there was anyone here to speak for the Economic Development Board?

Paul van Gulick, Chairman for the Economic Development Board said they had a very productive meeting this last time. Dora Dominguez came to visit with them. He said they should have the write up that he sent. They have been working with Kathy McCormick and Dora Dominguez who is taking her place and has a lot of experience. She had a lot of ideas and informed them that the USDA had a program for Economic Development. He said this may not seem like a particular thing for us but what they have is a way for local entities to get low-interest loans from the USDA and then turn around and make micro-loans to smaller businesses. What has been looked at by the Ruidoso Valley Economic Development Corporation was putting together a way where people could work from their home in this area on the Internet doing things like putting together medical reports, doing editing and so forth. That is a market that is nowhere near saturated. He said Dora was going to contact the people at the USDA. He said the second thing was that if anyone has a camera and enjoys taking pictures the State's Film Division is putting together a film inventory so that when people from Hollywood call they send them a bunch of pictures if it has anything to do with any scenery they are looking for. If they decide it is of interest they will send down a professional photographer to take more pictures of that particular location. He thought what they had already was fairly minimal like Fort Stanton and one other area. He said what we have of interest was Hale Lake, up and down the river corridor where there are some old barns and buildings. He said the last thing the last thing was something that Cleatus was already looking into was Senate Bill 297 the Colonias Initiative that passed this year. It makes money available for infrastructure, pipes, pumps, and tanks and so forth. Since we are a designated colonias there may turn out to be some opportunities.

Paul van Gulick, Chairman said the budgets were coming up and times are hard. He said as in his "Letter to the Editor" they wanted to throw their weight as the Economic Development Board and go on record that they fully support the Museum of the Horse as a huge tourist attraction in this area. As you drive through, of the things you see visually,

quite eye-catching and it does draw business and is one of those things that you might stop in person to see. He said he has seen cars in there with license plates from Illinois and Maryland. The museum itself isn't a business but it generates gross receipts tax. It has national recognition from the Smithsonian Institute in exchanging exhibitions. He said on behalf of the board they just wanted to say they are fully in support of it and hope that when budgets come up some ways can be found to keep that going strong.

Steve Dunigan, Planning & Zoning Director said the commission is continuing as a review process the Land Use Articles as they have been for quite a while. There was not a lot new to tell but they were moving forward to get it to a Public Hearing and get it to a council level. He invited anyone interested to come to the next meeting on April 5th at 5:30 p.m.

Mayor Armstrong called for a vote to approve the rest of the Consent Agenda.

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 to Unfinished Business.

There was no Unfinished Business.

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

Mayor Armstrong stated next item on the agenda was Other Business and no action would be taken.

Mayor Armstrong stated next item on the agenda was Employee of the 4th Quarter-October 2009 Public Works Department-Raymond (Pete) Montano.

Cleatus Richards, Public Works Director said he had not arrived yet and asked Mayor Armstrong to move on down the agenda.

Mayor Armstrong stated next item on the agenda was Report on Joint Use Board Meeting.

Mayor Armstrong said the Joint Use Board had elections last Wednesday and they elected a new chairperson being himself. The vice-chairperson is Ray Alborn, and the secretary is the clerk. He said it was a good election for us. They decided to have the attorney's work on the little problems they have had in the past. Proposals would be put off until the end of construction of the Wastewater Treatment Plant.

Carol Virden, City Clerk/Treasurer said she wanted the members of the governing body to know that the JUB meeting on March 17th was a very productive meeting. As Mayor Armstrong said he was nominated and it was seconded and it was the consensus of the JUB to have Mayor Armstrong as the chairman of the JUB which she said she didn't think there had ever been a mayor from Ruidoso Downs as chairman of that board. City Clerk said there was an item on the agenda and possible action to be taken on this stakeholder proposal on the Wastewater Treatment Plant and there was a motion that they postpone that item until the completion of the Wastewater Treatment Plant facilities. That probably won't be completed until July 2011, which will give us time to come up with some kind of proposal to take back to Ruidoso.

Mayor Armstrong said next item on the agenda was 2010 CDBG Application Hearing Schedule. He said he believed we were the only municipality in Lincoln County that is being looked at for approximately \$500,000.00.

Carol Virden, City Clerk/Treasurer said the process that will take place on March 29th in front of the Community Development Council is to give a presentation of the 2010 CDBG Application that was submitted. The funds from the Community Development Block Grant come from the Housing and Urban Development Department and it is very competitive. The maximum amount that one can get is \$500,000.00 and that is what they were going to shoot for. She said the projects they submitted is from the Public Hearings and it was the citizens that came forth and gave the governing body their input on what we should apply for as far as projects. The council did approve that they would submit a 2010 CDBG Grant for North Central Street and Riverside Lane. She said she and Cleatus will be going to make that presentation in front of the Council of Governments. She said she was going to brag a little bit. She said she believes this is the first time she has seen where only one municipality within the county was ranked and rated to give those presentations. She said Ruidoso Downs and Lincoln County will be giving their presentations under District 6.

Mayor Armstrong stated next item on the agenda was an Update on Hwy 70 Project and West Drive.

Cleatus Richards, Public Works Director said they did have an attempt at a substantial completion inspection on West Drive and the Highway 70 sidewalks. Because of settlement in several areas of the sidewalk it has been determined that they are not acceptable and are going to have to be removed and replaced. The Highway Department, Dale Graham from his office, and the engineer that conducted that inspection were all basically in agreement on all of the same issues. With his review after the inspection with the engineer they are going to probably going to close down that project for 20-30 days awaiting good weather and then will allow them to come back in to remove and replace

the areas of the sidewalk that have settled. On West Drive there were very few problems. There is a little bit of additional grading two or three of the driveways on that project but they are very close on closing that one down. He said they are also sweeping sidewalks on Highway 70 and that is was normally the Highway Department's obligation but he hasn't seen any effort on their part and the sidewalks were in pretty bad shape.

Mayor Armstrong said he wanted to thank them for their work.

Councilor Olivo asked if we were getting reimbursed for doing the sidewalks for the State? Cleatus Richards, Public Works Director said no. It should be around \$900 to do the sidewalks from the State. He said he noticed a crew has worked the last three days, Thursday, Friday and Monday and they still haven't finished, they still have a lot of dirt. He said there are some streets in the City, particularly Turkey Canyon that has more gravel than his driveway. Does the City clean that? No. They are cleaning the sidewalks that no one uses. He said he thinks we should clean our streets and then check with them and clean the sidewalks. Who walks on the sidewalks? He said his complaint is that we are wasting money we don't have. We are supposed to be cutting down on funds. We're not doing that.

Mayor Armstrong said this was becoming an actual nuisance because of the material that was left there. If you were walking along there it was almost blinding and you would have to wear an eye shield. Since winter is almost over we were going to get the streets cleaned up and we'll deal with it. As far as the other gravel on the road we will get to it as soon as we can.

Councilor Olivo said he has been getting calls and what is supposed to tell them?

Mayor Armstrong said to tell them we will get to it soon.

Mayor Armstrong said he would like to bring up the Census and knows that everyone has received it in the mail. If you haven't you can contact city hall. He said this is very important for the City of Ruidoso Downs to know our correct population that is meant for a lot of infrastructures. Each one of the people counted it goes up to \$1,000 so it is important that the citizens be counted. He said if you have that opportunity then you should do it and if you know someone who has not done their Census you should question them as to why. If they need something else let us know and we will put them in touch with the people that can help them. It's about ten questions.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was New Business-Consider Approving commissioner Dave Parks as the County of Lincoln Representative on the Joint Use Board.

Mayor Armstrong said normally this has not been done but if you go back to the original agreement that each of the municipalities that are going to vote on the person that is the representative for the County, Dave Parks has done a very good job in the past. He has stayed on track the whole time. It would have been a lot harder to do a lot of stuff if we hadn't had everybody on board with this.

Mayor Armstrong entertained a motion to approve Dave Parks as the County of Lincoln Representative on the Joint Use Board.

Councilor Holman moved to approve Dave Parks as the County of Lincoln Representative on the Joint Use Board. Seconded by Councilor Olivo.

Councilor Williams asked if the County provides the name to the Joint Use Board or municipalities on the person they want representing them? He said he knows Mr. Parks has been on the JUB for the past few years but is this just a normal person that they just vote on or does the County let us know this is alright for him to continue in this role?

Mayor Armstrong said that position was put on by the County and it was up to both Ruidoso and Ruidoso Downs to approve that person.

Councilor Holman said he wanted to voice some things that he felt was going on in that Joint Use Board which consisted quite a bit of reorganization of that board. He said he felt a very optimistic attitude and a very strong spirit of cooperation and hoped that was an indication of things to come. He said this has some new members and newly elected officials in the Village. He said he believes this is going to be a positive board and the Village and the City working together.

