

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
JUNE 14, 2004

The Council of the City of Ruidoso Downs met in regular session on June 14, 2004. Mayor Miller called the meeting to order at 5:30 p.m. and asked Herman L. McArthur 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
Robert Logan, Department of Public Safety Director

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the agenda. Motion was made by Councilor Garrett 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. Motion was made by Councilor Morales and seconded by Councilor Olivo 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 MAY 24, 2004 REGULAR MEETING

Motion was made by Councilor Morales and seconded by Councilor Olivo to approve the Minutes of the May 24, 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 Morales and seconded by Councilor Olivo to approve the Accounts Payable. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

MONTHLY REPORTS

Motion was made by Councilor Morales and seconded by Councilor Olivo to approve the following reports:

Fire Report	Animal Control Report	Public Works Report
Court Report	Permits/Licensing Report	
DPS Report	Maintenance Report	

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

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Mayor Miller stated next item on the agenda, introduce and consider approval of Ruidoso Downs Reserve Police Officers' roster. Chief Logan stated I would like to ask the members of the Ruidoso Downs Police Reserve program to stand and asked Officer Denny to stand also. I would like to introduce these members to you: Brady Chambers, Andrew Friberg, Cheyenne Hightower, Councilor Judy Miller and not able to attend this evening are Sabrina Lundquist and Jeremiah Pillow. These members have completed at least 160 hours of training with our reserve officer program. Reserve Officer Pillow has completed the Texas certification requirements and actually worked with this department for several months. He left the department to pursue a career in music. He has come back and wants to be a member of our department. These reserve officer members are members in good standing in the program and in the community. I request the Mayor and City Council recognize and approve these members as the reserve police officers of the City of Ruidoso Downs.

I implemented this program about a year ago on the approval of the Mayor and the members of the Council. I have had a lot of help from Officer Denny. He has been instrumental in putting this program together and carrying it through. Reserve Academy is one of very few in the State; it is the only one that I know about within the department for reserve officers. We started the Academy in early January with approximately 25 members. The program has consisted of various law enforcement classes including ethics, criminal law, criminal procedure, defensive tactics and firearms just to name a few. The classes were taught by law enforcement personnel of the Ruidoso Downs Police Department. The Academy was approximately six months in length and we have just recently graduated five members of the original 25. The reserves are asked to volunteer at least eight hours a month and they will ride with a seasoned, certified officer any time they are working as a reserve officer. We are planning to begin another Academy in the fall and we are currently accepting applications. Mayor and members of the Council, I would like you to recognize these members as reserve police officers.

Mayor Miller entertained a motion to approve. Councilor Olivo moved to approve the Ruidoso Downs Reserve Police Officers' roster. Seconded by Councilor Garrett. Roll call votes: Councilor Miller, Abstain; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving increase of \$1.00 for fuel surcharge for Lincoln County Solid Waste Authority and Debra Ingle and Don Coleman are here.

Debra Ingle of Lincoln County Solid Waste Authority said for the last ten months, the L.C.S.W.A. has been trying to reroute, change up trucks, load more trash into trailers to try to offset some of this fuel surcharge. As we all know the rates have been going up. Instead of hauling three truckloads and a trailer we have been trying to push four truckloads into those trailers before we go to the landfill which is 152 miles round trip. With what I am presenting to you, the increase with trying to minimize the trucks going to the landfill has still been an increase of approximately \$2,400 a month for a total of \$21,000 over the last year to date and that mainly comes from the last nine to ten months. We have not seen a decrease in any of the fuel. We have been able to bring off-road fuel onto the property, berm it and be able to use that for our backhoes but because we are in a residential area, we can't buy our fuel wholesale. So the L.C.S.W.A. is asking for the \$1.00 increase. Our projections are a minimum of six months and I can't project the fuel industry; we are probably looking at no more than a year. The last time L.C.S.W.A. had to do this it was for one year and we were able to remove it.

Councilor Miller asked when you went up a year or so ago, didn't your increase include almost \$10 for our residents in Ruidoso Downs. Ms. Ingle said the increase we had for the Downs was for the yard waste program for \$1.25. Councilor Miller said our bill is about \$39 for three months and it used to be \$29 for three months. Ms. Ingle said it was \$9.25 many years ago and that went up to \$12. Councilor Miller said when we started billing for you it went up. Ms. Ingle said when you started billing for us I believe that included the \$1.25 for the yard waste program and that took it to the \$13.25 per month. Since I have been there we have billed monthly for residential.

Councilor Garrett asked if the other entities are going to pay the \$1.00 surcharge also and Ms. Ingle responded yes, the Directors have approved it and all the entities will be paying it. Our projection is that we will be billing this for six months and I have to review it every ninety days when we bill commercial accounts. Councilor Garrett asked didn't we at one time have a fuel surcharge and Ms. Ingle replied yes we did and it lasted for one year.

Mayor Miller entertained a motion to approve. Councilor Olivo moved to approve the increase of \$1.00 for a period of six months. Seconded by Councilor Garrett.

