

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
MAY 23, 2011  
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on May 23, 2011. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Councilor Olivo to lead the Pledge of Allegiance. Mayor Armstrong asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Olivo  
Councilor Holman

Councilor Williams  
Councilor Hood

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

Also present:

Carol Virden, City Clerk/Treasurer  
Doug Babcock, Police Chief  
Terri Mosley, Finance Director  
Steve Dunigan, Planning & Zoning Director  
Cleatus Richards, Public Works Director  
Jim Kofakis, Museum Director  
Zack Cook, City Attorney

APPROVAL OF AGENDA

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

Mayor Armstrong entertained a motion to approve the agenda.

Councilor Olivo moved to approve the agenda. Seconded by Councilor Williams.

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

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

APPROVAL OF MINUTES OF REGULAR MEETING OF MAY 9, 2011.

Councilor Williams moved to approve Minutes of Regular Meeting of May 9, 2011. Seconded by Councilor Olivo.

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

APPROVAL OF ACCOUNTS PAYABLES

Councilor Williams moved to approve Accounts Payables. Seconded by Councilor Olivo.

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

APPROVAL OF MONTHLY REPORTS

Councilor Williams moved to approve Monthly Reports and pull some reports. Seconded by Councilor Olivo.

Councilor Williams said he would like to pull the Public Works report, Lincoln County Transit report, Museum report, and then the Economic Development report.

Carol Virden, City Clerk/Treasurer said they would have to vote on each one separate.

Councilor Williams said he would start with the Public Works report. He said Griffith Springs flow was up from last month and asked if that was encouraging to Cleatus on our water usage?

Cleatus said yes but we should maintain Level I on the Water Restrictions.

Councilor Williams said we went on Residential Services last month from 763 to 750 this month. He asked if that was from disconnecting for non-payment?

Cleatus Richards, Public Works Director said the disconnections haven't really showed up yet and this would probably be from fluctuations.

Councilor Williams said numbers were fine but he would like to request if the council members could be given specifics on how the hours were being spent say for pot holes, mowing, weeding and give them an idea of what was being done?

Cleatus asked if he would like locations and Councilor Williams said yes.

Councilor Williams said the last questions for him was about Hill Drive. He said there was a bid for hot mix and asked if that was for us or for a company coming in?

Cleatus Richards, Public Works Director said it was for our crews and they were looking at paving on Parker on either side of the bridge.

Councilor Williams asked Jim Kofakis, Museum Director that he mentioned the rebate program from PNM for the museum and he was talking about retro 460 light bulbs and they would reimburse 50%. He said in his last sentence 'thousands of dollars in annual electric charge savings.' Councilor Williams asked if he had an opportunity of seeing what it may be actual?

Jim Kofakis, Museum Director said the manufacturer that they want to retrofit prepared this calculation. It shows replacing 460 from a 50-watt bulb to a 7-watt LED was estimated at 9 hours a day times 360 days a year, the kilowatt rate was 10 cents. Our was actually higher than that but savings would total \$12,263.60 and total savings over the light of the bulb would be \$76,000. The hand written part on that was the rebate of 50%.

Councilor Williams asked Jim Kofakis for an update on attendance.

Jim Kofakis said for the month of May they had 931 paid and with all of the schools they had in it was a total of about 1,400.

Councilor Hood asked if the \$6,900 was the net pay out on the light bulbs. Jim Kofakis said yes and that would be up front.

Councilor Williams said he had a question for the Transit Manager but she wasn't here. He said he wanted to make a point that approximately 90% of the people that used transit during April were County residents and they reason he said County residents is because everyone in the room were County residents. He said they all pay taxes to the County.

Councilor Williams said he wanted to thank the mayor and other councilors for approving the appointment to Economic Development because they actually had a meeting with a quorum and because of that the committee was working on a Business Assistance package and that was a good step forward. The board also approved an ad for \$1,000 for the Ruidoso News Summer Visitors Guide for a full-page ad and they expect to have further updates to the website for \$500.

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

#### APPROVAL OF COMMITTEE REPORTS

Councilor Williams moved to approve Committee Reports. Seconded by Councilor Olivo.

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

## UNFINISHED BUSINESS

Mayor Armstrong stated next item on the agenda was to Unfinished Business – Consider Adopting Ordinance No. 2011-02.

AN ORDINANCE AMENDING TITLE V: PUBLIC WORKS CHAPTER 50. WATER GENERAL PROVISION: SECTION 50.01 WATER DEPARTMENT: MAINTENANCE FOREPERSON, AMENDING SERVICE: CONNECTIONS SECTION 50.15 WATER SERVICE; AMENDING SECTION 50.18 TITLED PRIVATE LINED OR PIPES (A) AMENDING SECTION 50.19 TITLED CONTROL OF EQUIPMENT: AMENDING, SECTION 50.20 RATES AND CHARGES: BILLING AND COLLECTION (B) AND (C); AMENDING WATER CONSERVATION PLAN SECTION 50.51 VOLUNTARY WATER CONSERVATION MEASURES. (A) AMENDING 50.52 WATER CONSERVATION STAGES; RATIONING (A) (1) (C) (1) (2) AND (7) AND (B): AMEND SECTION 50.53 ENFORCEMENT AND AMENDING APPENDIX A: SCHEDULE OF RATES AND CHARGES (A) SECURITY DEPOSITS (B) WATER RATES (3) AND AMEND (C) CONNECTION FEES (1) AND (E) RECONNECT OR DISCONNECT FEES (1) AND (2) AMEND CHAPTER 51 SEWER DEPARTMENT: SECTION 51.06 TITLED SEWER INSPECTION AND CONSTRUCTION RELATED FEES AND CHARGES (A) AND AMEND SECTION 51.09 TITLED SEWER SERVICE CHARGES (A) MINIMUM (OR BASE) MONTHLY SEWER CHARGE TABLE BY YEAR AND (E) (F) (G) AND AMEND SECTION 51.10 SEWER BILLS (B) AND AMEND 51.16 UNLAWFUL HABITATION OF THE CITY OF RUIDOSO DOWNS CODE OF ORDINANCES.

Mayor Armstrong entertained a motion to approve Adopting Ordinance No. 2011-02.

Councilor Holman moved to approve adopting Ordinance No. 2011-02. Seconded by Councilor Williams.

Councilor Williams said under 51.10 Sewer Bills-stated that non-payment on or before ten days of billing, which was when the bill was due, and then it says it becomes delinquent on the 20<sup>th</sup> day. What we have here on the Water is that it doesn't state when it is delinquent. It says a penalty of 10% would be applied on the amount that was owed but it appeared there was a delinquent date for Sewer.

Carol Virden, City Clerk/Treasurer said there was a section in Chapter 50.21 Notice by Usage - Disconnect Services (B) Accounts not paid by the 15<sup>th</sup> day of the month will be considered delinquent. If the account remains unpaid by the 25<sup>th</sup> of the month services will be disconnected.

Carol Virden, City Clerk/Treasurer said this section was not asked to be amended.

Councilor Williams said there were some residents that only have sewer and no water service. Shouldn't it have been added to the amendment to make it more conducive with the Sewer?

Carol Virden said they could come back with an amendment to 50.21 as well as enacting Stage IV of 50.51 Volunteer Water Conservation where there is no use of water.

Councilor Williams said on 51.16 Unlawful Habitation was covered under Penalty 51.99 of Sewer-Article IV doesn't state what the penalty would be.

Carol Virden, City Clerk/Treasurer read from Section 51.99 Penalty and that it would be a misdemeanor and a mandatory fine of \$350 for the first offense and \$500 thereafter for each subsequent offense.

Councilor Williams said he was harping again about the section that said "No Free Service." The reason he was bringing it up again was because he wanted the citizens and residents to know what it was costing us because of total disregard of another entity of our ordinances. Because they were going through a court process he wanted to ask our attorney what their fees were due to this misunderstanding?

Zack Cook, City Attorney said there had been costs since this occurred last fall. There were court proceedings in Carrizozo, meetings between each, and lots of paperwork.

Councilor Williams said from the very beginning in Article IV stating "No Free Service" and we had the power to say no but because of their hesitance to abide by our rules and regulations the whole process of going to court now is not our fault. He encouraged the city to look into the costs of this whole process including charging for that sewer and giving it to the Village by certified letter to let them know that Ruidoso Downs didn't appreciate other communities taking advantage of us and let us under our ordinances and our law do our business.

Councilor Holman said under 50.20 Rates & Charges, on page 2 they had brought up the subject of a lien and decided not to go there. As it reads now it says, "the lien shall be enforced in the manner provided by etc., etc., as amended, if an owner of property notifies the municipality then utility charges which may be incurred by a renter will not be the responsibility of the owner and this notification is given to the municipality prior to the initiation of the debt and further include the location of the rental property then lien there above provided shall not apply as to that rental property." He asked if the notification was necessary and was that something we really need to do? Was the City protected? He said he thought that probably wasn't necessary.

Carol Virden, City Clerk/Treasurer said by all means the notification in writing to the municipality was a necessary step and that was the only way we would know that the landlord has executed a rental agreement with the renter. If we don't have that prior to then how do we take care of that? We cannot delete "notification in writing" because it was already set in stone in the Code of Ordinances and that wasn't one of the amendments.

Councilor Holman said the reason he was asking was if the renter came in and put that in their name that would probably cover it.

Carol Virden, City Clerk/Treasurer said that would help us.