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 Appointment of Board Member to Southeastern New Mexico Economic Development Board.

Mayor Armstrong said our member for the past two years has been Councilor Gary Williams. He said he brings that name back to them for their approval and entertained a motion for their approval.

Councilor Hood moved to approve Councilor Gary Williams as the board member to the Southeastern New Mexico Economic Development Board. Seconded by Councilor Holman.

Councilor Olivo asked if this member will use a City car to go to these meetings or will he drive his personal car? Remember we are trying to cut down on City expenses.

Mayor Armstrong said that would be an option whether we have a City car available. He said he has stopped the use of City vehicles being used for things like training and such and to make sure they aren't being worn out on the road.

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-Planning & Zoning Department-Position-Secretary.

Steve Dunigan, Planning & Zoning Director said Patty De Soto has moved on to be the manager for Lincoln County Transit. They have been searching for a replacement for a while and they had a great response with application process and the interviews went very well. He said his recommendation is to have them approve for employment Donna Miller. He said based on her background, experience and skill not only as a business owner but also as a legal secretary and office manager she would do a terrific job and be a good influence.

Mayor Armstrong entertained a motion to approve Personnel Recommendation-Planning & Zoning Department-Position-Secretary.

Councilor Olivo moved to approve Personnel Recommendation-Planning & Zoning Department-Position-Secretary. Seconded by Councilor Williams.

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

Mayor Armstrong asked Steve Dunigan if she could be at the next meeting? Steve said yes.

Mayor Armstrong stated next item on the agenda was Consider Approving Change to Personnel Policy Manual, Chapter 3 Rule 301 (E) as amended December 14, 2009.

Zach Cook, City Attorney said the way the ordinances are now if an employee from one department moves over to another department, if they have already done their probationary period in the department where they are and they go to a new department they have to do another probationary period there. When we adopted the new Personnel

ordinance they adopted a new type of position called the "term" position. It's not exactly clear that if a term employee goes into a different department from where they were under their term employment whether or not they would have to redo that probationary period. So, this language changes that to clear that up.

Councilor Olivo asked if they would have to start that probationary period over?

Zack Cook, City Attorney said yes.

Mayor Armstrong entertained a motion to approve Change to Personnel Policy Manual, Chapter 3 Rule 301 (E) as amended December 14, 2009.

Councilor Olivo moved to approve change to Personnel Policy Manual, Chapter 3 Rule 301 (E) as amended December 14, 2009. 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 Setting Date and Time for Work Session Regarding Animal Control Ordinance No. 2010-01.

Mayor Armstrong said he wanted to inject April 1, 2010 at 2:00 p.m. if that could be arranged by everyone.

Councilor Hood asked if it could be at a later time because he had some people complain that 10:00 or 2:00 is during the time that some people work and they would like put their two cents in on the Work Session. He suggested starting at 5:00 because he would also be working that day.

Mayor Armstrong asked if 5:00 was okay?

Councilor Williams said they need to consider how many staff members were going to be attending.

Mayor Armstrong said he didn't think they need that many staff there.

Councilor Williams said it had been spoken many times today about cost and if they allow staff after 5:00 they would have to be paid overtime.

Mayor Armstrong said the staff would be the City Attorney, Carol, and Peggy. Carol Virden said Peggy was paid on an hourly wage.

Councilor Olivo moved to approve holding the Work Session on April 1, 2010 at 5:00 p.m. regarding Animal Control Ordinance No. 2010-01. Seconded by Councilor Hood.

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

PUBLIC INPUT

(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.

Derek Chavez said his father owns property here and they have a house they are trying to move up here. He said it is an R-1 Zoning for doublewides but he wanted to see if he could come before the council because that is all he has and see if there is anything he can do until he can afford a doublewide. He said he wanted to see if he can get past that. He said when he bought that property it was in the county and now it doesn't allow for singlewides and is there anything he can do?

Mayor Armstrong said he needs to come into the office or stay after the meeting and talk to Zach.

ADJOURNMENT

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

Councilor Holman moved to adjourn at 6:15 p.m. Seconded by Councilor Williams.

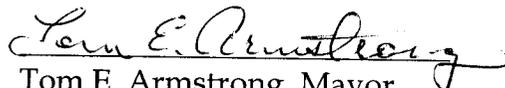
All were in favor and motion passed.



ATTEST:



Carol Virden, City Clerk/Treasurer



Tom E. Armstrong, Mayor