Councilor Garrett asked Ms. Ingle if should would come back to the Board if we needed to continue the surcharge and Ms. Ingle replied that is no problem. Councilor Morales said I would rather you come back in six months whether we continue it or not and Ms. Ingle replied I will be here. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried. Ms. Ingle thanked the Board.

Motion was made by Councilor Morales and seconded by Councilor Olivo to approve First Renewal Agreement to Agreement for Professional/Consulting Service between the owners and Livingston Associates, P.C. for the Wastewater Treatment Plant. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Morales and seconded by Councilor Olivo to approve Standard Form of Agreement between Owners and Molzen-Corbin & Associates, P.A. (Engineer) for Professional Design Services for the Wastewater Treatment Plant. 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 for the position of Code Enforcement Officer. Chief Logan said as you may be aware, last month the code enforcement officer, John Sims, resigned his position. I am happy to introduce Herman McArthur and asked him to stand up. Everyone knows him as Mac. Mac currently works for the New Mexico Livestock Board as an inspector/investigator. He inspects and enforces the branded livestock laws. He is retired from the Lincoln County Sheriff's Department as an investigator. I think he will make a great asset to our Department and our City especially based on his investigative experience. I would like to recommend that Herman McArthur be hired as the Code Enforcement Officer for the City of Ruidoso Downs.

Councilor Miller moved to approve Herman L. McArthur as the Code Enforcement Officer. Seconded by Councilor Morales. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried. Mayor Miller said welcome aboard.

OTHER BUSINESS

Councilor Garrett asked where are we on the skateboard park. Administrator Waters said we have had a successful bidder and have chosen them, however, they are still getting their paperwork in. They are required to give their bonding information. Councilor Garrett asked is there any time line. Public Works Director Mosley said 45 days. Administrator Waters said it would be done before the end of the summer; we have the equipment ordered as well.

Councilor Garrett asked have we ordered any benches for the walkway. Mr. Mosley said I am not sure we have the funding to do that yet. I was under the impression

that someone was going to donate some money to do that. Administrator Waters said we actually do have some money budgeted, however, it is in next year's budget. The donation from the Auxiliary, it would be great if they can do that as of July 1st and we will expedite it as soon as we get that in.

Councilor Olivo said I would like to know what is happening with the basketball courts. Councilor Morales said we have a lot of people playing there now that the nets are up. Attorney Bryant said I am waiting on Fred Curnutt to get me those photographs. After our last meeting when we discussed it, Fred had an illness in the family. My staff has been chasing him since and we have several promises that the photographs will be here. We have to look at the photographs of the driveway and confirm that it is satisfactory.

PUBLIC INPUT

Dusty Beavers said I am the owner and operator of B&B Ready Mix and I would just like to talk to you about the basketball courts. I would like to know the status; I know we are waiting on pictures. Since I wasn't able to pay for the cement at the time of the job, the company that supplies me the cement is holding me liable for the interest which has totaled \$7,000. I feel you have accepted the basketball courts since you voted to put the goals up and are letting kids play on it that you are willing to accept it as. I feel like I should get paid because you are willing to let people use it. I don't know how you want to proceed. I should have done things differently with some people but I will never be put in this situation again. If it comes down to it, and I hate to say the word sue, but I feel like that is what I am going to have to do. I have a deal worked out already for him to pay me half. When we present it to the Council or City Manager it just stops and this was three or four months ago and now we are back to the same point. I have already spent \$1,500 with a lawyer and I feel like I am going to have to spend another \$1,500 to get this wheel going again. I really don't want to go through that because it is just money out of my pocket.

Mayor Miller asked Attorney Bryant to comment. Attorney Bryant said he knows right where it is at and everything I know. We have to get that photograph and ensure that the material will create a safe surface. We have an agreement from 3B's to get him \$10,000 as soon as that has been done and the hold up is with the engineering office.

Mr. Beavers said in October it will have been three years. Before the end of October is up, I have to do something because my time will be up to pursue legal actions.

Councilor Morales asked Attorney Bryant is there anyway you can find Mr. Curnett and expedite this matter to send the pictures to us. Attorney Bryant said I asked Mr. Curnutt to let me talk to the contractor to get the photos and he was afraid that if he got a call from a lawyer everything would stop and the contractor would quit cooperating.

Council agreed that if he doesn't want to talk to an attorney, why can't the City call and request the photos. Attorney Bryant said I will talk to Fred in the morning and do everything I can.

Dale Graham said I just came up tonight to tell you, in case you didn't know, this afternoon at 4:00 p.m. I turned in my resignation to Mr. Mosley. I think most of you know why I did that is because of the man that sits up there in front of the room. I am just here to tell you that I hope the City Council will open their eyes now and maybe get a hold on this person before everyone that works for you leaves here. Thank you very much.

