

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
NOVEMBER 26, 2002

The Council of the City of Ruidoso Downs met in regular session on November 26, 2002. Mayor Miller called the meeting to order at 5:30 p.m. and asked Judge Mansell to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller Councilor Garrett
Councilor Olivo Councilor Morales

Administrator Waters informed Mayor Miller there was a quorum.

Also present were:

Dan Bryant, City Attorney
John Waters, City Administrator
Carol Virden, City Clerk/Treasurer
Kenneth Mosley, Public Works Director
Robert Logan, Chief of Police

APPROVAL OF AGENDA

Motion was made by Councilor Morales and seconded by Councilor Olivo to approve the Agenda. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Motion was made by Councilor Garrett to approve the Consent Agenda with Item 10.d of New Business to be pulled for discussion. Seconded by Councilor Morales. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

MINUTES

Motion was made by Councilor Garrett and seconded by Councilor Morales to approve the Minutes of the Rescheduled Regular Meeting on November 6, 2002. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

ACCOUNTS PAYABLE

Motion was made by Councilor Garrett and seconded by Councilor Morales to approve the Accounts Payables. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

PUBLIC HEARING

Mayor Miller stated the Public Hearing is for Ordinance 2002-13, an Ordinance amending Ordinances 96-04, 97-01 and 99-05 which authorizes the City of Ruidoso

Downs to enter into a loan agreement with the New Mexico Environment Department by increasing the eligible project cost and loan agreement amount from \$1,200,000 to \$1,450,000 bearing an interest rate of 2% and authorizing execution of revised loan documents.

Consider adopting Ordinance 2002-13, an ordinance amending Ordinances 96-04, 97-01 and 99-05 which authorizes the City of Ruidoso Downs to enter into a loan agreement with the New Mexico Environment Department by increasing the eligible project cost and loan agreement amount from \$1,200,000 to \$1,450,000 bearing an interest rate of 2% and authorizing execution of revised loan documents.

Administrator Waters stated this is the agreement we had with Ruidoso we passed during the budget change in the last quarter. This is just formalizing that into the Ordinance for the solid handling facility that is being modified currently at the wastewater treatment facility. This does not go towards the upcoming additions to the wastewater plant.

I hereby open the Public Hearing to comments, and will be accepted in the following order; first, those who oppose the Ordinance and second those who support the Ordinance. Interested persons must approach the podium, one at a time, state their name and present their testimony. A limit of 5 minutes will be allowed per person. Are there any persons here to speak in opposition of the action?

There was no opposition. Mayor Miller then asked if there was anyone here to speak in support of the action. No one spoke. Mayor Miller then closed the hearing at 5:35 p.m.

Motion was made by Councilor Garrett and seconded by Councilor Morales to approve the Ordinance as read. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

NEW BUSINESS

Mayor Miller stated next on the agenda, Carole Benham to speak on behalf of Santa Helpers. Carole Benham said she had applications for the front desk and police department and there will be an article in the newspaper. She said on Saturday, December 7th from 7 a.m. until noon, the percentage of the gross receipts tax from Wal-Mart would go towards Santa Helpers. There will be four trees this year; one at Wal-Mart, IGA, State National Bank and First National Bank. 7th and 8th graders from Horton Middle School will decorate the trees. From the applications, we will have bells on the trees for boy or girl, their age and the gift they would like for Christmas. You can either wrap it and put the bell on top or drop the gift and bell off at 1086 Mechem. It will be open from December 2nd and the phone number is 258-2446. Last year we delivered gifts to 171 families plus we fed 231 families. Another thing we are doing this is year is you can donate \$10 for a turkey or \$30 to feed a family of four. Mayor Miller thanked her for coming.

Motion was made by Councilor Garrett and seconded by Councilor Morales to approve the destruction of unusable or obsolete Christmas decorations. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Garrett and seconded by Councilor Morales to award RFP 03-02 to ASCG, Inc. to produce a Comprehensive Master Plan and a Sewer Collections System Infrastructure Plan for the city to tie all existing infrastructure and city plans together and provide a roadmap for growth, infrastructure and economic development. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Garrett and seconded by Councilor Morales to approve Resolution 2002-23 amending City of Ruidoso Downs Resolution 74-9, relating to the creation of a Regional Wastewater Treatment Facility. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, consider approving agreement between City of Ruidoso Downs and Sierra Contracting, Inc. - Debris disposal and wood waste material. Councilor Garrett requested that they postpone this, as Lincoln County Solid Waste wants to talk to us before we make this decision, as they would like to bid on it.

