

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
MARCH 26, 2003

The Council of the City of Ruidoso Downs met in regular session on March 26, 2003. Mayor Miller called the meeting to order at 5:30 p.m. and asked Emma Herrera to lead the Pledge of Allegiance. Mayor Miller asked for a Moment of Silence for our Armed Forces.

Upon roll call, the following were present:

Councilor Olivo

Councilor Garrett

Councilor Miller and Councilor Morales were absent but 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

Ken Mosley, Public Works Director

David Hightower, Deputy Chief of Police

APPROVAL OF AGENDA

Mayor Miller asked that Item G. Consider appointment to P&Z Board and Item H. Consider appoint to ETZ Commission until next Council Meeting.

Motion was made by Councilor Garrett and seconded by Councilor Olivo to approve the Agenda with Items G and H pulled. Roll call being: Councilor Olivo, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

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

MINUTES

Motion was made by Councilor Olivo and seconded by Councilor Garrett to approve the Minutes of the Regular Meeting on March 12, 2003. Roll call being: Councilor Olivo, Aye; Councilor Garrett, Aye. Motion carried.

ACCOUNTS PAYABLE

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

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Mayor Miller stated next on the agenda, Steven Speights of Wal-Mart. Steven Speights introduced himself on behalf of Wal-Mart and said he appreciates the support of the community. We wanted to find out your thoughts of the top three concerns in the community. Our company is focusing our grants on the betterment of the community. I visited with our head pharmacist, Ray Nunley, and a few other folks and we thought water conservation, forest conservation and affordable housing were the greatest concerns. Wal-Mart is trying to gear this coming fiscal year's grant money towards those. We do grants to the community's non-profit organizations and we wanted to hear your thoughts on that. Mayor Miller said we certainly appreciate that and asked if he could give us a little time to think about it until the next meeting on April 9th. Mr. Speights said yes and that was all he had tonight. Mayor Miller and Council thanked Mr. Speights for coming.

Mayor Miller stated next on the agenda, consider approving Resolution 2003-05 Economic Opportunities in Lincoln County. Mayor Miller asked Administrator Waters to discuss this Resolution:

Administrator Waters said this resolution was brought forward when we attended a recent meeting of individuals, community leaders and county leaders regarding the minimum wage increase that was recently passed in Santa Fe pushing the minimum wage in excess of \$10 an hour. This is a significant increase for anyone that owns a business in that community and I will read the resolution.

RESOLUTION NO. 2003-05

ECONOMIC OPPORTUNITIES IN LINCOLN COUNTY

WHEREAS, the City of Santa Fe recently enacted a minimum wage ordinance fixing the minimum wage in that city well in excess of the federal and state minimum wage, despite the fact that such legislation may result in increased unemployment, higher prices, and disabling the ability of its businesses to remain competitive with other businesses throughout the state of New Mexico and across the country; and

WHEREAS, the City of Ruidoso Downs values the fundamental right of businesses to set their own prices and pay wages based upon market fluidity instead of legislatively constructed standards, embracing the fact that economic growth and the freedom to conduct business contributes to the well-being of the community and its workers,

NOW, THEREFORE, BE IT RESOLVED that the City of Ruidoso Downs is opposed to municipalities regulating business affairs such as minimum wage standards, which have been reserved exclusively for state and federal scrutiny; and

BE IT FURTHER RESOLVED, that the City of Ruidoso Downs encourages economic growth and values the introduction of additional job opportunities to the communities of Lincoln County.

Motion was made by Councilor Garrett and seconded by Councilor Olivo to approve Resolution 2003-05 as presented. Roll call being: Councilor Olivo, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, consideration of street naming at new Public Works Building and entertained a motion to name the street Mystery Drive as suggested by city staff.

Motion was made by Councilor Garrett and seconded by Councilor Olivo to approve naming the street Mystery Drive at the new Public Works Building. Roll call being: Councilor Olivo, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, consider approving destruction of Public Records Phase V as requested by City Clerk. Clerk Virden said I would like to apologize because I have another phase coming up. The storage room outside is completely cleaned out and I had 49.2 cubic feet of paper. To date with the 49.2 we have destroyed 125.4 cubic feet of paper. To forewarn you after my Phase VI, we will start with Phase I within the Police Department, Phase I with the Court and Phase I with the Code Enforcement/P&Z Department. It will be an ongoing project.

Motion was made by Councilor Olivo and seconded by Councilor Garrett to approve destruction of Public Records Phase V. Roll call being: Councilor Olivo, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Olivo and seconded by Councilor Garrett to award Bid No. 03-013 Water Sleeves to Carl Kelley Construction with the lowest bid of base bid amount of \$79,220.00 excluding GRT. Roll call being: Councilor Olivo, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, consider purchase of Hydra-Stopping Unit. Administrator Waters asked Public Works Director Mosley to inform the Council. Mr. Mosley said the hydra stopping unit is used to isolate small problems in the water lines. It doesn't eliminate but it minimizes large water outages when we have a water leak and we are trying to repair it. This would allow us to install the valves in selected locations around the city.

Motion was made by Councilor Garrett and seconded by Councilor Olivo to approve purchase of Hydra Stopping Unit in the amount of \$27,732.23. Councilor Garrett said, for the record, this is a budgeted item I believe. Administrator Waters said yes it is a budgeted item. It is slightly more than we had originally budgeted for it; prices have gone up this year. Clerk Virden said you might want to inform the Council it is a sole source. Roll call being: Councilor Olivo, Aye; Councilor Garrett, Aye. Motion carried.

OTHER BUSINESS

Administrator Waters said you will notice on our display board there is a graph with a listing of water readings of our spring output. It is still going down. We are talking with the State about the emergency conditions; however, the spring usually has a period during January and February where it used to recover back in 1999 and 2000. They don't exist anymore, at least over the past two years when that time period would essentially recharge the spring. We are pursuing the Water Master Plan, the three emergency phases which are the water line replacement to reduce our estimated 25 to 30 percent water loss, increase our storage and increase water rights and find an alternate source. Instead of going after one at a time, I am hitting the State up of different agencies, the Federal government for entire program because I think we are going to have to advance our plans.

PUBLIC INPUT

Larry Mulligan said I am a member of the ETZ Commission. One of the things we have constantly heard is about annexation not being an option. However, on March 18th it appears that Mr. Waters, City Manager, is talking to the State and said that they are pursuing annexation. The Mayor Pro-tem went before the Lincoln County Commission and said no, there are no annexation plans. If you are annexing this territory then the ETZ is meaningless. I think we deserve an explanation of what is going on.

Mayor Miller said for the record would you state your name please. Larry Mulligan. Mayor Miller said you are with the ETZ and you were appointed by Lincoln County. Larry Mulligan replied yes sir, by Lincoln County.

Administrator Waters said Mr. Mayor, members of the Council and Mr. Mulligan quite frankly this should not be of any land shaking news to you. I don't know what was said in the ETZ meeting as I wasn't there but I understand that you are misrepresenting what was being told. We have received annexation requests from that area. If the conversation you are referring to was that Councilor Garrett went before the Commission and said the ETZ is not actively annexing things, no. Is the city actively going out and annexing things, no. What Councilor Garrett has said and what I have repeated on many occasions is the Council will consider it if the entities bring forward an annexation request. That is essentially what has happened and that is essentially all I am going to talk about on it.

Mr. Mulligan said there is one entity as far as I know that has brought forth a request. I notice you are not going under number one, you are saying under number three city can bring a request to annex before the Public Boundaries Commission and that you are intending to do this in May. Is this true?

Administrator Waters said Mr. Mayor, members of the Council; I am not currently going to discuss any of the options. However, Public Boundaries Commission is one of the three options that are under the state statute for annexation. Essentially what

was mentioned with the individuals was how you can be annexed. I believe this has been hashed over many times. There are three ways to get annexed and I let our legal person comment on that. However, that is one option the city has at their disposal. Is there an annexation procedure currently pending before the Council? Councilor Garrett said no. Administrator Waters said that is the answer.

Mr. Mulligan said in other words you are not going in May before the Public Boundaries Commission for annexation. Is that a true statement? Administrator Waters said there is not currently a request before the Council to do that. It is the Council's discretion to do that. I am not answering for the Council, sir. Mr. Mulligan said I am just checking from your memo. Administrator Waters said that is not my memo; this memo is from New Mexico State Environment Department so clarify that please.

Mayor Miller asked is there anyone else. If not, I will entertain a motion to adjourn.

Motion was made by Councilor Garrett and seconded by Councilor Olivo to adjourn at 5:54 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer