

MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
APRIL 19, 2004

The Council of the City of Ruidoso Downs met in regular session on April 19, 2004. Mayor Miller called the meeting to order at 5:30 p.m. and asked Mr. Van Winkle 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  
Ken Mosley, Public Works Director  
Tom Armstrong, Licensing/Permits Supervisor  
Robert Logan, Department of Public Safety Director

Mayor Miller stated I want to make an announcement. As Mayor of the City of Ruidoso Downs, I have called for an emergency Executive Session to be placed on the Agenda pursuant to 10-15-1(H)7, Threatening and or Pending Litigation and pursuant to Section 10-15-1(H)8, Real Property and Water Rights.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES OF APRIL 8, 2004 REGULAR MEETING

Motion was made by Councilor Miller and seconded by Councilor Morales to approve the Minutes of the April 8, 2004 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 Miller and seconded by Councilor Morales to approve the Accounts Payable. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

## UNFINISHED BUSINESS

Mayor Miller stated first item is consider Agreement with BIA. Administrator Waters said if you remember we were approached by Chief Bolin of the Bureau of Indian Affairs Mescalero Law Enforcement Agency regarding the temporary housing of prisoners at our holding facility. At this time I would ask Mr. Bryant to comment on the agreement.

Attorney Brant said what we received from the BIA was a pretty standard form agreement for housing prisoners that is used more typically in a longer term housing arrangement than the one we are going to have here. Because of the nature of our facility, if they have an arrest, they are going to bring that individual here for a maximum of 24 hours during which time they are going to be looking for longer term housing for that inmate. One of their options is the Otero County Detention Center in Alamogordo for longer-term housing. As a consequence of that, certain provisions in the standard agreement don't really work because we are not taking custody of these inmates for purposes of feeding them, housing them and providing medical care. I provided a letter to you that suggest adjustments to Section Five and Section Eight of the Agreement. We have been trying but have not been able to discuss this with BIA yet. If you are so inclined, approve the Agreement and that is certainly what I recommend is to approve the Agreement with these changes. Then, we will complete our negotiations with BIA and get things finalized with them. The basic changes we made are real simple. Since we are not really taking custody of these people as our inmates, we are just a holding facility, in Section Eight I have adjusted the hold harmless language so it reflects that we are not really the custodial person, they remain the custodial person. We are holding them here while they find a long term solution. Under Section Five, Medical Needs, I have adjusted the language so if there is a medical circumstance that develops or that is attached to an inmate when they arrive, BIA will take that inmate to the hospital, get them treated and be responsible for the medical bills, not the City of Ruidoso Downs.

Councilor Garrett asked what is the maximum we are going to keep them here; twenty-four hours and Attorney Bryant answered yes, twenty-four hours.

Councilor Garrett asked is there a maximum length of time in this contract. Attorney Bryant answered it is a three-month term agreement renewable every three months but they estimate they will have a solution on board within ninety days.

Mayor Miller entertained a motion to approve. Councilor Olivo moved to approve the Agreement with BIA. Seconded 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 water status. Administrator Waters said I will let Ken Mosley report on the current water status. We have been watching it on a regular basis now because of the rainfall and snowfall we have been receiving.

Public Works Director Mosley said what we are showing now is 242 gallons per minute from the spring. It does show a small increase as in the past and we are giving the credit to the rain and snowfall. I would recommend that we stay in Phase II at this time but in May we are going to have to look real hard about the next phase, where we stand and how our tanks are holding up. We have the Denton well completed except we are waiting on a couple of electrical parts. We will have that on line in a couple of weeks. Right now we are holding our own but at the next council meeting, we might want to look at it again.

#### NEW BUSINESS

Motion was made by Councilor Miller and seconded by Councilor Morales to approve awarding Bid No. 04-012 to Custom Overhead Doors for purchase and installation of four commercial style garage doors for the Fire Department with a bid of \$10,636 plus gross receipts tax. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Miller and seconded by Councilor Morales to approve awarding RFP No. 04-03 to Glorieta Geoscience for hydrogeological analysis of Hale (Griffith) Spring and Municipal alternate water source evaluation for the City of Ruidoso Downs not to exceed \$40,000. 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, Planning and Zoning report. Bonnie Richardson stated Paul Van Gulick sends his apologies that he could not attend tonight. He says on this referenced plat we will have to wait a couple of weeks, however we would appreciate it if Carol could go ahead and start the notification process to change the definitions of manufactured and mobile homes.

