

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
SEPTEMBER 24, 2012
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on September 24, 2012. Mayor Williams called the meeting to order at 5:30 p.m. and asked James Burrow to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Holman
Councilor Miller

Councilor Hood
Councilor Perry

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

Also present:

H. John Underwood, City Attorney

APPROVAL OF AGENDA

Mayor Williams stated next item on the agenda was Approval of Agenda.

Mayor entertained a motion to approve the Agenda.

Councilor Hood moved to approve the agenda. Seconded by Councilor Miller.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Williams stated next item on the agenda was approval of the Consent Agenda and asked that Item E be removed and placed on the next agenda of October 9, 2012.

Mayor Williams entertained a motion to approve the Consent Agenda with that change.

Councilor Miller moved to approve the Consent Agenda with the removal of Item E and to be placed on the next agenda of October 9, 2012. Seconded by Councilor Hood with that change.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF SEPTEMBER 10, 2012

Councilor Miller moved to approve the Minutes of the Regular Meeting of September 10, 2012. Seconded by Councilor Hood.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLE

Councilor Miller moved to approve Accounts Payable. Seconded by Councilor Hood.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

APPROVAL OF MONTHLY REPORTS

Councilor Miller moved to approve Monthly Reports. Seconded by Councilor Hood.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

APPROVAL OF COMMITTEE REPORTS

Councilor Miller moved to approve Committee Reports. Seconded by Councilor Hood.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

PUBLIC HEARING

Mayor Williams stated the next item on the agenda was - Public Hearing: 2014 - 2018 Infrastructure Capital Improvement Plan (ICIP).

Mayor Williams said the ICIP is a plan put forth by local communities every year and they prioritize five major projects that are important enough to go out to the legislature. The details you usually find in these plans are the project priority, description, budget, possible funding sources, operating expenses, and the implementation schedule. Tonight during this Public Hearing we will take all considerations from the public to the Council members and will formulate the plan that we want to present to the legislature beginning in January 2013.

Mayor Williams said the Public Hearing was open at this time and invited anybody who would like to come up and make any requests for projects they would like the Council to consider. He said the Director of Public Works had a request made from the citizens.

Cleatus Richards, Public Works Director said Joyce Gustafson has filed for consideration by Council for a drainage system for Reservoir Street and the alley between the two streets and she is recommending that it be addressed immediately. He said she states that our City should start at the top of these streets and do what's necessary to carry the water to the river. I think that she's not aware that the City does have an overall drainage plan done by Smith

Engineering. The Planning Department is continuing to work on drainage issues on the other side of Highway 70. We have pretty much handled the drainage on the north side. Her second point is to finish the upper portion of West Drive. It has a coop agreement for funding but these funds were not sufficient to complete the project. There was considerable amount of confusion about where the street went and the Planning Department is pursuing obtaining the necessary plats to return to where the street should be. Her third point is that the City and/or City Street Department should maintain all alleyways within the City limits. Her fourth point is that All American Security purchase and have installed security cameras to be put all around and in fact we do have security cameras for All American Park already in operation. Her fifth point is to buy land, material, and labor to build a 5000 square foot community center in Ruidoso Downs. There is concern that the citizens have to pay a fee for use of the Senior Center to have events at that location. Cleatus said the Council needs to know that they previously did have that in the plans. That was deleted due to problems with maintaining that facility. Normally community centers return revenues at about 15-20% of the operating cost of the facility. Council elected to take that out at this point until our financial situation improves.

Cleatus Richards, Public Works Director said the Hubbard Museum of the American West is suggesting public parking along Highway 70. That is problematic because it runs into State road and I do think there is adequate parking already. They are looking for better signage on the east side of the fence for better exposure.

Cleatus Richards, Public Works Director said I am recommending that Council approve the Capital Improvement Plan as submitted and the lists of priorities are for sewer for the Agua Fria area. The sewer is primary because we are under mandate from the New Mexico Environment Department, the US EPA to serve those areas.

Mayor Williams said he would like for to wait for his comments until we have our session. I would like to leave this open to the public and let them voice and then get them to you.

Pam Williams said I think Joe Welch Drive needs help in a bad way because it goes up to where the water goes around and it totally wipes out the whole street of Highlands Lane and Joe Welch Drive. It's a hill from both sides and that doesn't make sense to me. The ditches fill up with garbage before it can even do the drainage and I think that needs to be addressed. The water comes down from the racetrack to Joe Welch and from the racetrack to the highway and onto Joe Welch Drive. They have their own little pool and then it goes into the river.

Bonnie Richardson asked do you have a number of items that you submit to the State or do you have some carry-overs from last year and are you placing those carry-overs? I'm asking about procedure. Are there a limited amount of items for the ICIP Plan?

Cleatus Richards, Public Works Director said we have five that are priority and six or seven for a period of five years. Most of these are now carry-overs because we did not obtain any funding from the State over the past two or three years. The priorities are still there and the funding has not been there so we continue to request the funding for those priorities.

Mayor Williams said they are keeping the priorities as they were but are asking the people if their priorities are more important.

Bonnie Richardson asked if this was the last hearing?

Mayor Williams said yes because this is due in October.

There were no other comments and Mayor Williams closed the Public Hearing.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

Mayor Williams stated the next item on the agenda was – Mayor’s Comments.

Mayor Williams said he would like to congratulate Animal Control Officer Massey and Patrol Officer Gavin for receiving an award from the Court and Judge Mansell for their performance in doing public safety on the streets. They have been recognized by the court for being very diligent and conscientious and I want to congratulate them.

Mayor Williams said I wanted to thank all of the citizens who came out for the Tire Amnesty and Toss No Mas and the park sale flea market.

Mayor Williams said we’ve had some reports from citizens about seeing feral pigs roaming around. We’re not sure if they are feral or not. The sightings were around Inspiration Heights, Colorado, Mountain View, Sierra Lane and in that area. He asked that if any citizens see any to please bring that forth.

Councilor Holman said he had a general statement that would come under the Capital Improvement Plan and asked if I should make my comments under B or C.

Mayor Williams said you can more in detail if you go through under C.

Mayor Williams stated the next item on the agenda was – Councilor’s Comments.

Councilor Miller said I want to thank all of the volunteers who showed up for the cleanup on Saturday for the highway. I saw Gary out there early. I was out there around 7:00 and he already had five bags so he must have gotten out there really early. We had at least 37 people sign up and a few of them were from Texas, not everybody was a resident. We counted at least 70 bags. That was really great for our little town. I was really pleased with the Tire Amnesty. It went on all day Friday and part of Saturday. I counted 419 tires but there could have been almost 500. Most were from Ruidoso Downs but some from the valley. We tried something new this year but didn’t really give people enough time and advertise with the flea market for recycling. We’re going to try that again maybe for recycling day on November 15th. We had at least four come out. We fed everybody and I’d like to thank all of our sponsors for

that. They are Wal-Mart, Thriftway, Lawrence Brothers and also our big supporters are Jorge's and Zia Gas who help us every year. We have two every year and I hope to see you there in the spring.

Mayor Williams said the whole community is starting to shape up real well.

Councilors Holman, Hood, and Perry had no comments.

Mayor Williams stated the next item on the agenda was – Consider Approving Resolution No. 2012-16 City of Ruidoso Downs 2014-2018 Infrastructure Capital Improvement Plan (ICIP).

Cleatus Richards, Public Works Director said our priorities are basically the same as last year. Agua Fria sewer is primary and water is next. We also have a very old paving system in the Agua Fria area and that needs to be addressed as soon as possible. Reconstruction of streets Phase V. This is South Parnell and Wright and that also addresses drainage problems for that area and is part of the overall drainage plan. A handicap ramp for the museum is our fourth and then we come back as a fifth priority is another phase for the wastewater collection system. We are seeing some possibilities for funding that we're working on and we're not sure how it's going to work out. We have Colonias involved now and they are financing the plan for the first phase and have given insurance for the first phase of construction during our next round which will be a year from now. We had a good start on the Agua Fria sewer system and there are some other potentials that we're looking at to expedite completion of sewer through that area. These are the top priorities that I'm strongly recommending. Those in the following years are subject to change. You'll notice that one of our priorities was dropped and that was Central and River Lane and Nevada as a street priority because those have been funded so they have been dropped out. We are making some progress and that was primarily CDBG funding that allowed that to happen.

Mayor Williams entertained a motion to approve Resolution No. 2012-16 City of Ruidoso Downs 2014-2018 Infrastructure Capital Improvement Plan (ICIP).

Councilor Miller moved to approve Resolution No. 2012-16 City of Ruidoso Downs 2014-18 Infrastructure Capital Improvement Plan (ICIP). Seconded by Councilor Hood.

Councilor Holman said this will have to do possibly with the ICIP. I would like to let our citizens know where I come from and there maybe has been some confusion on some. On Agua Fria Drive is what I'm addressing but on Colorado Lane which is actually where I reside but I own property on Agua Fria Drive. A couple of years ago our Public Works was working on that street and were putting down the hot mix and I went out to say hello. They had repaired the street going into the drive of the neighbor immediately to the east of me and were doing so across the street. They asked if he wanted them to do his too. I said absolutely not. I'm having a hard time getting in and out of there but if the public foresee that you are getting special treatment. I carry it over and the curve on Agua Fria Drive is in real bad shape and about three feet from the edge of the pavement and that's going into the pavement, not in the other direction, there's a trench there and it may be a foot deep and eighteen inches wide and

there are sunflowers growing in there and are two or three feet tall. My neighbor to the north of me and a good friend confronted me and said I can't believe you don't do something about this, you're on the City Council and won't get this taken care of. It gave me a good opportunity to explain to him. I've had another person confront but probably not quite as strongly and I explained to him the situation that happened on Colorado. I told the guys when they were repairing Colorado that if I have a neighbor that complains about a pothole there that I am not going to take the initiative to have things done. I don't think it's appropriate if you're on city government or on a committee, it's not appropriate. I want people to know that's why I don't do that. It's a Catch 22 and it's more appropriate for someone else to do that. My question would be to Cleatus, now that curve on Agua Fria Drive has a corresponding curve on the opposite side immediately to the west on Escalante. I noticed Escalante is on the list to have some things done. Now is that going to negate the situation on Agua Fria Drive or just because it's on the ICIP doesn't mean you're not going to take care of problem on another street and incidentally Escalante is in awfully good shape in comparison with some of these others and I know there's residents that complain on there all the time but also know that we could pave their street with gold and they still wouldn't be satisfied when other streets have tremendous problems.

Cleatus Richards, Public Works Director said first of all I don't do private drives and my crews won't do private drives. What we have is not even quite a band-aid budget. The streets only have about \$3,000 in the budget for base course, salt, cold mix and we are fixing the streets as much as we can. We can't fix everything and we go to the worst spots that we have and try to take care of them. There's a lot that doesn't get taken care of. Wood Lane needs a lot of attention and you can't do just a few patches. I don't have the money to do these things. If the Council can hand out a pot of money to me I'll get right on it but I can't with what I've got.

Councilor Holman said this was not to be a criticism on Public Works because those guys do a good job. But, let me ask you a question. From the edge of the pavement if it's a problem for a resident and you say you don't do drives would you do from the edge of the pavement if a citizen is having a lot of problem to right where his drive starts?

Cleatus Richards, Public Works Director said we will go to the extent of what should be the pavement. Normally that's a 20-foot strip. We try to address the shoulders so that they're passing and that's as far as we can go. We don't build driveways either.

Councilor Holman said we understand the situation you're in. These streets are in terrible condition for the most part and it didn't happen overnight. Nothing has been done from administration to administration. By patching these they need to be resurfaced and we don't have enough money to do even one.

Cleatus Richards, Public Works Director said we have the equipment we just don't have the money to do it.

Councilor Hood said our priorities are critical and I know we have other areas that are a bit of concern but I think the priorities that we have and the funding that will probably go down the pipe are probably where we're going to be at on our issues.

Councilor Miller said we are on the right track because we did promise Agua Fria sewer and that's happening. I know some of the water pipes, and I've talked to Cleatus about that, but there is a great need for water pipes in Agua Fria because they are old and small and not sufficient. Those are our priorities and are mandated.

Mayor Williams said I have a couple of things for the Council to consider. The things I would like for you to consider that are on the top five being that you have two requests for wastewater collection systems, both phases I and II, I would like for you to consider moving up the drainage system improvement phase V which is Joe Welch, Highland Lane, and North Lane. People have seen when the weather hits that part of town they really get it. I would really like to have you consider moving the Agua Fria wastewater collection phase II to the top priority for the beginning of 2015 but moving up the drainage system improvement phase in 2015 to 2014 number five.

Cleatus Richards, Public Works Director said one of the problems with drainage in that area is the City in the past has given up the natural drain courses. Originally there was a natural drain grade that came directly from North Drive on down. A lot of the problems we have on Joe Welch is the fact that it was allowed to be filled in. I would like to investigate trying to re-establish the natural rain course and that would be a better solution than digging the trenches deeper. I would like to give that time to work out over the next year if we can do it and that would be a good long-term solution. Another easement that was supposed to have been given on the east end of that subdivision I think was also vacated.

Mayor Williams said if there were any way to access those two points and you were able to obtain funding to deepen the trenches to carry more water and it may not be able to go through one direction but go through the other direction and still have that even flow. The drainage system itself is a complete project and not just a band-aid. In that area of Agua Fria there is the wastewater phase I and water phase I and mandated by EPA. I would like the Council to consider that drainage system improvement phase III to be considered as a top priority V for 2014. He asked Cleatus Richards, Public Works Director on your replacing the water lines in Agua Fria you were specific on the sewer line replacement location but not so with the water line replacement location.

Cleatus Richards, Public Works Director said it would be in close proximity.

Mayor Williams asked him if he needs to be site specific for the ICIP?

Cleatus Richards, Public Works Director said not as restrictive and we don't have engineering yet.

Mayor Williams said on phase I of the Agua Fria sewer system I don't understand where it says extend City's sewer coverage to La Canada Drive. Project will provide sanitary sewer service to approximately seventy residents and commercial structures. Extended from where?

Cleatus Richards, Public Works Director said that is picking up on the existing system on 70.

Mayor Williams said when that failed project was built, Escondido Hills, there was a sewer system put in. Does that run to 70?

Cleatus Richards, Public Works Director said part of it does.

Mayor Williams asked if from that access point there would it be more convenient to go up Griffith to Escalante?

Cleatus Richards, Public Works Director said no. That would be the primary out flow for the majority in that area. As you go further to the east that is going to have to be pumped back to that location to come across. That is based on engineering design for that area.

Mayor Williams said I saw there were five phases. The first phase was Griffith and Escalante and the second phase was La Canada and Acequia, the third was Parkway and Agua Fria Drive and I don't recall the fourth and fifth phase. He said it was the sewer system and wastewater. He said 2018-02 was and goes for Agua Fria Subdivision on Agua Fria Drive, US Highway 70 and I think 2017 had Agua Fria Drive and Escalante.

Mayor Williams said if we present this we have to be site specific on how we want to put it and where we want to put it. I don't know if you want to reconsider adding into it or just going with what you got saying replacing the water line for 126 acres in the Agua Fria Subdivision for 120 residents and commercial properties. It's your call on that.

Cleatus Richards, Public Works Director asked on the first five which one are you taking out?

Mayor Williams said I just want to move number five phase on the water collection as a top priority for 2015. That was dropping it down from five on 2014 and putting it a one on 2015. The drainage system would go from 2014-03 to 2014-05. That's what Council is considering. There is no reason to have any more changes because we're really worried about 2014 and funding.

Councilor Miller said I have one more thought and that is that we all know that drainage has failed to work on Highway 70 since it's been built. Did I read that we are we going to request from the State to fix the drainage on Highway 70?

Cleatus Richards, Public Works Director said I did send a letter to Bob Kurtz requesting they review that and I haven't gotten a response yet.

Councilor Miller said we do need the State to help us with this because the drainage was never put in right on Highway 70 and it's never worked.

Mayor Williams said the area having the problem was near Ruidoso Ford and Jorge's and water was waist high and going onto commercial properties.

Councilor Miller said it's always been a problem coming straight down West and North Central.

Councilor Holman asked Cleatus Richards, Public Works Director if he thought making the changes would affect the mandate for the Wastewater Treatment Plant?

Cleatus Richards, Public Works Director said if that was going to make a lot of difference I really can't say at this point and that's really a decision that all of this Council needs to make. I have given my recommendations.

Councilor Holman said to answer your question Mayor it shouldn't hurt anything by moving that where you want. We're hearing either way it's a problem and it's being addressed.

Mayor Williams asked for an amended motion if the Council approved.

Councilor Miller moved to amend the motion to accept the change of moving 2015-03 to 2014-05. Seconded by Councilor Hood.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

Mayor Williams asked Hubert Quintana to speak.

Hubert Quintana, Southeast New Mexico Economic District said I was here this afternoon to meet with Cleatus regarding the Agua Fria project and from what I understand it is a six to six and a half million-dollar project for all phases. I did invite people from USDA to be here today and the area director for Colonias. We had a discussion for how we could put all of the money together so we can do the project all at one time. It is going to be combinations of grant dollars and loans. It could be a 40-year loan and at about 2%. Our goal for the district is to work with all of the agencies and to use some of the Capital Outlay money, Colonias, and CDBG money. At the end of the meeting we decided that since EPA put the mandate on it they should bear some of the cost. Our plan is to have a follow up meeting next month with the EPA Regional Director here in the Downs. We hope it will be 55% grant and 45% loan. If we do this right we can keep it down to two million for the loan part to complete the project.

Councilor Holman said several years back we had a meeting with the State of New Mexico, EPA, and the federal, and we had State Representatives and Senators there at meetings at the Hubbard Museum. Is this Agua Fria project fulfilling some of our obligation on the settlement agreement?

H. John Underwood, City Attorney said it would be. Ron Curry who is the new Regional Director of the EPA.

Councilor Holman said in that meeting, and the Council was under a lot of stress, some were opposed to signing that agreement. At the time I remember asking Ron Curry that if we had a hard time meeting that obligation would they help us? He told me you got to sign this settlement agreement because he was very unhappy because we were twenty years behind. He said I will guarantee that if you make a good faith effort and we will see to it that you don't fail on that Wastewater Treatment Plant.

H. John Underwood, City Attorney said please keep in mind that when he made that promise he was Secretary of the Environment Department.

Mayor Williams stated the next item on the agenda was - Consider Approving Resolution No. 2012-17 Budget Adjustments FY 2012-2013.

Carol Virden, City Clerk/Treasurer said the budget adjustment deals with the water rights acquisition we just purchased for \$179,701.

Mayor Williams entertained a motion to approve Resolution No. 2012-17 Budget Adjustments FY 2012-2013.

Councilor Hood moved to approve Resolution No. 2012-17 Budget Adjustments FY 2012-2013. Seconded by Councilor Miller.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

Next item on the agenda was from the Consent Agenda - Consider Approving Wastewater Treatment Plant Operating Invoice for August 2012.

Councilor Miller moved to postpone until next Council Meeting on October 9, 2012. Seconded by Councilor Hood.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

OTHER BUSINESS

(Items are for discussion only – no action will be taken)

Mayor Williams stated the next item on the agenda was – Other Business.

There was no Other Business.

PUBLIC INPUT

(All concerns to be addressed only to the Governing Body as a Whole with a 3-minute Time Limit)

Mayor Williams stated the next item on the agenda was – Public Input.

Beverly Renfro said I would like to commend you for responding quickly to the situation and thank the Animal Control Officer Charles Massey for responding appropriately, he was very concerned. Last night on Sierra Lane Gail Wheeler's dogs were attacked and they didn't know by what. She was hysterical and I told her I would be right there. Her little dog was clawed down both sides and the other little dog ran in the house and her other dog was just gone. I told her I would go look for this dog and as I was driving around over by Bobby Zamora's house I thought I saw a dog and when I drove up it was a pig. The pig went down the road toward Inspiration Heights. I had a stare down with this pig for about three minutes and he went to this side of Inspiration Heights. I walked up to Kay Taylor's house looking for the dog and Ms. Taylor said she saw two pigs. I then walked to Inspiration Heights and the manager happened to have the Federal Wildlife Services Department in there and had reported seeing these pigs last Thursday. Several people have seen these wild pigs and people do need to be made aware and I have been hanging up these flyers. Many people in the Turkey Canyon and Colorado area have seen them and the pigs are very cunning and shrewd. Watch your children and animals.

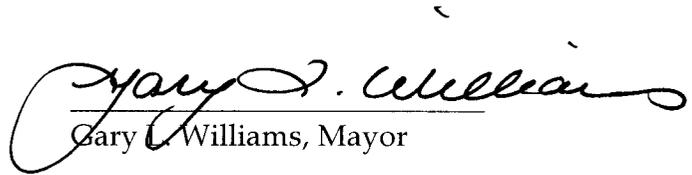
Wayne Williams said about five years ago I became the self-appointed advocate for the citizens on wasteful spending. Most of my input in these meetings have been negative. I can't tell you how much pleasure it gives me tonight to thank the Mayor on the almost immediate response to some speeders in our neighborhood and the school bus. Thank you for the signs being put up and the back road being graded so the water will flow a little better. The response was days not weeks. I would also like to say that Cleatus is right about the closure of the natural water flow over in that area when they abandoned that road or whatever but normally half of that right-of-way goes to one property and half goes to the other property. That's not what happened. The ditch was filled in and a brick wall was put up clear to the river and now the water does have to run uphill. Down by the riding stables there is a ditch that comes from the track. There is a lot of boulders and rocks that come down from the hill.

Mayor Williams said sometimes we need to hear both positive and negative input and I would like to thank the Director and his crews.

ADJOURNMENT

There being no further business to attend to, Mayor Williams adjourned the meeting at 6:41 p.m.





Gary Williams, Mayor



Carol Virden, City Clerk/Treasurer