Wayne Williams said I will probably be asked to leave because you don't want to hear what I have to say; not because I have done anything to offend anybody. I came here to speak to the elected members of the City Council. I have already given my reasons for my opposition in the previous meeting. Now I want to give you reasons why you should oppose the zoning change and the 88 unit low-income housing project. Number one, low-income housing promotes low-income people to move into our neighborhoods and an excess of workers in this area will keep the wages down so that nobody can make a living. The ones that can't make a living are going to resort to stealing, theft and robbery and it is going to increase our crime. Number two, we don't need to turn the Downs into a bedroom community for Ruidoso and the casinos. We need to turn our City into a place that needs workers for itself, people who want to stay here and to build. Number three, we need to attract businesses that will add to the City treasury rather than take away from it. Number four, bringing low-income housing into the City will waste taxpayer's money that could be used to pay our police and City workers a wage where they can buy or build their own house if they choose. That was brought up because a police officer, I think it was the Chief of Police, wrote a letter saying he couldn't afford to rent a house in this town. Most of these people spend most of their time looking for good paying jobs somewhere else. One of the great assets this City has is its river and its water. When the river becomes polluted our wildlife will disappear. When we use up all of our water the people will disappear. If the elected members let this happen, come next election there is a real possibility that all of you will disappear that hold your present jobs. Anyone that votes for this project, I promise you I will campaign with vigor against anyone that votes for it. There seems to be some misunderstanding about who said what at one of the other meetings so I brought some copies of the letter I wrote in case anyone is getting blamed for something that I said. Thank you.

Dick Swenor said with reference to the proposed rezoning of the track by the river, as you may be aware, I am a property owner across the river. I am not opposed to affordable housing but I just think this is a bad location for something like this. I have a copy of my letter for each of the City officials and the Zoning Board. Thank you.

Dennis Riddle said it has been my privilege to work with and serve with Mr. Dale Graham for the past twelve years. He has been an exemplary employee of this Village. His talent and his skills are above and beyond the call of duty. He has done many, many things for this community. I was his supervisor for many years. Mr. Mosley is his present supervisor. Folks, you are fixing to lose one of the best employees this Village has ever had. His talents, his skills are beyond what anyone here recognizes. The simple fact that a raise he was passed over for four times, he probably would have stayed in our employment. I think our hats should be off to Mr. Graham as he progresses in his life and goes forward into another profession. He has served this City very, very well. Mr. Waters, I think you made a mistake.

Mya said I am a member of the CCC. Civic leadership scholarship fund for our youth. Youth residing in Ruidoso Downs who are seventeen years old or younger will be eligible to apply once a year at any time during the City's fiscal year for civic leadership scholarship. The purpose of the scholarship will be to financially assist our youth and participating in any Council approved event which helps mold our future leaders. Scholarship applications will be available at City Hall and, once completed, will be submitted to the Mayor and then voted on for approval by the City Council. Any youth receiving a scholarship will be asked to attend a City Council meeting after the event to summarize its value. A request of initial funds amounting to \$250 from the past 2003-2004 fiscal year's budget are based on financial needs for youth to attend a one week Peace Camp in Alto this August. Investment in tomorrow's leaders can help ensure a just and democratic power for us all. A request to place this matter on the June 28th agenda under New Business is being asked for this evening.

On another matter, the City Manager's welcome message posted on the website was a good idea. However, failure to proofread the message before sending it out on the internet was not a good idea. After the word "relaxing", there is a misspelled word. To me our public relations with the world are damaged by this unprofessional error.

Deane Beavers said I am with Beavers Arena in Ruidoso Downs. I have heard many speculations as to why the current rezoning is not in front of you tonight. I would like to get the truth instead of hearing all of the rumors.

Attorney Bryant said it is in a letter I wrote to Zach and I believe it is in front of everybody. Ms. Beavers said I wouldn't know; I am not a part of that. Attorney Bryant said if you will call me in the morning, I will get you a copy of the letter.

Kire Swenor said I just wanted to read one paragraph out of this letter you will be receiving. "As voiced during the Planning and Zoning Meeting on June 1st, the last meeting that we had, we strongly believe that the subject property is not conducive to high-density population structures due to its proposed location. A lack of safe, access and egress on that road, one way in and one way out, a lack of any alternative

emergency access or egress, a totally inappropriate and unjustifiable use of municipal water resources and other environmental or public safety issues. The Board subsequently voted against the rezoning request three to one although we understand the meeting and vote now is being questioned due to reported administrative errors." I just wanted you to know it was voted against three to one.

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.

Motion was made by Councilor Garrett to go into executive session pursuant to Section 10-15-1(H)7, Threatening and or Pending Litigation. Seconded by Councilor Morales. 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 and Paul van Gulick to attend the Executive Session and closed the regular meeting at 6:17 p.m.

Mayor Miller called the regular meeting back in session at 7:07 p.m. Motion was made by Councilor Morales to go back into open session. Seconded by Councilor Miller. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Councilor Morales declared that nothing was discussed in executive session except threatening and or pending litigation and no action was taken.

Mayor Miller entertained a motion to adjourn. Motion was made by Councilor Miller and seconded by Councilor Garrett to adjourn at 7:08 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer