

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
SEPTEMBER 25, 2003

The Council of the City of Ruidoso Downs met in regular session on September 25, 2003. Mayor Miller called the meeting to order at 5:30 p.m. and asked Pappy Bell 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
Robert Logan, Department of Public Safety Director
Ken Mosley, Public Works Director

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES OF SEPTEMBER 8, 2003 WORKSHOP

Motion was made by Councilor Garrett and seconded by Councilor Olivo to approve the Minutes of the September 8, 2003 Workshop. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF SEPTEMBER 11, 2003 REGULAR MEETING

Motion was made by Councilor Garrett and seconded by Councilor Olivo to approve the Minutes of the September 11, 2003 Regular Meeting. Roll call votes: 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 Olivo to approve the Accounts Payables. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

UNFINISHED BUSINESS

Mayor Miller stated next on the agenda is unfinished business, street light requests. Administrator Waters said a couple of meetings ago we instructed Mr. Mosley and Chief Logan to take a look at our lighting situation in some of our neighborhoods in town. There were several that were identified and you have the agenda briefing memorandum from Mr. Mosley in front of you. He identified quite a few lights that need to be installed. I will remind you after reviewing the Minutes from the Council meeting you asked us to look at this and we did approve one light at the time. That was the light Mr. Hood approached the Council about. We can go ahead and install that light if it is the Council's wish to do so. Of course we have these other areas and I will let Mo tell you what he found out.

Public Works Director Mosley said with the assistance of Chief Logan of the Police Department, we indicated about twenty areas that are in great need of lighting. These areas need from one to three lights for each one and this could be as many as 40 lights. I spoke with Texas-New Mexico Power Company and at this time they don't charge us to install these lights if they don't have to move power to get to the light. The charge is approximately \$10 to \$18 per month, per light. It would need to be budgeted. The one we could probably absorb in our budget but if we decided to go with all of them, I don't think we can do that with our current budget without moving money from the general fund. My recommendation is to wait until next year and budget for all of them.

Councilor Olivo asked where we need these lights in town; we have no idea. Ken Mosley said I did not bring the list with me but there are areas all over town.

Councilor Olivo moved to approve installation of 40 streetlights because of safety and adjust the budget accordingly from the general fund. Seconded by Councilor Miller.

Councilor Miller said it says here \$10 to \$18. I know I have one on my property and I pay \$12 per month for my light. Councilor Olivo asked who he talked to at the power company. Ken Mosley said I talked to Mr. Longbotham and he said for some reason they range depending on what type of lights you put in.

Councilor Garrett said I just wonder if we are looking at a big expense to put them in. Ken Mosley said I don't think the majority will cost us anything to put in. Councilor Garrett said we are moving money in the budget but I would assume it is going to take the electric company a while to install all of these so the budget should be considerably less than what is budgeted for the nine months.

Councilor Morales said I do have a comment. What I noticed of interest was in this memo is "Texas-New Mexico indicated to me at this time they don't require installation fees" and with everything going up the way it is I am afraid in another year we may be looking at installation fees.

Administrator Waters said the adjustment will be made then and it will appear on the first quarter adjustment you will see in October using money from the general fund as Councilor Olivo's motion indicates. Perhaps we will have a better indication as to the installation schedule from the power company and we can move the money according to what we will need for the rest of the year.

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

NEW BUSINESS

Mayor Miller said the next item on the agenda, ASCG, Inc. - Presentation, 2003 CDBG Project No. 03-C-NR-1-1-G17 - Drainage Project Design. Administrator Waters introduced Pearce from ASCG and he is working on the drainage plan with Clint Dodge. They have come before us on other occasions; he works for the same firm as Herman Andrade and Charlie Leder that are doing our water project.

Pearce said we started on this drainage project awhile back and the project is to install the storm drainage improvements for Parker Drive in the Drainage Master Plan a year and half ago by Smith Engineering. There were several improvements to be made along Parnell to Parker Drive ditch, Central and an area on Riverside. We started doing estimates on those improvements. We found the improvements were going to cost quite a bit more than what was allocated in the Drainage Master Plan. We have looked at what the improvements are actually going to be, what they are going to cost and came up with a program that is a little bit different than what was in the Drainage Master Plan but it is something we would like to recommend and proceed with. The DMP had the improvements for the whole system costing \$572,000 and that is with the CDBG funding is based on with a total of close to \$590,000. When we did our take off, we came up with about \$1,200,000 for everything required for that system. There are a number of things that contribute to making that difference. Our quantities and unit prices came up a little bit different. In the DMP they said you needed to do water quality features but they did not add that into the price but we have added them in now. Outflow structures into the river; there are actually two outflows going into the river and current rules require us to install outfalls. We have included those in that number. In the DMP the channels were flattened so the water height was at the top of the channel. The channels were too narrow; they need to be five foot wide. Back to what we can really do for the money that has been allocated. We could get protection for the 100-year flood for all of these areas but we not going to be able to provide that with the existing funds. From the \$590,000 we take out the engineering, surveying, gross receipts tax, property acquisitions, that leaves \$430,000 in actual construction dollars to spend. We took two approaches. The first approach was how much of the full

system can we construct starting at the river and working upstream. The other approach we took was to spread the money out and address all the areas that have been identified as concerns. Number one is Parnell Drive and we would get rid of the low spot so water would flow down into a storm drain pipe. This storm drain pipe will be sized to fit the 100 year flow. We would build a storm drain; we would have a rip wrap outfall for that storm drain and widen the channel out. We would put in ponds to stop the flows from upstream and to take the sediment out of the flow. Then we would provide a grass line channel over Park Lane and from the culvert at Park Lane to the culvert at Parker Drive. We would build a concrete wall around a portion because there is just not enough right-of-way. Then we would finish the project going from that culvert to the river with a grass line channel along Parker Drive to the Parker Drive ditch. We would regrade and repave a portion of River Lane. That whole system will cost about \$430,000. We submitted a preliminary engineering report to that affect.

Councilor Miller said it makes more sense to me that you would put a ditch along the lower part of the highway. A lot of the water comes from this side straight down. It seems to me if you had a ditch with culverts that would go on the lower part of the side of Highway 70 all the way down where it would connect into Parker, you would not have all of that water going through all these places. Like North Central when they fixed that curve and for a long time they had a hump there and the water couldn't go down that way, it worked. If they have a ditch along Highway 70 that would somehow go straight down into Parker it seems like to me it would eliminate a lot of people from getting flooded down there.

After a brief discussion, Pierce said I am sorry if I did not make that clear, this system is designed to provide the 100 year protection with some modifications as money becomes further available. I think we are attacking the problem as best we can with what funds are available and allowing for future upgrades. We are not building a system with a pipe that is too small and have to come back.

Administrator Waters said Councilor Miller brought up the point about North Central being a problem for drainage. It is interesting to note that ASCG also identified that and Smith did not identify that as a problem. One thing that was helpful when we brought ASCG on board, they pointed that out as a problem and that will be in the next phase of this project.

Mayor Miller thanked him for coming.

Motion was made by Councilor Garrett and seconded by Councilor Olivo to approve Resolution No. 2003-21 - Special Election November 21, 2003. 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 approving Resolution No. 2003-22 - approving and accepting Cooperative Agreement Control No. 85998 with

The New Mexico Department of Transportation (NMDT for Project No. SP-2-04 (922).

Administrator Waters said if this looks familiar, it is. We have passed another version of this, however, the state telephoned us about two weeks ago and told us the Santa Fe office decided to change the format for co-op grant resolution agreements. They asked all of the institutes that received grants this year to go back and add language specific to the area that we are talking about which is Allison and Turkey Canyon. That is the only change in this is we are adding those to specify that in the co-op grant. Prior to this year and prior to this administration, Santa Fe didn't require that. I understand the reason they did this is they had some changes in administration in some towns to where they used the money in places they weren't suppose to and it created a political stir in those towns so they have gone back to a more specific agreement.

Councilor Miller moved to approve Resolution No. 2003-22 - Approving and Accepting Cooperative Agreement Control No. 85998 with The New Mexico Department of Transportation (NMDT for Project No. SP-2-04 (922). Seconded by Councilor Olivo. 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 rescheduling City Council Meeting of November 27, 2003, Thanksgiving Day. Councilor Garrett moved to reschedule City Council Meeting to November 24, 2003. Seconded by Councilor Morales. 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 approving Personnel Recommendation, Police Officer position. Public Safety Director Logan said I would like to introduce Michael Driscoll. Michael Driscoll has most recently worked for the Ruidoso Police Department and wants to come over here. Michael comes to us with five years New Mexico experience with the Dona Ana Police Department as well as Ruidoso Police Department. Michael specializes as a domestic violence instructor for police officers so he will be able to pick up a training role in our department. I would like to recommend Michael Driscoll as a police officer.

Councilor Olivo moved to hire Michael Driscoll for the position of Police Officer. Seconded by Councilor Garrett. 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 approving Destruction of Records - Department of Public Safety Phase I.

Administration Waters said if you have any questions about what is being destroyed, I will tell you that our custodian has had a chance to review the log. Of course, the Public Safety Director is the one in charge of that so either one are

available for your questions. Public Safety Director Logan said there are about twenty boxes stacked in the lobby.

Motion was made by Councilor Morales and seconded by Councilor Miller to approve destruction of records for the Department of Public Safety Phase I. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Garrett and seconded by Councilor Olivo to award Bid No. 04-002 for materials for Allison Lane Waterline Replacement Project to the lowest bidder for each category: Morrison Supply - \$14,112.68; National Waterworks - \$1,143.63; Baker Utility - \$2,703.00; Hughes Supply - \$240.00. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Garrett and seconded by Councilor Olivo to reject Bid No. 04-003 to restructure scope to allow for project within budget. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Garrett and seconded by Councilor Olivo to approve request to advertise for annual bid to furnish asphalt for road improvements. 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, appointment of Community Center Task Force. Councilor Miller said I am part of this committee for a community center for the county. As I understand, we would like to have some citizens on it if they would like to, one or two, one council person and also our administrator. Councilor Garrett said I know one citizen that would like to serve and that is Mary Ellen Levinson. Councilor Morales said I would like to recommend Ray Montes. Ray helps with little league basketball, the girl's softball team and he is very interested in it. Councilor Miller said both he and his wife are both involved with children in the community. I am hopeful that John Waters will take part in it because he knows a lot about the financing and we need him on this community center project. I would hope he would agree to that. Administrator Waters said I will serve at your request. Councilor Miller said I will serve as the council person unless someone else wants to.

Councilor Morales made a motion to appoint John Waters, Mary Ellen Levinson, Ray Montes and Judy Miller to the Community Task Force and also any other citizens or people on this Board who can help out. Seconded by Council Olivo. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Garrett and seconded by Councilor Olivo to approve advertising Bid No. 04-004 - Allison Lane and Turkey Canyon Construction - Phase I. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

OTHER BUSINESS

Councilor Olivo asked why we are making the walkway so wide, nine people wide. We will have kids driving cars through there. Administrator Waters said we have a couple of issues. First of all, we have an ADA disability issue. If you have someone in a wheelchair, you have to be able to walk around it. Plus another technical issue we found out is the paving machine as only nine feet wide; that is the smallest we can get it. Eight feet was the requirement for the ADA so that is why the asphalt portion is going to be nine feet. It is fairly flat and will be accessible for all of our seniors which is a good thing. We will also put something up there so cars can't get in there.

Councilor Olivo said Mike Walter is working to get a haunted house for Halloween for our kids. Last year we had nothing for them. This year since we have some funds we raised two years ago, we want to go ahead and use some of that money for a haunted house for the kids. We have had one every year except last year. Mayor Miller said we will see what we can do for a location.

PUBLIC INPUT

Susan Goodrich said to remind you I live at 107 Burk Lane and I am here three months later to find out what is happening with the private dump across from my property. More is being accumulated on the property than is being taken off. The good news is the traffic has slightly slowed down depending on what time of day and night but they are still accumulating vehicles and trailers. None of the garbage has been hauled out of there. I would just like to know where we are at legal-wise and what is the next step and what kind of timeframe this all is going to involve.

Attorney Bryant said we have the notices out and Mr. Owens was in my office for an additional discussion this week and he suppose to come back next week.

Councilor Morales said I drove by there as all of the other councilors have and it is horrible. We are working on it but it seems like the wheels of justice turn very slowly.

Attorney Bryant said it is a little more complicated than that because of some circumstances that occurred between Mr. Owens who was running a trucking operation on behalf of a construction company that is now being sued by the State of New Mexico over both ends of this highway project. We can't wait until that case is over for the cleanup.

Susan Goodrich said so by the next council meeting we might know what the plan is and Attorney Bryant said if you will give me your address I will write you a letter as

soon as Mr. Owens leaves my office. Susan Goodrich gave her address and said I appreciate that. It is not only for us but for people on the other side have children.

Jim Burrow said a few days ago I talked to Mr. Waters about the traffic light down here and he said the state was going to run a survey; did they run that survey and what did they have to say. Administrator Waters said yes they did run a survey; they ran the first survey in the middle of winter. They, of course, found that nobody was crossing the road in February; a) the kids were in school and b) the traffic wasn't here. When we received a letter back from that, I called both the District Engineer and the Office of the Secretary who I did not get. The District Engineer finally called me back and they said they would come back some time during August or September to do another survey of the property particularly between Zia Gas and the post office. The police department has been keeping tabs on how many people crossing the road. We have a lot of records of kids crossing the street. We have kids, seniors and adults all hours of the day and even some in the night crossing that road. I almost hit a couple of kids because they shoot out from the road. In one case we had an instance of a kid cutting across there on a skateboard. If you think about a kid going straight down Downs Drive or Second and running out in the road, there is a recipe there for a really nasty accident. That point was made to the state. As of yet, I am not aware that the state has done that survey. They contacted us when they started the last one; our understanding was it was going to be a yearly survey. We found out that they had come up here for three or four days during that period. We are going to continue to push the issue with the state. They have to get permission for that to be put in is the bottom line. We have to continue to call them, get them out here and send them our latest study which I understand is quite thick. That is all we can do is continue to badger them and show them that the evidence we have shows a lot of people crossing there. When Highway 70 turns four lanes all the way to Roswell you can expect the traffic will increase. That is a real concern that we will have more traffic with the same kids running across and increases the opportunity that one of them will get hit. That is still a priority and we are still working with the state. It is going to continue to the point that they are tired of hearing from us. We are going to go before the Secretary if they do not come down and do this survey.