Mayor Miller entertained a motion for legal publication. Councilor Garrett moved to approve and to direct City Clerk Virden to begin the legal process for public hearing on proposed ordinance change. Seconded by Councilor Olivo. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

#### OTHER BUSINESS

Mayor Miller stated under Other Business we have Official Canvass of Results of Special Municipal Election of April 15, 2004. Clerk Virden said you have a copy of the official canvass of election return certificate for the special election held April 15, 2004. The question submitted to the qualified electors of the City of Ruidoso Downs was: "Shall the issuance of restaurant license for the sale of beer and wine be

approved for restaurants within the boundaries of the City of Ruidoso Downs, an incorporated municipality in Lincoln County.” The total votes for the question was 79 and 8 against. Martha Proctor, Magistrate Judge from Division One, and myself did the official canvassing and I have already submitted an original copy of the official canvassing to the Alcohol and Gaming Division for their files. Should an owner of a restaurant file for an application for a beer and wine license, they will have that already on file.

Mayor Miller stated next item on the agenda, Proclamation of “Municipal Clerks Week” May 2 through May 8, 2004 and asked Administrator Waters to read the Proclamation:

**WHEREAS**, the office of the Municipal Clerk, a time honored and vital part of local government, exists throughout the world; and

**WHEREAS**, the office of the Municipal Clerk is the oldest among public servants; and

**WHEREAS**, the office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

**WHEREAS**, Municipal Clerks have pledged to be ever mindful of their neutrality and impartially, rendering equal service to all; and

**WHEREAS**, the Municipal Clerk serves as the information center for functions of local government and community; and

**WHEREAS**, Municipal Clerks continually strive to improve the administration of the affairs of the office of the Municipal Clerk through participation in education programs, seminars, workshops, and the annual meetings of their state, county and international professional organizations; and

**WHEREAS**, it is most appropriate that the accomplishments of the office of the Municipal Clerk be recognized.

**NOW, therefore, I, Bob A. Miller, Mayor of the City of Ruidoso Downs, do hereby proclaim the week of May 2 through May 8, 2004 as**

“MUNICIPAL CLERKS WEEK”

and extend appreciation to our Municipal Clerk, and to all Municipal Clerks, for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 19<sup>th</sup> day of April 2004.

Mayor Miller stated next item on the agenda, Proclamation "The Golden Apple Foundation of New Mexico" May 7, 2004 and asked Administrator Waters to read it as follows:

**MAYORAL PROCLAMATION**

**WHEREAS**, The Golden Apple Foundation of New Mexico is a nonprofit organization dedicated to improving the quality of education in New Mexico through the recognition, recruitment and professional development of teachers; and

**WHEREAS**, The Foundation believes that the quality of the teachers in the classroom is the single most important aspect of student achievement and success at any age or stage of study; and

**WHEREAS**, The community that honors its teachers honors itself; and

**WHEREAS**, by honoring teachers we seek to rekindle the honor of and passion for this profession now and in the years ahead; and

**WHEREAS**, amidst the turmoil of current events, teachers go on day after day throwing out lifelines to our children; and

**WHEREAS**, we salute our teachers, we honor them and we deeply give our thanks to them.

**NOW, THEREFORE**, I, Bob A. Miller, Mayor of the City of Ruidoso Downs do hereby proclaim the 7<sup>th</sup> day of May, 2004 as

**"Golden Apple Foundation of New Mexico  
Tribute to Teachers Day"**

Administrator Waters stated there is a third Proclamation, "Partners in Early Childhood Education" and read it as follows:

**WHEREAS**, Partners In Early childhood Education (P.I.E.C.E.) And other local organizations, in conjunction with the National Association for the Education of Young Children, are celebrating the Week of the Young Child, April 18-24, 2004; and,

**WHEREAS**, by calling attention to the need for high-quality early childhood services for all children and families within our community, these groups hope to improve the quality and availability of such services; and,

**WHEREAS**, the future of our community depends on the quality of the early childhood experiences provided to young children today; and,

**WHEREAS**, high-quality early childhood services represent a worthy commitment to our children's future.

**NOW, THEREFORE**, I, Bob A. Miller, Mayor of the City of Ruidoso Downs, do hereby **PROCLAIM** April 18-24, 2004 as

**"WEEK OF THE YOUNG CHILD"**

In Ruidoso Downs, New Mexico and urge all citizens to recognize and support the needs of young children in our community.

PROCLAIMED this 19<sup>th</sup> day of April 2004 in Ruidoso Downs, New Mexico.

**PUBLIC INPUT**

Mayor Miller stated next item on the agenda is Public Input with a three minute time limit.

Tommy Hood said I am the manager of the Ruidoso Downs Senior Center. At the last Council meeting, Mya read a concerned letter from a lady, Mrs. Farlow. I called Mrs. Farlow to see if there was a problem with the situation and maybe we could pick her up for lunch because she was having a hard time crossing the highway. At the present time she does not want to be picked up for lunch. I think her biggest issue is that she does not have the help to get across the highway. I just wanted to report back to you.

Councilor Miller thanked Tommy Hood for the use of the Senior Center for the cleanup.

Mya said I am a member of the CCC. I walked from Wal-Mart to the post office today. It took an hour and afterwards I knew I had exercised. Half of my walk was in gravel, grass and ground that was pretty unlevel and half of the walk was on sidewalks. As a resident I am asking the City to finish the sidewalk so there is a safe usable path along the highway that can be used by children, seniors, small animals on leash and actually everyone. When lack of money is used as an excuse for tabling a project that would benefit all, researching the funding becomes the priority. The City Cooperative Program is a great idea in my opinion. We could qualify for \$80,000 and our requirement of contribution could be matching funds for as little as ten percent. Or, the services rendered as sweat equity in assisting the building of the project. Bigger dollars are available to our city through the Federal Enhancement Funds of Highways. We can submit our request through the RPO process which will be accepting applications again this fall. Again, the city's requirements could be less than twenty-five percent of the funds that are given to us. Safe walking on Highway 70 for all of our residents could be provided by the fall of 2005. Appointing a small committee to assist the city manager with this project could ensure success when time is of the essence.

On another note, current information, not yesterday's news, is what we want on our City's marquee. Don't keep past dates of meetings on the marquee. Change it as frequently as needed. As a marketing expert I can tell you that less is better. Don't bore and make our citizens disinterested by having archived junk on the marquee. On voting day, only the words "Vote Today 7 to 7" should be seen on our marquee.

Carl Kelley said I am with Carl Kelley Construction in Ruidoso, New Mexico. I was approached by two people to tie them on to the sewer system and it would require running a line about six thousand feet total. Attorney Bryant said we are going to discuss that in closed session in a few minutes.

Public Works Director Mosley said I would like to thank all the people we had helping us at the cleanup Saturday. Leonard Sanchez, Bill Dunlap and Ricky DeVara worked real hard at gathering all the trash that the volunteers picked up along the sides of the roads. I think we had a great turnout and we really appreciate all of the volunteers that came out to help. I hope we get to have fun and do this again next year.

Councilor Miller said as much I saw taken in there I think we need to have dumpsters in the park so they are visible maybe two or three times a year. I know it is a little bit of an expense but if you look at it in the long run, these people will clean up if they have a place to take it and know it is open all day on a Saturday.

Councilor Garrett said she would like to see us do it a couple of times during the summer months because that is when most of the people are here.

Administrator Waters said I want to tell you that Governor Bill Richardson will be here in Ruidoso Downs at City Hall some time on the afternoon of April 21st we have been informed by Don Dutton, one of Bill Richardson's local representatives. We certainly want to take this opportunity to thank him for all of the money, not only the \$150,000 he gave us out of the General Fund from his own heart but also for signing and not vetoing all of the capital outlay monies to help us start our water tank project.

#### 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 and pursuant to Section 10-15-1(H)8, Real Property and Water Rights.

Motion was made by Councilor Miller to go into executive session pursuant to Section 10-15-1(H)7, Threatening and or Pending Litigation and pursuant to Section 10-15-1(H)8, Real Property and Water Rights. Seconded by Councilor Garrett. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated I would like to invite City Attorney Bryant, City Administrator Waters, City Clerk Virden, Public Works Director Mosley, Carl Kelley, Rip Van Winkle and Rhonda Vincent to attend the Executive Session and closed the regular meeting at 6:00 p.m.

Mayor Miller entertained a motion to go back into open session.

Motion was made by Councilor Morales to go back into open session and declared that nothing was discussed in executive session except threatening and or pending litigation and real property and water rights and no action was taken. Seconded by Councilor Garrett. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller called the regular meeting back in session at 7:15 p.m.

Councilor Garrett moved that we authorize our attorney and city manager to negotiate to purchase the sewer line and utility easement not to exceed \$40,000 this fiscal year with a total of the contract not to exceed \$140,000. When the contract is complete, we are going to ask that you bring it back to this Board to ratify. Seconded by Councilor Miller. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller entertained a motion to adjourn.

Motion was made by Councilor Miller and seconded by Councilor Morales to adjourn at 6:56 p.m. Motion passed unanimously.

---

Bob A. Miller, Mayor

ATTEST:

---

Carol Virden, City Clerk/Treasurer