

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
NOVEMBER 24, 2014  
4:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on November 24, 2014. Mayor Williams called the meeting to order at 4:30 p.m. and asked for a moment of silence in remembrance of Councilor Tommy Hood who passed away on November 11<sup>th</sup>. There was a moment of silence. Mayor Williams asked Steve Dunigan to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Miller  
Councilor Morales

Councilor Perry

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

Also present:

H. John Underwood, City Attorney  
Mary Castaneda, Finance Director  
Steve Dunigan, Planning & Zoning Director  
Christopher Rupp, Police Chief  
Cleatus Richards, Public Works Director

APPROVAL OF AGENDA

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

Mayor Williams entertained a motion for Approval of Agenda.

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

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, 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 Morales moved to approve the Consent Agenda. Seconded by Councilor Perry.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF NOVEMBER 10, 2014

Councilor Morales moved to approve Minutes of the Regular Meeting of November 10, 2014. Seconded by Councilor Perry.

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

APPROVAL OF ACCOUNTS PAYABLES

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

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

APPROVAL OF MONTHLY REPORTS

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

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

APPROVAL OF COMMITTEE REPORTS

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

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

PUBLIC HEARING

A. Ordinance No. 2014-07

An Ordinance Pursuant to Chapter 155 Titled "Zoning" Section 155.024 Rezoning (A) Generally; Initiation of the City of Ruidoso Downs Code of Ordinances to Provide for the Redesignation of Certain Zoning Districts as Follows:

Proposed Rezoning of the Following Legal Descriptions from R1 to AR1 Zoning.

Physical Address	Description
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139 Wood Ln.	Section-30 Township-11S Range-14E A Tract of Land Lying in the W2W4SE4SW4, Cont'g 1.11 ACS More or Less as Desc. in Book 1988-11 page 1048 Section-30 Township 11S Range-14E  A Tract of Land Lying in the W2W4SE4SW4, Cont'g 1.11 ACS More or Less as Desc. In Book 1988-11 page 1048
141 Wood Ln.	Section-30 Township-11S Range-14E Tract 2: Being A Tract of Land in the W2SW4SE4SW4 Cont'g 0.8275 ACS., More or Less
137 Wood Ln.	Section-30 Township-11S Range-14E Tract 1: Being a Tract of Land in the W2SW4SE4SW4 Cont'g 2.9365 ACS., More or Less
133 Wood Ln. (A)	4 074 065 175 510 Section-30 Township-11S Range-14E A Tract of land situate within the E2SW4SE4SW4, Cont'g 2.70 ACS., More or Less
133 Wood Ln. (B)	4 074 065 185 485 Section-30 Township-11S Range-14E A tract of land situate within the E2SW4SE4SW4, Cont'g .55 acre.
135 Wood Ln.	Section-30 Township-11S Range-14E A tract of land situate within the E2SW4SE4SW4, Cont'g 0.80 ACS., More or Less a Portion Cont'g 0.04 ACS., As Desc. In Bk. 1992-7, Page 92.

Steve Dunigan, Planning & Zoning Director said before we get started I want to clarify that the Planning Department put together a list of the properties being considered for rezoning that have the addresses and description of the property. There were two clerical errors on this list but they have been corrected. I did want to start out recapping that on September 2, 2014 the Planning & Zoning Commission approved a recommendation to the City Council to schedule a Public Hearing for the purpose of considering the rezoning of six properties on Wood Ln. from R1 to AR1. We looked at the historical use and recollections of past P & Z members and staff suggesting that the zoning map created prior to 2008 should have had the area on Wood Ln. zoned cultural or AR1 so that it is contiguous with the existing AR1 zone. The Planning Commission is correcting an oversight if these six properties.

Mayor Williams opened the Public Hearing for comments.

There were no comments.

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 due to the vacancy that's on the Council any citizen that would like to be considered for the position to please address a letter to the Mayor's office expressing that wish or consideration for Council. That name will be presented if it's selected from the letters I receive during the first meeting in January and will be brought forth to Council. Myself and Fay would like to pass on to our citizens of the community a Happy Holidays coming up and have everyone back here safely and enjoy the time with your family and friends.

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

Councilor Perry asked what the deadline is for the applications for City Council?

Carol Virden, City Clerk/Treasurer said the process is the Mayor brings forth a name to the Governing Body and they confirm that name or not confirm that name. The Mayor stated that would be the first meeting in January which is January 12, 2015.

Councilor Morales said along the same lines what Councilor Perry asked should they have their letter into the City Clerk by Wednesday? Oh, never mind it won't affect the agenda.

Mayor Williams said the citizens have up to that point to get a letter to the Mayor's office. The Mayor will be in consultation with Council members on this whole process. I'm not just doing it but it will take the whole Council.

Corena Baca asked if she could speak for the Public Hearing?

Mayor Williams said I'll make an exception because you weren't here but I want to make a mention to you that whatever comments you make won't have any bearing on the Public Hearing that was held. Mayor Williams said okay, I'm going a bit too far and can't allow that. The Public Hearing was opened and the public had an opportunity to speak and I can't help that you weren't here. I'm sorry. If you want to make comment later on you can do so in Public Input.

Mayor Williams stated the next item on the agenda was - Adoption of Ordinance No. 2014-07 An Ordinance Pursuant to Chapter 155 Titled "Zoning" Section 155.024 Rezoning (A) Generally; Initiation of the City of Ruidoso Downs Code of Ordinances to Provide for the Redesignation of Certain Zoning Districts.

Steve Dunigan, Planning & Zoning Director said having gone through the process of the Planning & Zoning Commission of hearing of the rezoning of these six properties on Wood Ln. the historical use and the Comprehensive Master Plan for that type of use lends itself for a change of zoning from an R1 to the horse-friendly AR1.

Councilor Miller asked how long has this been going on?

Steve said it started during the appeal hearing from Ms. Kathy Kolt in August.

Councilor Miller said I remember Kathy Kolt talking to me about it when we were having Easter.

Mayor Williams entertained a motion for - Adoption of Ordinance No. 2014-07 An Ordinance Pursuant to Chapter 155 Titled "Zoning" Section 155.024 Rezoning (A) Generally; Initiation of the City of Ruidoso Downs Code of Ordinances to Provide for the Redesignation of Certain Zoning Districts.

Councilor Miller moved for the Adoption of Ordinance No. 2014-07 An Ordinance Pursuant to Chapter 155 Titled "Zoning" Section 155.024 Rezoning (A) Generally; Initiation of the City of Ruidoso Downs Code of Ordinances to Provide for the Redesignation of Certain Zoning Districts. Seconded by Councilor Perry.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Personnel Recommendation - Department - Planning & Zoning - Position - P & Z Secretary.

Steve Dunigan, Planning & Zoning Director said we would like to ask for your approval to hire Robin Lewis as secretary for the Planning & Zoning Department. We interviewed three applicants and felt that her experience with her years at The Title Company as well as banking would lend itself to the administrative part and feel very confident that she will be able to do a very good job for us.

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

Councilor Miller moved to approve - Personnel Recommendation - Department - Planning & Zoning - Position - P & Z Secretary. Seconded by Councilor Morales.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Adoption of Policy No. 2014-01 Lincoln County Transit Substance Abuse Policy.

Carol Virden, City Clerk/Treasurer said this is a step closer to the completion of all the proper Policies & Procedures for Transit. It's called the Substance Abuse Policy No. 2014-01. It is a requirement under the DOT for the Transit Department.

Councilor Morales asked if this was the same one we had a couple of months ago?

Carol Virden, City Clerk/Treasurer said no. What the Council approved was the Lincoln County Handbook. We have one more document which is called the Standard Operating Procedures and more than likely will be up for the December 8<sup>th</sup> Council meeting.

Mayor Williams entertained a motion to approve - Adoption of Policy No. 2014-01 Lincoln County Transit Substance Abuse Policy.

Councilor Miller moved to approve - Adoption of Policy No. 2014-01 Lincoln County Transit Substance Abuse Policy. Seconded by Councilor Perry.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Resolution No. 2014-20 Authorizing and Approving Submission of a Completed Application for a Planning Grant to the New Mexico Finance Authority for the Colonias Infrastructure Fund.

Cleatus Richards, Public Works Director said this is a repeat of a process we did a year ago. We applied for funding for the Asset Management Plan and also a Project Development Plan a year ago that they did not fund us for. They have instructed us to reapply for basically the same thing. Asset Management Plans are becoming a critical part of the foundation that a city needs to have in order to apply for State and Federal grants. The grant amount we will be requesting will be 88,490 and with the match it will be another \$10,000 for the total project of \$98,490. This would be including staff time and staff involved in the overall process of developing the Asset Management Plan. Hopefully this year we can get funded for it.

Mayor Williams entertained a motion to approve - Resolution No. 2014-20 Authorizing and Approving Submission of a Completed Application for a Planning Grant to the New Mexico Finance Authority for the Colonias Infrastructure Fund.

Councilor Miller moved to approve - Resolution No. 2014-20 Authorizing and Approving Submission of a Completed Application for a Planning Grant to the New Mexico Finance Authority for the Colonias Infrastructure Fund. Seconded by Councilor Morales.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Resolution No. 2014-21 A Resolution of the Governing Body of the City of Ruidoso Downs, New Mexico, Authorizing the Submission of a Colonias Infrastructure Application to the New Mexico Finance Authority and Authorizing the Mayor to Act as the City's Chief Executive Officer and Authorized Representative in All Matters Pertaining to the City of Ruidoso Downs Participation in Colonias Infrastructure Process.

Cleatus Richards, Public Works Director said again this is a repeat of last year for the second phase of construction for the Agua Fria Sewer System. They did not fund us last year but said they would fund us this year. The amount of the loan and grant is \$894,841 and the cash match is \$89,484. This will not happen during the next fiscal year until probably the following. Once they approve the grant and loan for the project it takes about a year for all the paperwork that's necessary to start the process. So, we have plenty of time to get the necessary funds together for our local match. The loan is \$89,484 and that is a 20 year loan at no interest so it's not a huge amount that we have to pay back every year. It's a mandatory provision for the Colonias Infrastructure. We also have to put up a cash match of basically 20%.

Mayor Williams entertained a motion to approve - Resolution No. 2014-21 A Resolution of the Governing Body of the City of Ruidoso Downs, New Mexico, Authorizing the Submission of a Colonias Infrastructure Application to the New Mexico Finance Authority and Authorizing the Mayor to Act as the City's Chief Executive Officer and Authorized Representative in All Matters Pertaining to the City of Ruidoso Downs Participation in Colonias Infrastructure Process.

Councilor Perry moved to approve - Resolution No. 2014-21 A Resolution of the Governing Body of the City of Ruidoso Downs, New Mexico, Authorizing the Submission of a Colonias Infrastructure Application to the New Mexico Finance Authority and Authorizing the Mayor to Act as the City's Chief Executive Officer and Authorized Representative in All Matters Pertaining to the City of Ruidoso downs Participation in Colonias Infrastructure Process. Seconded by Councilor Morales.

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

The next item on the agenda was from the Consent Agenda. Discussion and Possible Action - Wastewater Treatment Plant Operating Invoice for September 2014.

Councilor Morales moved to approve - Wastewater Treatment Plant Operating Invoice for September 2014. Seconded by Councilor Perry.

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

The next item on the agenda was from the Consent Agenda. Discussion and Possible Action - Wastewater Treatment Plant - Parametrix Billing - August & September 2014.

Councilor Morales moved to approve - Wastewater Treatment Plant - Parametrix Billing - August & September 2014. Seconded by Councilor Perry.

#### 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 Reports - Hubbard Museum of the American West and Lincoln County Transit.

Mary Castaneda, Finance Director said these are figures for balances after October. Lincoln County Transit had a beginning cash balance of \$12,772.05. Revenues of \$1,224.00. Expenditures of \$6,636.41 leaving an ending cash balance of \$7,359.64. The museum had a beginning cash balance of \$43,302.92. They had revenues of \$17,986.74. Out of those revenues \$7,500 was an exhibit grant from the Hubbard Museum of the Horse Foundation. There was also a Christmas lights donation from the R.D. and Joan Hubbard Foundation of \$1,500 which brings net revenues to \$8,986.74. They had expenditures of \$31,917.14. They had an ending cash balance of \$29,372.52. Tentative figures for November Lincoln County Transit had a beginning cash balance of \$7,359.64. They have revenues of \$941. We are waiting on a reimbursement for \$7,359.64 which brings that combination of revenues you should receive before the end of the month to \$16,004.07. Expenditures of \$3,806.14 leaving them an ending cash balance of \$12,197.93. The museum had a beginning cash balance of \$29,372.52. Revenues are tentative and are up to the 24<sup>th</sup> in the amount of \$5,835.56. Expenditures of \$16,087.14 leaving them a tentative ending cash balance of \$19,120.94.

#### PUBLIC INPUT

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

Corena Baca said I live at 131 Wood Ln. I'm not against the rezoning to AR1. My problem is that since 2002 I have asked to be rezoned to AR1 because we do have horses as do the

other properties. In 2002 I was advised by at that time Dan Bryant that because I had under two acres I didn't qualify for AR1 and basically told Planning & Zoning they didn't have the authority to make the decision because my lot was too small. So, I went to meeting after meeting trying to get it done and never got it done and finally settled for non-conforming but modified for horses. But, in that same area there is at least five properties that are under an acre that are zoned AR1. I am just curious if Council was given all the correct information as far as lot sizes and all of that because there is one property. It's Mr. Allgood and Mr. Cummins. There is a special deed on file in Carrizozo that he sold that property stating that there shall be no animals except dogs and cats there and you all just gave him an AR1 on one horse. I don't understand why when it was zoned in 2001 it was all of the property up to my property and now it's all the properties on the other side of my property.

Mayor Williams asked which one was her property?

Corena Baca said 131 Wood Ln. Because of the special deed that's on file I think you are looking at a lawsuit. I don't know why my property has been zeroed out.

H. John Underwood, City Attorney said I can address most of that for you. The deed restrictions are a totally different matter than the zoning. Many times a subdivision will say all the fences in this area must be 5 feet high. Mr. Allgood can put a restrictive covenant on that property. That property that he's on even though it's AR1 he can delineate to the restrictive covenants that there shall be only dogs and cats. Deed restrictions are a private property right and zoning are a public right. Why your property has been left out of that you are welcome to join in with that.

Corena Baca show him a map and pointed out that she was right in the middle.

Steve Dunigan, Planning & Zoning Director said initially the task they were charged with were the properties on the south side of Wood Ln. He offered for her to come by and meet with him.

Corena Baca said the records in Carrizozo show Wood Ln. and her property is actually on the same side as the AR1 properties but because of the way it runs. You didn't do due diligence when researching the properties.

H. John Underwood, City Attorney said the dividing line between the AR1 and yours should be rezoned as well and to get together with the other property owners on the same side as you are and get it rezoned. We were correcting a zoning from the past.

CLOSED SESSION

Limited Personnel Matters Pursuant to Section 10-15-1 H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee.

Any action taken as a result of the Closed Session will be brought back into Open Session.

Mayor Williams entertained a motion to go into Closed Session for Limited Personnel Matters Pursuant to Section 10-15-1 H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee.

Councilor Morales moved to go into Limited Personnel Matters Section 10-15-1 H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee. Seconded by Councilor Perry.

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

Mayor Williams closed the regular meeting at 5:08 p.m. and invited John Underwood, City Attorney and Carol Virden, City Clerk/Treasurer.

Mayor Williams entertained a motion to go back into Open Session.

Councilor Morales moved to go back into Open Session. Seconded by Councilor Perry.

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

Mayor Williams called the regular meeting back to order at 5:55 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Closed Session were that of Limited Personnel Matters Section 10-15-1 H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee.

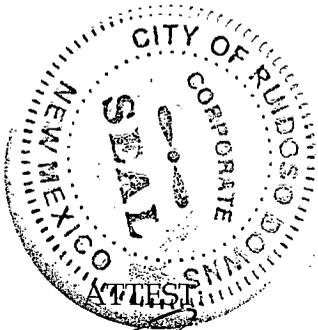
Councilor Morales attested to the fact that the only items discussed in Executive Session were that of Limited Personnel Matters Section 10-15-1 H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee and no action was taken.

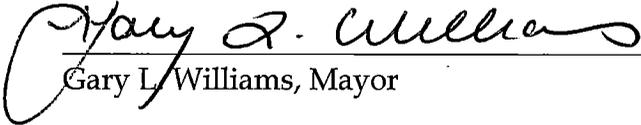
ADJOURNMENT

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

Councilor Miller moved to adjourn at 6:00 p.m. Seconded by Councilor Perry.

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



  
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Gary L. Williams, Mayor

  
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Carol Virden, City Clerk/Treasurer