Councilor Garrett said when you write the next letter they need to know that we are improving the park. We put in a walking path and the majority of the people live on this side of the highway. Administrator Waters said that was mentioned in the last letter we sent them.

Pappy Bell said just by listening to the conversation, I understand we are putting in a walkway but I didn't hear any mention of it being lit. Is it going to have lighting? If it isn't, is there any chance we could put lighting on it with this other program you approved with the streetlights. It is just an idea.

Administrator Waters said remember if we have to put a line of lights out there we are going to have to pay for that power. That is the first thing we would have to

consider is the price of that. The other thing is our park currently closes at 9:00 p.m. Although it gets dark during the wintertime, during the summertime it will be light until 9:00 p.m. generally. I am worried about late night usage of that particular facility. If we are thinking about using it late into the night, we will have to have some patrol that is more frequent. We currently don't have plans for lights there but as Councilor Olivo pointed out, the baseball lights do give quite a bit of light. You might be able to see through most of it however the parts over by the basketball court which does not have lights on it yet but it is planned and the part over by the back of the rec center are dark and I would be worried about people falling and slipping especially in the winter if the trails have water on them. Right now at this time we don't have plans for that. The Parks Board has a plan that we are basically working off of. There are some other parts of this that are planned for; the sidewalk portion of this is going to be done when it gets warmer and we can pour the concrete. That basically connects the trail network to the highway so you will be able to walk theoretically from the Bill the Kid Byway Center down to the park. That is essentially what we have planned now and it was budgeted this year; it is coming out of the non-commercial lodgers' tax. We do anticipate being able to perform both the asphalt portion now and in the spring we are going to put the sidewalks in. It will be a nice facility when it gets done.

Councilor Morales said after last council meeting I said it looked awfully trashy across the street from the Museum of the Horse. I would like to give credit to our council members and Mike Walter for going out and within an hour we picked up ten huge bags of trash. I was real proud of us and I would like to invite the public and everybody to come and help us as we are going to do this again.

Susan Goodrich asked do we have people that are incarcerated that could pick up trash. Councilor Miller said they don't stay incarcerated in Ruidoso Downs; they go to Carrizozo. Attorney Bryant said Judge Mansell frequently assigns community service hours that are currently being done in Parks & Rec. We could ask them to set that up to pick up litter along the highway. Councilor Miller said it helps people pay their fines by doing community service. Maybe we should make a schedule of times to do it, weather permitting, and then people would join in. We need more than the annual cleanup.

Councilor Olivo said at the bike rally on Wednesday, the opening day, we gave out a lot of pins of the City of Ruidoso Downs.

Jim Burrow said I think she had a very good idea of setting up a schedule for the council members to do that and also for any volunteers. I would volunteer. I want to thank Mr. Ken and his crew on the job they did on the north side of the river on Parker Street. They did a real fine job of widening that up.

Mr. Beaver said I couldn't see the drawing and I don't know how big the culvert is going to be to protect the drainage. Administrator Waters said we can get copies of those; this is a preliminary plan. I know Mr. McCutcheon is real interested to know

how much of the property is on his side. They are getting those numbers for us now; they just got the survey from Tom who just received it recently on the east side of Parker Road. That will give us an idea of how much of his property we need in addition to what we need to do with the bridge because we have some issues about the future expansion of that bridge. We need to accommodate that with the drainage system so we don't have to move that outfall some time in the future. We are working on that and we should know something about that within the week.

Susan Goodrich said I have one more thing for Mr. Bryant when he discusses with Mr. Owens his plan. If you could ask him if he is planning to take things off, why is he adding instead of taking it off. I don't know if you are aware of it but I was telling the other members earlier there is an additional trailer, two vehicles and an extra truck parked now. They have run out of room and they are parking on the side of Thompson Road.

There being no further business, Mayor Miller entertained a motion to adjourn. Motion was made by Councilor Morales and seconded by Councilor Olivo to adjourn at 6:26 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer