

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
JULY 28, 2014
4:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on July 28, 2014. Mayor Williams called the meeting to order at 4:30 p.m. and asked Wayne Williams to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Perry
Councilor Morales

Councilor Hood (via teleconference)

Absent: Councilor Miller

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

Also present:

Alexandra Bobbit, City Attorney
Mary Castaneda, Finance Director

APPROVAL OF AGENDA

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

Mayor Williams entertained a motion to approve the agenda.

Councilor Morales moved to approve the agenda. Seconded by Councilor Perry.

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

APPROVAL OF CONSENT AGENDA

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

Mayor Williams entertained a motion for Approval of the Consent Agenda.

Councilor Perry moved to approve the Consent Agenda. Seconded by Councilor Morales.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF JULY 14, 2014

Councilor Perry moved to approve Minutes of the Regular Meeting of July 14, 2014.
Seconded by Councilor Morales.

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

APPROVAL OF ACCOUNTS PAYABLES

Councilor Perry moved to approve Accounts Payables. Seconded by Councilor Morales.

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

APPROVAL OF MONTHLY REPORTS

Councilor Perry moved to approve Monthly Reports. Seconded by Councilor Morales.

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

COMMITTEE REPORTS

Councilor Perry moved to approve Committee Reports. Seconded by Councilor Morales.

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

PUBLIC HEARING

City of Ruidoso Downs Final Budget Hearing for Fiscal Year 2014-2015.

Mary Castaneda, Finance Director said:

Mayor and Members of the Council. Before you is the requested Final Budget for the 2014-2015 fiscal year for your approval with some changes from the preliminary budget which you approved during the last council meeting in May.

Some items to point out are as follows:

The estimated beginning cash balance on the Recap Sheet does have the encumbrances deducted from the ending cash balances for June 30, 2014.

- Some of the budget changes from the preliminary to final budget are:
 - Some increases to revenues after getting final dollar amounts for year end.

Increase to most of the insurance & worker's comp line items after receiving more accurate numbers. There were a few salary adjustments due to mathematical errors in calculation. These have been corrected.

Fund 26 EMS \$7,940.00 was requested but \$7,894.00 was received so both revenue & expenditures have been adjusted.

Fund 29 Fire Protection Fund we budgeted \$70,858.00 but actually received \$73,982.00 so both revenues & expenditures were adjusted.

Fund 40, 41, 42 & Fund 56 were adjusted after receiving actual payment amounts for loans.

We do meet our 1/12th reserve for the General Fund as is mandated by DFA. Which is currently \$270,450.00.

Mayor Williams opened the Public Hearing for comments.

Pam Williams said I've said this for years and it just floors me about how our whole City's money goes to. Most big cities don't even do this. The salaries and all of the extras, the insurance and just everything. I was told by some Councilors that they can't take anything away but I also understood that the \$50 for the clothing is a temporary thing. I think it's like the government. We hire a person to do the job and then we hire another person under him to do the job and then another to do the job. It's amazing to me that a City this small and we're small but we make good money. We're lucky we have Wal-Mart otherwise we couldn't do it. Half goes to payroll and all the extras.

Kathy Kolt said I think she has a good point. It's real surprising to me to buy up there and then have a Code Enforcement Officer come by and see how I'm living.

Mayor Williams said this is for the budget. Any other comments you would like to make can be done in Public Input.

Kathy Kolt said isn't he part of the budget?

Mayor Williams said you are not commenting on the budget because you are specifically identifying something he's doing and that doesn't reference anything financial. You will have Public Comments later on in the meeting that you can voice that concern. Right now it's just about the budget.

There were no other comments.

Mayor Williams closed the Public Hearing.

UNFINISHED BUSINESS

Mayor Williams said there was no Unfinished Business.

NEW BUSINESS

Mayor Williams stated the next item on the agenda was - Mayor's Comments.

There were no Mayor's Comments.

Mayor Williams stated the next item on the agenda was - Councilor's Comments.

There were no Councilor's Comments.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Resolution No. 2014-09 City of Ruidoso Downs Final Budget Adjustments FY 2013-2014.

Carol Virden, City Clerk/Treasurer said if we might allow Mary to go through the adjustments that were made for the full year. She has quite a bit of information on changes in the Final Budget Adjustments.

Mary Castaneda, Finance Director said:

Mayor and Members of the Council. Before you is the Budget Adjustment for month ending June 2014 for your approval.

Some items to point out are as follows:

- There were a few adjustments and they are as follows:

General Fund Revenues

There are several revenues in the General Fund that were over in revenues. There was a correction to the beautification revenue line to reflect actual grant monies. The overall increase to the final revenue amounts in the General Fund is: \$ 71,990.00.

General Fund Expenditures

Most of the General Fund stayed within their operating budget during the year. There were a few exceptions but the yearend budget adjustments that were done within the General Fund expenses were covered by the unused expenses from general fund. The internal budget adjustments are reflected in the Budget Bi-Level report. This did increase the bottom line expenses within the General Fund by \$ 3,000.00 to correct the expense line for the beautification grant.

Fund 25 Lincoln County Transit

This fund stayed with in the current year budget. I did clean up a few expenditure lines that were over and under. This did not change the bottom line totals.

Fund 36 Museum

This fund had an increase in revenues at year end. In the amount of: \$12,980.00. This did change the bottom line totals for revenues and is reflected in Budget Bi-Level report. I did clean up the expenditure lines within the fund and these changes are also found in the Budget Bi-Level report. This did not change the bottom line totals for expenditures.

Enterprise Funds

Sewer

This fund had an increase in revenues at year end. In the amount of: \$32,759.00. This did change the bottom line totals for revenues and is reflected in the Budget Bi-Level report. I did clean up the expenditure lines within the fund and these changes are also found in the Budget Bi-Level report. This did not change the bottom line totals for expenditures

Solid Waste

This fund had an increase in revenues at year end. In the amount of: \$ 4,933.00. This did change the bottom line totals for revenues and is reflected in the Budget Bi-Level report. I did clean up the expenditure lines within the fund and these changes are also found in the Budget Bi-Level report. This did change the bottom line totals for expenditures. In the amount of: \$ 2405.00.

Water

This fund had an increase in revenues at year end. In the amount of: \$31,804.00. This did change the bottom line totals for revenues and is reflected in the Budget Bi-Level report. I did clean up the expenditure lines within the fund and these changes are also found in the Budget Bi-Level report. This did not change the bottom line totals for expenditures.

Fund 56

This fund had an increase in revenues at year end. Due to the Colonias Grant monies of: \$140,000.00. This did change the bottom line totals for revenues and is reflected in the Budget Bi-Level report.

Fund 75

This fund had an increase in revenues at year end. In the amount of: \$ 1,100.00. This did change the bottom line totals for revenues and is reflected in the Budget Bi-Level report. I did clean up the expenditure lines within the fund and these changes are also found in the Budget Bi-Level report. This did change the bottom line totals for expenditures. In the amount of: \$ 1,265.00.

Mayor Williams asked Councilors if they had any input or comments?

Councilor Morales said so these are the final budget adjustments for FY 2013-2014 right?

Mary Castaneda, Finance Director said yes.

Mayor Williams entertained a motion to approve Resolution No. 2014-09 City of Ruidoso Downs Final Budget Adjustments FY 2013-2014.

Councilor Hood moved to approve Resolution No. 2014-09 City of Ruidoso Downs Final Budget Adjustments FY 2013-2014. Seconded by Councilor Morales.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action - Resolution No. 2014-10 City of Ruidoso Downs Final Budget Fiscal Year 2014-2015.

Mayor Williams entertained a motion to approve Resolution No. 2014-10 City of Ruidoso Downs Final Budget Fiscal Year 2014-2015.

Councilor Morales moved to approve Resolution No. 2014-10 City of Ruidoso Downs Final Budget Fiscal year 2014-2015. Seconded by Councilor Perry.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Resolution No. 2014-11 Southeastern New Mexico Economic Development District/COG.

Mayor Williams said this is so that the City of Ruidoso Downs continues to be a member and desires the services of the Southern New Mexico Economic Development District/COG. This allows us the opportunity to use the organization that has provided us with great understanding and how the City does business through that organization.

Mayor Williams entertained a motion to approve Resolution No. 2014-11 Southeastern New Mexico Economic Development District/COG.

Councilor Perry moved to approve Resolution No. 2014-11 Southeastern New Mexico Economic Development District/COG. Seconded by Councilor Hood.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Agreement between Southeastern New Mexico Economic Development District and the City of Ruidoso Downs.

Mayor Williams said this is the agreement we have to have them continue to provide services through surveys, collect data, develop regional plans, furnish technical management and assist with legislative strategies. We contribute \$1,000 per year to continue to be an active member.

Mayor Williams entertained a motion to approve agreement between Southeastern New Mexico Economic Development District and the City of Ruidoso Downs.

Councilor Hood moved to approve agreement between Southeastern New Mexico Economic Development District and the City of Ruidoso Downs. Seconded by Councilor Perry.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Resolution No. 2014-12 Supporting the Filing of an Application to New Mexico Department of Transportation for Funding Assistance for FY 2015-2016.

Carol Virden, City Clerk/Treasurer said it is the desire to continue the Transit Transportation to the citizens of Ruidoso Downs as well as Ruidoso. Ruidoso has budgeted the \$28,000 for not only this year but we will certainly ask them for the year 2016. The grant is due in the office of Transportation on September 5th and we have met most of their requirements except filling out the grant proposal. We will start this week and make sure it gets in there way before September 5th. We were required to put a couple of notices of Public Hearing and also Intent to file an application as well. We did allow for the comment period and did not receive any comments.

Mayor Williams entertained a motion to approve Resolution No. 2014-12 Supporting the Filing of an Application to New Mexico Department of Transportation for Funding Assistance for FY 2015-2016.

Councilor Morales moved to approve Resolution No. 2014-12 Supporting the Filing of an Application to New Mexico Department of Transportation for Funding Assistance for FY 2015-2016. Seconded by Councilor Perry.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Resolution No. 2014-13 Final Quarter Financial Report Year ending June 30, 2014.

Carol Virden, City Clerk/Treasurer said this is the first time the City of Ruidoso Downs provided the Governing Body with the Resolution for the Year-End Financial Report. It's not a requirement under DFA rules and regs or from our budget analyst. This is for the Final Year End Financial Report approval.

Mayor Williams said to Mary that if you look at the budget for last year how would you say the City did?

Mary Castaneda, Finance Director said when I went over the final budget adjustments all of the departments stayed well within their budgeted amounts. There weren't a lot of changes. We had an increase in revenues which is what we want but they all lived within their means. I think we did very well. This year the budget is tight so we need the same. We will look at adjustments at mid-term.

Mayor Williams entertained a motion to approve Resolution No. 2014-13 Final Quarter Financial Report Year ending June 30, 2014.

Councilor Morales moved to approve Resolution No. 2014-13 Final Quarter financial Report Year ending June 30, 2014. Seconded by Councilor Perry.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Resolution No. 2014-14 Resolution Relating to the New Mexico Environment Department's July 7, 2014 Draft Total Maximum Daily Load (TMDL) Document for the Sacramento Mountains, Including the Rio Ruidoso.

Mayor Williams said the Environmental Department continues to emphasis the lower TMDL of the plant beyond what we are accomplishing right now. The JUB with the concurrence of both the City and the Village is eliciting support for the Environment Department to keep it as it is because it is an extreme measure that can't be reached and it's been proven by the analysts that we have. We have supporting documentation from experts that say we can't get that low. If you get that low the cost of the plant will increase

and the cost of how we run it will increase and the cost of the City will increase. We want to provide this documentation to the Environmental Department to let them know that the extreme measures that they are taking that is putting us in the position of trying to continue with the plant providing in keeping the river clean with the phosphorus and nitrogen levels are all within the measures required and they just want us to go too far down and we can't do that. If they allow this to go on the cost will be approximately \$500 a day to treat the phosphorus and nitrogen and the economic impact of paying for and operating the plant would be severe. The City of Ruidoso Downs and the Village of Ruidoso are pursuing a program of replacing sewer line interceptors and additional sewer collection systems and what we're working on right now is the Agua Fria wastewater project that will be starting soon. We want to let them know that if they continue to do this the cost to the City to upgrade will be too extreme for us to accomplish.

Mayor Williams entertained a motion to approve Resolution No. 2014-14 Resolution Relating to the New Mexico Environment Department's July 7, 2014 Draft Total Maximum Daily Load (TMDL) Document for the Sacramento Mountains, Including the Rio Ruidoso.

Councilor Perry moved to approve Resolution No. 2014-14 Resolution Relating to the New Mexico Environment Department's July 7, 2014 Draft Total Maximum Daily Load (TMDL) Document for the Sacramento Mountains, Including the Rio Ruidoso. Seconded by Councilor Morales.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Rescinding Resolution No. 2014-08 Fire Restrictions Level II.

Mayor Williams said with the weather that we've had we would like to reduce the restrictions.

Mayor Williams entertained a motion to approve Rescinding Resolution No. 2014-08 Fire Restrictions Level II. This would lower the restrictions back to Normal and Level I.

Councilor Morales moved to approve Rescinding Resolution No. 2014-08 Fire Restrictions Level II. Seconded by Councilor Perry.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - 2014 Annual Conference Voting Delegates and Alternate Delegate - 2014 NMML Annual Conference - Albuquerque, NM.

Mayor Williams said I will not be attending this year and because of that the next in line I would like to present Mayor Pro Tem Morales as the Voting Delegate and as the Alternate Councilor Miller.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Mayor’s Appointment of Alternate Representative JUB.

Mayor Williams said our Public Works Director has some physical issues and we would like to present his Project Manager Richard D. Graham to replace the Public Works Director on the JUB. I would like to have him as the Alternate.

Mayor Williams entertained a motion to approve Mayor’s Appointment of Alternate Representative JUB.

Councilor Morales moved to approve Mayor’s Appointment of Alternate Representative JUB. Seconded by Councilor Hood.

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

Mayor Williams stated the next item on the agenda was – City of Ruidoso Downs Beautification Committee – Mission Statement.

Mayor Williams said the Mission Statement says:

EDUCATE THE COMMUNITY TO ENHANCE THE NATURAL BEAUTY BY UTILIZING PROGRAMS DESIGNED TO OUR SPECIFIC CHALLENGES.

Mayor Williams entertained a motion to approve City of Ruidoso Downs Beautification Committee – Mission Statement.

Councilor Hood moved to approve City of Ruidoso Downs Beautification Committee – Mission Statement. Seconded by Councilor Perry.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – City of Ruidoso Downs Beautification Committee – BYLAWS – Articles of Association.

Mayor Williams said if you read through the Bylaws you will see what their function is.

Mayor Williams entertained a motion to approve City of Ruidoso Downs Beautification Committee – BYLAWS – Articles of Association.

Councilor Perry moved to approve City of Ruidoso Downs Beautification Committee – BYLAWS – Articles of Association. Seconded by Councilor Morales.

Roll call votes: Councilor Perry, Aye; Councilor Morales, Aye; Councilor Hood, 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 – Updated Financial Status Report – Hubbard Museum of the American West and Lincoln County Transit.

Mary Castaneda, Finance Director said I'm going to give you final number of June 30, 2014. Lincoln County Transit had a beginning cash balance of \$462 and this is for the whole year. Revenues in the amount of \$165,915.90. Transfers of \$14,992.00. Expenditures of \$132,641.60 leaving an ending cash balance of \$18,744.30. The museum had a cash balance of \$4,522.77. Revenues of \$266,379.15. Transfers of \$218,000.00. Expenditures of \$435,669.91 leaving an ending cash balance of \$53,232.01.

PUBLIC INPUT

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

Pam Williams said I want to bring to everyone's attention that we have a home that's at 205 Highlands Ln. It's been taken back, whoever owns it I don't know. The doors are open and the roof is having a hard time. We had problems years ago for years on the end of Highlands and North Lane. What happens is they become drug houses and the homeless and when winter time comes they build fires in the kitchen sink and the bathtubs and wherever they can. I don't know if it's been checked but it needs to. This house could be a problem and we need to stay on top of those things. We already have some neighbors at the end of the road with weeds taller than the fence and that needs to be addressed.

Wayne Williams said at the last meeting it kind of got out of hand and above all I kind of understand when someone comes to the City Council meeting to speak. It's understandable when a member of the audience gets upset or gets loud. Like me when I want to get something done and I get loud but when a member of the organization that sits up front it's unacceptable. Once you take this job and you are a professional you've got to put on another hat. We had a member of this group lose his temper last week. It got totally out of control. Mr. Mayor I want to compliment you. You stopped it before it got out of control and I don't know whether the person involved is just not used to having his word challenged but he lost control. I do want to compliment you and I appreciate that.

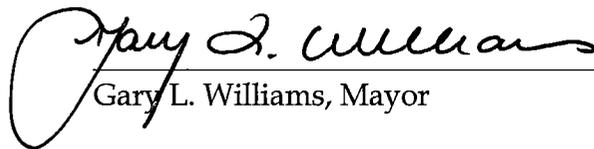
Dean Holman said I didn't intend to comment but I've been watching the Council and the staff including the regular staff that we have also both of the City Attorneys. Council

you're doing a great job. I've been watching you especially on the Lincoln County Solid Waste issue. As a group you looked at it and discussed it. There was nobody that was told how to vote. You guys think independently. You were thinking a little bit differently at times and that's what makes this process work. You came in here and listened to what was going on. You thought about it very carefully and did not get pressured into taking immediate action on it. Everything I've seen this Council do so far, including all of you, have shown a lot of integrity and then coming together and making a decision. You're good about listening to Carol Virden and taking her input and going with it and listening to the City Attorney. Of course that's his job is to advise you whether you like or don't like it. His job is to inform the Council as to what you're looking at legally and you can either do that or not. All of you are doing a good job including the City Attorney.

ADJOURNMENT

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

Councilor Morales moved to adjourn. Seconded by Councilor Perry. The meeting adjourned at 5:11 p.m.



Gary L. Williams, Mayor





Carol Virden, City Clerk/Treasurer