Councilor Holman said on page 4 under Appendix A-Schedule of Rates & Charges, "Security Charges" that he wasn't totally clear on that. The Commercial was pretty self-explanatory. Over on the left were charges to the owner and on the right charges to tenants. In Residential he said he assumed that would be the house that any resident in the City was living in charge the owner \$75. If they rent that house it would be \$150 for the tenant. He asked what the situation was on a mobile home park? He notices the charge to the owner was \$25 per lot and did away with the tenant portion. He asked if that was how it was done before?

Cleatus Richards, Public Works Director said mobile home parks had one master meter for the whole property and was not broken down by individual tenants.

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

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

Mayor Armstrong voted Aye to break the tie vote and motion carried.

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 said on a sad note one of our long time residents passed away yesterday, Ida Hale. She would be missed. He said also Ray Nunley had lost his wife over the weekend and that our prayers went out to all of the family.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was - Consider Approving City of Ruidoso Downs FY 2011-2012 Preliminary Budget.

Mayor Armstrong entertained a motion to approve City of Ruidoso Downs FY 2011-2012 Preliminary Budget.

Councilor Williams moved to approve City of Ruidoso Downs FY 2011-2012 Preliminary Budget. Seconded by Councilor Olivo.

Councilor Holman said he thought he would be speaking for the entire council when saying that in the efforts of the City of Ruidoso Downs employees were greatly appreciated. He said we have quality people in the administration and other employees that work for the City. There was a good job done for the budget.

Councilor Williams said he echoed his sentiment and was also pleased by the Directors of the departments who came in through the budget process knowing that they had no opportunity for extra money and that they would make it work for them and make that money go as far as they could. He said they appreciate it as council members and the citizens because their money was being spent wisely and efficiently. He thanked staff also and said that Terri Mosley, Finance Director had put in weekends to get the numbers right.

Terri Mosley, Finance Director said she wanted to point out a few corrections and changes and these were what she left out on the table for them. On page 4 from Litter Control & Beautification there was a change from \$8,000 to \$6,500 and that was how much they budgeted from the grant. On page 45 of the Street Improvement Fund she corrected the first revenue line item and was a grant from 2008-2009 and changed to a 2011 grant. At the bottom of the page the amount of \$131,137 for West Drive should have been for Nevada Lane. She said we did still meet out 1/12<sup>th</sup> reserve for the General Fund as mandated by the DFA and was currently \$264,329.42

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

Mayor Armstrong stated next item on the agenda was - Consider Extending Resolution No. 2011-03 Fire Restrictions.

Mayor Armstrong entertained a motion to approve extending Resolution No. 2011-03 Fire Restrictions. He said they want to extend them for another 30 days as is.

Councilor Williams moved to approve extending Resolution No. 2011-03 Fire Restrictions. Seconded by Councilor Hood.

Councilor Williams requested that their representative from the Fire Department explain.

Kenny Ellard from the Fire Department said we were staying pretty level with the ERC's right now and didn't see the need to go to Level III. He said Level III cuts out everything in the City including gas grills. The forest is closed and there would be no place for people to go to have fun. He said he would like to keep Level II so they could keep the gas grills in place.

Councilor Williams said the Village has gone to 'Extreme', which was Level IV.

Kenny Ellard said they were in Level III Extreme Conditions but they made amendments to their Level III Restrictions. He said our sign indicates 'Extreme.'

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

Mayor Armstrong stated next item on the agenda was - Consider Approving Wastewater Treatment Plant Operating Invoice for April 2011.

Terri Mosley, Finance Director said she received the invoice and verified the numbers and this billing was correct.

Mayor Armstrong entertained a motion to approve Wastewater Treatment Plant Operating Invoice for April 2011.

Councilor Williams moved to approve Wastewater Treatment Plant Operating Invoice for April 2011. Seconded by Councilor Holman.

Councilor Williams said what he like about this one compared to last month was that it said loan payment of zero.

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

Mayor Armstrong stated next item on the agenda was – Consider Approving Mayor’s Recommendation – Economic Development Board – Paul van Gulick.

Mayor Armstrong entertained a motion to approve Mayor’s recommendation – Economic Development Board – Paul van Gulick.

Councilor Williams moved to approve Mayor’s recommendation – Economic Development Board – Paul van Gulick. Seconded by Councilor Hood.

Councilor Williams that the mayor for allowing that letter to be presented to him and have the possibility of having this good man return to the board and help them move ahead.

Mayor Armstrong said he was proud to see him come back.

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

There was no Public Input.

ADJOURNMENT

There being no further business, Mayor Armstrong entertained a motion for adjournment.

Councilor Williams moved to adjourn at 6:10 p.m. Seconded by Councilor Holman. All were in favor and motion passed.



Tom E. Armstrong  
Tom E. Armstrong, Mayor

ATTEST:

Carol Virden  
Carol Virden, City Clerk/Treasurer