Administrator Waters said this particular contract was originally agreed upon by Ruidoso Downs to handle large amounts of yard waste and some construction demolition-type materials. At the time the contract was entered into, L.C.S.W.A. did not handle that for the community. There is some concern whether the amount of yard waste L.C.S.W.A. can handle will be sufficient; for instance if someone needs to clear their entire lot for development. If they are interested in providing this service for a cheaper cost then I am willing to check into it and bring a recommendation back to Council. Councilor Olivo said L.C.S.W.A. has a grapple truck now that could pick up anything. Councilor Miller asked if we still had the chipper. Administration Waters said the chipper is available but it can only handle certain size materials, up to 4" tree trunk. One of the good things about Sierra Contracting is that they actually recycle the materials.

Motion was made Councilor Morales and seconded by Councilor Garrett to postpone approving the agreement. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, consider approving Amendment to Joint Powers Agreement between the Village of Ruidoso and the City of Ruidoso Downs

for the Creation of a Joint Use Board for the implementation of Planning, Construction and Regional Control of Wastewater Treatment Facilities.

Attorney Bryant said they are proposing to amend two paragraphs in the existing Joint Powers Agreement for operation of the wastewater treatment facility. The amendments do two things; the first, it reflects the fact that Ruidoso Downs is now a city and not the village and changes all of the statutory references that are contained in the opening portions of the JPA to the 1978 compilation of statutory references. The references in the old agreement referred to 1956 compilations. Those are just stylistic changes that do not change the relationship between the county and the two municipalities at all. The other amendment that we made, we provided for the ability of each of the five members of the Board to have an alternate member that can vote in the absence of the primary designated member to the Board. The reason we thought this was important was the type of issues we are dealing with and the importance of the discussions that every time we meet it is critical we have a quorum and are able to take action and move forward. The issues we deal with can be on a very tight time schedule and detrimental to the facility. The Joint Use Board reviewed this amendment and approved it and is now submitting it to both municipalities and the county.

Motion was made by Councilor Miller and seconded by Councilor Olivo to approve Amendment to Joint Powers Agreement between the Village of Ruidoso and the City of Ruidoso Downs as written. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda is Judge Mansell, discussion of 5-2-5 Alternate Judge Compensation. Judge Mansell said it was brought to his attention that still on the books is the 1987 version of what we pay for an alternate judge. At that time it was \$25.00. I have researched this and talked to prior village clerks and we pinned it down to about 1990 during Mayor Addy' tenure. At that time Debbie Sterva was my alternate judge and at that time I went before the Council and asked that the pay be increased to \$50. It was passed but has not been a matter of record but we have been paying \$50 since then. I am asking you to raise it to \$50 for any time an alternate judge steps in for me. Administrator Waters said for whatever reason, that Ordinance does not exist in our official file. We still have to go through the proper posting and public hearing process to change the Ordinance. Clerk Virden said we can have the public hearing at the first Council meeting in January. Councilor Garrett asked that it be put on the agenda.

OTHER BUSINESS

Administrator Waters said he wanted to point out the Griffith Spring monthly flow averages shows a significant drop again. We are going to change that meter out and make sure this is correct. At the same time, we are going to move the existing meter to the Agua Fria outfall so we can get a more accurate read of what is going on out there. The bottom line is the spring has not received a lot water recharging into the

aquifer; every spring in this valley is starting to dry up. We are still in a drought and need to use our water wisely. We have some issues with more storage and the leakage in the system; we are going to try to get some federal funds to fix these problems. Mr. Mosley has already ordered the new meter and will replace it as soon as it comes in.

Another thing of note is our cumulative gross receipt tax by months. You will see that July, August, September and October have been record highs for each month. Each year it has increased little by little. We had budgeted based on a projected increase and it is going along where we expected.

We have a city progress report that the Mayor and Council have been asking for. It is a city newsletter that we will put out on a quarterly basis for our citizens. We will also deliver it to some businesses and some multi-family homes here in Ruidoso Downs. It has an update on projects, the schedule from the Senior Citizen's Center, a section for departments. Each quarter a different department will write an article and contact information. All public officials and committee members are now accessible with their contact information. We do have our new website up now. It also gives an advance schedule of meetings. This gives people an idea how to get involved with their city government. We printed 1,000 in English and 150 in Spanish. If you know anyone that just speaks Spanish, we are trying to compile a mailing list. These went out in the mail today. Councilor Morales asked that her work phone number be corrected and commented that the newsletter was very nice.

Councilor Olivo said he attended the Chamber of Commerce meeting in Ruidoso; they were thrilled that we had a representative there. Avon W. Wilson and Daniel R. Foley from the New Mexico House of Representatives were there to talk about how we can eliminate the gross receipts tax on groceries, doctors and medicine.

PUBLIC INPUT

Jim Burrow of Colorado Street said he talked to a couple that arrived from Arizona at night and were really impressed with the Christmas lights and decorations at City Hall and Highway 70.

Attorney Bryant announced the Ruidoso Gymnastics Academy went to Albuquerque for a pre-state meet and the level 4, 5 and 6 girls all placed. Both placed second in team standings and placed in the top four places in individual standings. Having watched this team compete for three years, their average scores have risen from between 32 and 33 per meet all the way to between 35 and 36 points per girl, per meet. We are really fortunate such a great group of girls doing such a great job representing the community all over the state. The state meet is December 13th in Albuquerque.

Councilor Miller said she talked to Debra Ingle and wanted the people to know that they can take their old sofa, appliances, etc. to L.C.S.W.A. and they will have a list if

you have a water bill from Ruidoso Downs and you will not be charged. Also, the second Saturday of every month, they will be open from 8:00 a.m. until noon.

EXECUTIVE SESSION

Mayor Miller entertained for a motion to go into Executive Session pursuant to Section 10-15-1(h) 2, Limited Personnel Matters; Section 10-15-1(h) 7 Threatening and or Pending Litigation; Section 10-15-1(h) 8 Real Property and Water Rights.

Motion was made by Councilor Miller and seconded by Councilor Garrett to go into Executive Session pursuant to Section 10-15-1(h) 2, Limited Personnel Matters; Section 10-15-1(h) 7 Threatening and or Pending Litigation; Section 10-15-1(h) 8 Real Property and Water Rights. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller closed the regular meeting at 6:11 p.m. and invited City Attorney Dan Bryant, City Administrator John Waters and City Clerk Carol Virden to attend the Executive Session.

Mayor Miller called the regular meeting back to order at 7:33 p.m.

Councilor Morales attested that the only items discussed in closed session were pursuant to Section 10-15-1(h) 2, Limited Personnel Matters; Section 10-15-1(h) 7 Threatening and or Pending Litigation; Section 10-15-1(h) 8 Real Property and Water Rights and that no action was taken.

Councilor Morales said there was a discussion about the Ordinance regarding Compensation. Administrator Waters said it was discussed and after further thought the two meetings we previously called Workshops that were advertised as such would have been more properly designated as a Special Meeting because definitely one of them and possibly the second one dealt with budgetary issues as under the definition of a Special Meeting. There was an error in Council calling those Special Meetings as Workshops and there was an error on staff's part for advertising those particular meetings as Workshops as opposed to Special Meetings because they dealt with budgetary issues that are specifically mentioned under the definition of what a Special Meeting is. That is the determination and understanding of what has happened in the past six months, then the Board will be eligible for pay under the Special Meetings. Workshops need to be clarified in the Ordinance with a definition as to what a Workshop specifically is but these two prior meetings because they dealt with budgetary issues, could be considered as Special Meetings and if it is the Council's pleasure, those designations should be changed to indicate the true nature of those meetings.

Councilor Morales asked are we going to eliminate the word "workshop" from that Ordinance. Administrator Waters said if the Council wishes we can take workshop off and not use that terminology from here on out and modify the definition for a

special meeting or you can define what a workshop is. Councilor Morales said she did not want to go through the process again.

Administrator Waters stated that this is a personnel issue being for payment of personnel be it legislation or other staff. This is an action that can be taken pursuant to 10-15-1(h) 2.

Councilor Morales so moved, Councilor Miller seconded. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Miller and seconded by Councilor Garrett to approve that the city attorney be paid a fee for special projects. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Garrett and seconded by Councilor Olivo to approve the city attorney to continue the acquisition of real property and water rights. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Garrett and seconded by Councilor Olivo to adjourn at 7:40 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer