

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

The Council of the City of Ruidoso Downs met in regular session on June 26, 2003. Mayor Miller called the meeting to order at 5:35 p.m. and asked Cyndi Miller to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller Councilor Morales
Councilor Garrett Councilor Olivo

Administrator Waters informed Mayor Miller there was a quorum.

Also present were:

Dan Bryant, City Attorney
John P. Waters, City Administrator
Carol Virden, City Clerk/Treasurer
Tom Armstrong, License/Permits Supervisor

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the agenda. Motion was made by Councilor Olivo and seconded by Councilor Miller to approve the Agenda. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Miller entertained a motion to approve the consent agenda. Councilor Garrett moved to approve the Consent Agenda. Second by Councilor Morales. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF JUNE 10, 2003 REGULAR MEETING

Motion was made by Councilor Garrett and seconded by Councilor Morales to approve the Minutes of the June 10, 2003 Regular Meeting. Roll call votes: Councilor Miller, Aye; Councilor Olivo, 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 votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

UNFINISHED BUSINESS

None

NEW BUSINESS

Mayor Miller stated next item on the agenda, Honorable Judge Mansell - Update on Annual Judicial Training in Rio Rancho, New Mexico. Judge Mansell said we had a good conference but we had a lot of people absent this year. To be absent it had to be approved by the Chief Justice of the Supreme Court and she was at our meeting. Some real good news and mainly because we have Wal-Mart down here, the 2004 Clerks and Judges Conference is again going to be in Ruidoso. We had it two years ago and everybody loved it down here. Taos used to get it all of the time but now it looks like we will get it as often as we want it. It starts on Sundays with the clerks and then the judges come in on Tuesdays at noon and meet with the clerks a half a day then the judges start on Wednesday morning and stay until Friday. I became the second as far as longevity in office in the state. The young lady that is the judge of Angel Fire was elected in March, 1987 and I was appointed by Mayor Harris in June, 1987. I am the oldest as far as years. Our speaker was an Anaya appointee, a democrat and an African-American preacher in Albuquerque. Judge Mansell repeated a joke he heard from the speaker during the Municipal Judge's and Court Clerks Conference. We have never done this but when we send out a show cause, the next thing that happens in court is a bench warrant for their arrest. The bench warrant goes to the police department and is put into the computer system and anyone in Lincoln County can arrest these people that we have on the warrant. The Bill we had up this year didn't fly. We wanted all of the contiguous counties to have authority but so many good Bills didn't fly this year. We are going to send that individual a copy of the warrant that maybe dad or mom or whoever sees it will get them to pay it because they are going to arrest you. It has worked in a couple of cities throughout the state so we are going to try it.

Possibly the biggest thing in the news is the interlock device for people. The people have to buy the interlock device for their car, the installation and so much per month. They have to blow in it before they can go anywhere. The advantage is they can drive anywhere they want to in that vehicle. Before if they got the privilege to drive because they got a year's suspension, they could only go to and from work and in case of emergencies. I haven't seen it but I am sure the new law will say that it in an arrest clause if that individual is driving any other vehicle with the exception of the one that has the breath machine. For instance if they are driving back from Albuquerque and want to stop at Al's Bar and have a couple of beers and they think they can make it back to Ruidoso. What is going to happen is they get out there half way and this thing comes on and gives you a warning that in about ten minutes your car is going to shut down. If they have had a couple of beers, they aren't going to be able to go anywhere.

Those are the two things that concern us and the per diem that you are going to vote on tonight. We are not only going to work on the new ones but we are going back and Gina is going to work on about ten or twenty a day and mail a warrant to those

people and let them know. We have probably \$70,000 on the books that should be paid. Our warrants are only good in Lincoln County.

Mayor Miller stated next on the agenda, presentation for 20-year employment plaque to our chief dispatcher, Cyndi Miller. Mayor Miller then read the Letter of Recognition to Cyndi Miller: "It gives me great pleasure to congratulate you on your 20 years of employment with the City of Ruidoso Downs Police Department. Your hard work and dedicated service to the Ruidoso Downs Police Department is greatly appreciated by the City Council, the Ruidoso Downs Police Department, the citizens of Ruidoso Downs and me. This achievement has no doubt proved to be a great benefit to the Ruidoso Downs Police Department. Signed by me." Cyndi Miller thanked all.

Mayor Miller stated next on the agenda, consider approving Resolution 2003-13 Per Diem and Mileage Act. Administrator Waters said as Honorable Judge Mansell indicated, the Per Diem and Mileage Act has been amended. The statute now allows for more compensation when you go to places to perform city-related business. Before, if you claimed actual expenses, you got up to \$22.50 per day for meals which in Santa Fe gets you one meal a day. If you happen to be in Dallas, Phoenix or Washington, D.C. you end up losing a lot of money to go there on city business. The state has been trying for several years to amend this to allow for more reasonable compensation. It hasn't been amended for many years therefore the amounts are relatively low. The last time you could go to Santa Fe to get a room for \$65 or \$75 was probably fifteen years ago. The rates have been amended and the amounts are listed on Page 3. In-state areas per diem for overnight travel is \$85. An in-state special area which is currently classified by Old Santa Fe is \$135. Out-of-state areas is \$115 and out of state special areas is \$215 which is New York City, Washington, D.C., Chicago, Los Angeles, San Francisco, Palm Springs, San Diego, Atlanta, Boston, Las Vegas, Atlantic City, Philadelphia and Dallas/Fort Worth. I can see council members and staff members going to two of these related to the environmental issue we have with the wastewater plant. Dallas is the regional headquarters for the EPA and then Washington, D.C. for seeking funding from congress. This does affect little cities like Ruidoso Downs because we do have to go to these places. It allows for our officials to travel on city business. Before they passed this it was rather difficult for small towns to send people. This amendment now basically concurs with the state statute; it will not require any further amendment. The state went part way with their amendment. They have a few things they didn't do but a lot of the municipalities are going ahead and passing the state statute as it was amended.

Councilor Miller asked if the mileage was up to \$0.35 instead of \$0.25 per mile. Administrator Waters said that is correct; the mileage was amended as well.

Mayor Miller entertained a motion. Councilor Morales made a motion to approve Resolution 2003-13 Per Diem and Mileage Act. Second by Councilor Miller. Roll call

votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider awarding RFP 03-05 Professional Services - Design and construction management of various roadway infrastructure projects. Administrator Waters said we recently put out a RFP for reconstruction of Allison, Wright and Turkey Canyon. If you remember we had approved this originally for just Allison but we decided to include Turkey Canyon on that so we can get both projects going at the same time. The actual city share on this, while it is a little higher than anticipated, keep in mind that it also includes other roads that weren't originally in that. The total amount budgeted was only the amount budgeted for Allison. As you are aware, we received an award notice for Turkey Canyon as well. You can figure that amount is going to be roughly in the neighborhood of \$245,000 for both of those streets. We are currently negotiating with the entities for the contract price of this. Essentially we would like the permission of the Council to award this RFP to URS who is the corporation that is doing the engineering for the east side of the highway down through Riverside. A lot of them pointed out that they are staying in Ruidoso Downs.

Motion was made by Councilor Miller and seconded by Councilor Garrett to approve awarding RFP 03-05 Professional Services to URS Corporation. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, Ruidoso Downs Chamber of Commerce - Request of Funds. Barbara Green said as some of you know the business owners in Ruidoso Downs started meeting in March to discuss the possibility of forming a Chamber and what they thought about it. The response was overwhelmingly we want this for our city. We continued meeting and as of June 19th our Articles of Incorporation were approved and on June 20th, we had our first annual meeting and elected our officers. Our officers are President, Barbara Green; Vice-President, Jim Strain and Secretary/Treasurer, Diane Carpenter. I want you to know that we are so excited about this; we are so excited about promoting our city, letting people know we are Ruidoso Downs, where we are, promoting our businesses in Ruidoso Downs that desperately need promotion and we are looking forward to a good working relationship with the Council and City Hall. Right now we don't have a site; we are working on a site. We are going to have to look for a temporary site. We have a committee looking into this. I am not going to request funds tonight; I can't tell you tonight what I need the funds for. We have to wait until we know where we are going to be, what kind of money we are looking at and when we have those figures, I will come back to see you and I will request your help. We have worked very hard for this and I think it will be a great thing for our city and our business people.

Councilor Olivo asked how many members do you have? Barbara Green said we are just starting our membership drive and we could not do that until we had our

Articles of Incorporation approved. It was just last Friday that we had our meeting. I gave out membership packets to people that had been coming to the meetings and I haven't seen them so I can't tell you how many members we have. I have a list of all of the businesses in town which is approximately 113. I have contacted these people personally and have other people working towards this and everyone I have talked to definitely wants to do this and definitely would become a member. Our annual membership fee is going to be \$75 across the board. We are not going to have a structure. I am not saying that we won't have to in the future but right now we are not going to. I have had no one tell me they were against this or anyone tell me they would not become a member. Our membership is open to businesses and individuals. We have already had several individuals that do not own businesses become members. I had a call from a man representing the Ruidoso Board of Realtors and he wanted to come by and get some of our information. He said he was almost positive the Ruidoso Board of Realtors would become a member.

OTHER BUSINESS

Administrator Waters said one of the items that I put on Other Business just basically because we get questions where certain projects are standing. We have quite a few going on and they are growing. We do have the East Circle sewer project completed. There is a brand new sewer system that makes available 41 lots for sewer service. It is part of our contribution of getting the pollution out of the ground water and we have a lot more to go. Sewer is an issue that is going to be increasing. In addition to that the Council was gracious enough to allow us to pave East Circle entirely instead of leaving part of it unpaved. It was done so well that everyone on West Circle is asking us to pave their road. It is a very nice two inch overlay. We are intending to do this for both Allison and Turkey Canyon this year and if we can squeeze in some of Wright Lane depending on how much funding we have.

We have three CDBG projects that are going on. Our Comprehensive Master Plan; we have signed the contract with ASCG and Sites Southwest. They are going to be working diligently to get the project completed by October. They are going to give you something to look at for the next twenty years. It is important to have a Comprehensive Plan to get those CDBG grants. In addition as Dora Batiste mentioned you can use those grants for feasibility studies and for other projects. What would it cost to have a swimming pool in town; what would we need to do to get the funding for that. These are feasibility-type studies that will be open to you after you get your master plan. Next year's cycle start thinking about what we could do as far as planning for things to maybe get another \$25,000 grant. The Comprehensive Master Plan hopefully will be complete by October. Our other CDBG projects were awarded late; we have started on them now. We have the replacement of our water lines throughout town and the installation of water pressure releasing valves to lower the pressure in some areas that are very high in excess of 90 psi which blows pipes and leaks water out tiny cracks a lot faster than it would if it wasn't under that pressure. The engineers assessed we have at least 25 percent leakage. Mo seemed to indicate to me that it was upwards of 30 percent

leakage out of our system which is extraordinarily high. We have an old system. The system was not standard when it was installed in some areas. It is time to fix these things now and once we do this we are able to up the size of the line from two inch to six inch. That means those areas around Wright Lane, Central and east of City Hall will actually have fire protection which they do not have now. This will provide both more storage for our water system which we need disparately and it will also provide more fire protection. We are moving on the design phase right now; the environmental and everything has been completed. We just now completed all of our environmental documentation for the drainage project. We finished with the archeological evaluation of the new easement off of Parnell and it came back clean. There weren't any ancient Indian burial grounds under there. We have sent that result off to the State Preservation Office for the final clearance. That clearance cost us around \$800. There will be a lot of torn up streets in Ruidoso Downs and ask for patience from the Council and the public. We will have those orange barrels. Just remember we are doing this to improve the town. We are looking at the City Hall office construction. Unfortunately it hit during the busy time and we did not get any proposals on the office construction. We are going to re-advertise it and re-bid that project. Tom Armstrong and Terri Mosley are going to contact some of the contractors to notify them.

The pedestrian walkway although this is something that you budgeted for, currently we are not on the list of final consideration for the All American Scenic Byway grant proposals. However, we believe we have enough money budgeted to complete the project as drawn on the master plan by Engineers, Inc. We are going to proceed with that walkway. If I can secure that grant next year, it will help us reimburse our cost. It will connect with the highway on both sides. It might possibly supply us with another wrench to go before the State Highway Department to have the walkway connect with the crosswalk.

The basketball courts, the engineers are going to put out another bid to get that court poured over. We are working to get that done. At the same time Mr. Bryant is working on the other problem of our dissatisfaction with the first firm that poured it. Rather than wait for the legal part, we decided to go ahead and push this project. We are talking about a much simpler project for the basketball courts. All they have to do is pour four inches over the top of the courts and make sure it is smooth.

Councilor Olivo said I want to commend Tom Armstrong and Mike Walter for coming to the rescue of the women who fell and broke her leg.

Councilor Miller said the new pavement on East Circle brought the kids out on their skateboards. I still want some "Slow Children Playing" signs at least going down the main road. Administrator Waters said we did turn in an order for those.

Administrator Waters said we do have the latest numbers on the Spring. Mr. Mosley went out this afternoon and took a reading partially because we have a request sitting in the governor's office for assistance with our water system.

Essentially it is another grant we are going after. The governor is really heavy on trying to put together a plan to deal with all of the municipalities and the water systems. Those that are in trouble he is trying to make sure they are on the top priority list and we are in trouble. The Spring is going down and it has not recovered. I came before you last year with concerns and that is when we brought the Water Conservation Ordinance into play. I don't know if that helped out or we had a little bit of rain from May to June of 2002. However, it has not come back up above the red line which is the line that indicates the Phase II and that is 280 gpm. While we saw a little bit of increase from March to April due to some rain, it has dropped significantly. We are compensating with the Denton Well quite a bit. Our search for water rights and additional storage is much more important at this time. I have made the governor's office aware of it. I am anticipating a trip that possibly the Mayor, Council and I need to meet with the governor and talk about this.

Councilor Garrett suggested that the water usage graph be included in the next newsletter to the public.

PUBLIC INPUT

Judge Mansell asked if Clerk Virden had presented the Mayor and Council with the new ordinance on the correction fees. Clerk Virden said it will be coming up on the July 10th Council Meeting. Judge Mansell said it is an increase of \$10 that the customer pays the court in correction fees. It is currently \$17 from municipalities that are non home rule. When you pass this ordinance it will be \$28. \$1 will go into our education fund. That no longer costs the city anything; it used to cost you \$150 to send me training but the customer pays it now when they pay a traffic fine. Ruidoso and Ruidoso Downs got this approved.

Tommy Hood asked if the Council would consider putting a street light on Riverview. We live on the back half of Riverview and it is a very dark street. We are having a lot of people drive by late at night.

Administrator Water said we will put it on the next agenda. It takes the act of Council to place a street light. Once a street light is placed in an area then the city assumes the cost of the utilities and to maintain it forever.

Diane Carpenter said the lady from the CDBG said what wonderful grant writers we had and I think they should be appreciated.

Bonnie Richardson said I have lived in Ruidoso Downs for 29 years and I want to commend you on all of the projects you have in the works. It reminds me of getting a big ship started on its way and once it get moving it looks like you can see some progress. I appreciate that and I think that a lot of people will appreciate it. Also, I am sorry that the Chief of Police is not here tonight because I want to talk about one of his employees, Peggy Lu Jane. Two months ago Peggy had a really horrible job. It was physically challenging. She had to rescue seven live dogs and one dead dog in a really horrible environment and take them to the animal shelter. I saw her do

this work and she had to be strong. She did the job very well. Today Peggy had to pick up a dog that was dead on the highway; it was my grandson's dog. The sympathy and the care that Peggy showed for her job is so impressive to me that I knew that you would want to know what kind of employee you have. It is nice to have that kind of people to work with.

EXECUTIVE SESSION

Mayor Miller stated I would like to entertain a motion to go into Executive Session pursuant to Section 10-15-1(H) 7, Threatening and or Pending Litigation.

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

Mayor Miller stated I would like to invite Administrator Waters, Attorney Bryant and Clerk Virden to attend the Executive Session and closed the regular meeting at 6:31 p.m.

Mayor Miller called for a motion to go back into Regular Session at 7:14 p.m. Councilor Morales made a motion to go back into regular session and declared that the only matter discussed was Threatening and or Pending Litigation and Real Property and Water Rights and no action was taken. Seconded by Councilor Miller.

Mayor Miller entertained a motion to adjourn. Motion was made by Councilor Garrett and seconded by Councilor Miller to adjourn at 7:15 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer