

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
JANUARY 10, 2005

The Council of the City of Ruidoso Downs met in regular session on January 10, 2005. Mayor Miller called the meeting to order at 5:30 p.m. and asked Terry Garrett to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller	Councilor Morales
Councilor Olivo	Councilor Garrett

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
Robert Logan, Department of Public Safety Director
Dan Gens, Public Works Director
Tom Armstrong, Permits/Licensing Supervisor

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES OF DECEMBER 7, 2004 SPECIAL MEETING

Motion was made by Councilor Miller and seconded by Councilor Garrett to approve the Minutes of the December 7, 2004 special meeting. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF DECEMBER 13, 2004 REGULAR MEETING

Motion was made by Councilor Miller and seconded by Councilor Garrett to approve the Minutes of the December 13, 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 Garrett to approve the Accounts Payable. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

MONTHLY REPORTS

Motion was made by Councilor Miller and seconded by Councilor Garrett to approve the following reports:

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

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

UNFINISHED BUSINESS

There was no unfinished business.

OTHER BUSINESS

There was no other business.

NEW BUSINESS

Mayor Miller entertained a motion to reject RFP No. 05-01 Courts Management Software. Motion was made by Councilor Morales and seconded by Councilor Garrett to reject RFP No. 05-01 Courts Management Software due to over budgeted bid. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller entertained a motion to re-advertise RFP No. 05-01 Courts Management Software. Motion was made by Councilor Olivo and seconded by Councilor Miller to approve re-advertising RFP No. 05-01 Courts Management Software. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, request City Clerk to commence process for annexation of property belonging to Bill Exum Van Patton, et al.

Mike Runnels said I am the local attorney. The owners of record, Pinion Ridge, LLC, is not held by individuals but by the limited liability company. I request that be the official petition, Pinion Ridge, LLC.

Attorney Bryant said what you are being asked to do tonight is to simply approve the process of starting an annexation by petition. There are publication requirements, an ordinance has to be drafted and adopted. The City and the

proposed developer, Pinion Ridge, LLC, are going to need to have lots of conversations about scheduling and what the phasing of the development is going to be. We have to talk about water, sewer and streets, just the whole gamut of turning vacant land into a developed property. If you approve this tonight, then the City Clerk will start the process of advertising pursuant to the petition process for annexation. Representatives of Pinion Ridge, Mr. Waters and Public Works will need to get together to hammer out all of the details for bringing this tract into the city limits.

Councilor Garrett said it is my understanding that you don't really have a plan for this property. At this point, we are just bringing this property in. Mr. Runnels said that is true. The owners of the property have no plans. The only plat they have is an old plat prepared several years ago showing a potential development. Their only desire is to come in as a commercial piece of property. Councilor Garrett said my only concern is water at this point.

Attorney Bryant said there is one more point. The annexation request indicates that it is based on a C-2, mixed residential zoning. We have a zoning ordinance. If the property comes in, we have to go through the process to zone it. We can't, by agreeing to annex, say this is "X" but we can start the process. You just don't zone based on the developer's plans. That is why you put the City folks and the developers together. It is my understanding that Pinion Ridge clearly understands that and what we are trying to do to get the process started.

Councilor Garrett moved to approve to request the City Clerk to start the process for annexation of the property belonging to Pinion Ridge, LLC. Seconded by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, possible relocation of Municipal Court and offices. Mayor Miller asked for a motion to table because Judge Mansell was not able to be here tonight. Councilor Morales moved to table possible relocation of Municipal Court and offices until a future meeting. Seconded by Councilor Garrett. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving personnel recommendation of firefighter within the Department of Public Safety.

Chief Logan said as approved by this current fiscal year's budget, we were authorized to hire a firefighter at mid-year and asked Travis Atwell to stand up. Travis Atwell has about fifteen years of fire and EMS experience both in the paid and volunteer services. He has been with the Village of Ruidoso for the past four and a half years and is ranked a lieutenant. He now wants to come over here and work with us. For the past eight years, he has been a Captain as a volunteer. I can

say from personal knowledge of working with Travis in the past, he is a top-notch firefighter and we are lucky to have him interested in coming over. I would like to recommend that we hire Travis Atwell as an additional paid firefighter. Mayor Miller said I highly recommend that; I have heard nothing but good things about you. Councilor Olivo asked are they going to alternate their hours. Chief Logan said we have already talked about scheduling the first couple of weeks to get Travis trained in doing things our way. Yes, we are looking at having their hours and weekends alternate.

Councilor Garrett moved to approve the personnel recommendation for firefighter within the Department of Public Safety Department of Travis Atwell. Seconded by Councilor Morales. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider purchase of police vehicle. Chief Logan said as approved by the Council in the budget for the current fiscal year, we were authorized to purchase one new police vehicle. It has taken this long for all of the State contracts to be finished to compare everything. I would like to do something just a little bit different this year. I would like to ask the Council to approve buying a front wheel drive model sedan. This is different from the SUV's we have been driving. It will initially be assigned to one of the officers with a more administrative position so we can test it out in our particular environment with our steep hills and inclement weather. It does come in quite a bit cheaper than the SUV's. Since it doesn't look like the gas prices are going to drop much less than \$1.79/gallon any time soon, I think it will help conserve the City's resources as well. With the savings, I would be able to replace some of the aging equipment in some of the other vehicles.

Councilor Olivo moved to approve the purchase of a police vehicle under State contract. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, water conservation status report. Administrator Waters said I would like to introduce our new Public Works Director, Dan Gens, who comes to us from Edgemont, South Dakota. Dan has been familiarizing himself with Ruidoso Downs, the staff and our operations here over the past week. Unfortunately, he had to familiarize himself with our spring as well and its flow. I would like Mr. Gens, with the Mayor's permission, to talk about the spring's condition now.

Mr. Gens said as you can see from the chart in front of you, production of the spring well has slowly gone down. We are keeping very close tabs on this doing routine checks. We are keeping track of our other well and hopefully we will get our new

well on line. We will monitor everything very, very closely and monitor water breaks and conserve what we can.

Administrator Waters said I would like to add this does bring up Phase III water restrictions when the usage picks up again. If the spring continues to plummet with the flow that we have, we need to at least put that in as a precaution come May or June depending on what the flow looks like. The other thing I would like to remind you about, we are looking at drilling a large production well to replace the spring and that is something we are going to pursue whole heartedly. We do have the permission from the State Engineer to drill an exploratory well. That will probably be able to begin some time in February. However, the money for drilling a full production well and putting it on line is about 1.3 million dollars just to drill the well. That doesn't include the cost to hook the well into the distribution system; that is another half million. We have applied for grants from the State legislature. For those of you who had a chance to listen to our plea with the local State legislature, I think it did strike home. We emphasized the fact that we did receive emergency funding of a \$750,000 grant from the governor's office. However, as you know, we were not able to use one dime of that on infrastructure projects. Essentially with the emergency declaration, we will be able to get some mileage out of that with the legislature and state agencies. We are going to be requesting emergency funding this year, both in the Senate, the House and the governor's office to try to give us money for the actual drilling of the well. The other good news that I have, last week if you noticed when you came into City Hall, Carol, Annette, Steve, Suzanne and Terri were furiously trying to get this thing ready. We received our waiver from the Department of Finance for the threshold requirement even though we are stalled out on the drainage project. They allowed us to apply anyway to try to get our water situation together. For the distribution system upgrades that are going to be necessary to put that well on line is, once again, a \$550,000 project. We have applied for \$500,000 through the CDBG Colonias grant project to get that done. I want to thank and congratulate the finance staff; Carol's staff worked very hard to get the eight books together for me to deliver Friday to Santa Fe. We did get it in on time. The declaration from the Governor in the back is asking for the other agencies from the State to help us out. This year, I am going to be spending a lot time in Santa Fe with the legislature trying to get the funding that we need. In March, this comes before the Community Development Committee. The head of the Community Development Committee is Marty Cope. She lives in Hobbs but owns property here in the Ruidoso area. She is very familiar with us. We have been speaking with her about getting funding for this and we are optimistic we can attain a priority status with the Development Committee to at least get the funding for the distribution side. Again, the \$1.3 million is for drilling the well, put in a new well pump and chlorination station on line and then the \$550,000 to put it into the distribution system. As you can see from the spring production, 220.9 gallons per minute is the average from last month. December was a wet month. We got our Denton well on line and drilled it deeper and that will certainly help us survive this year. But, with the spring falling like it is, it won't be long before it catches up with us and we need

to have that alternate well on line so that we have the ability to totally replace that spring if it becomes necessary. As per the Council's wishes with the CDBG, we are pushing this forward as a top priority with the State legislature. We also asked for other funding from the State legislature. We asked for another water storage tank project. We were going for a 2.5 million gallon tank and we only received funding for 1 million gallons. We are not waiting around; we are putting up the 1 million gallon tank. The design is finished and Mr. Armstrong already has had a chance to review and make comments on the plan. I think Mr. Bryant just got copies of the plan for the reservoir. I anticipate construction will start in the spring. We are asking for funding to begin putting Agua Fria on sewer. We already have funding and we are currently working on the Wood Land and Miriam Drive sewer extension. If we do receive funding for it, we will be able to at least start on Agua Fria a year before we had anticipated. The last thing we asked for was funding to help us build a fire station on Wood Lane. We do have money budgeted for it this year but we only budgeted for the first phase which would only be a mere shell on a piece of property. It is better than nothing but we certainly want to finish the station so we have asked for additional funding as well. We have two water projects, a sewer project and the fire station project in that order of priorities that we went to the State legislature and that is what I am going to be trying really hard to get funding for. We are asking for emergency consideration from the legislature for these projects. There is a good change that we may be able to be heard at the beginning of the session instead of the middle when we usually do.

Councilor Miller thanked Carol Virden and staff for their hard work. Clerk Virden said we did provide Council and the Mayor copies of the Capital Outlay requests.

PUBLIC INPUT

Mya said being an observant person of the environment I live within, I have taken notice of the City's recent real estate purchase on Highway 70 that is surrounded by our City park. With ownership comes responsibility. The City's image is reflected poorly at the moment when the words "Cigarette Alley" continue to be advertised on City property. Cover up paint of the words would be good until new use of the sign is put in place or since I was not privy to the terms of the purchase, maybe a plastic cover over the sign until the previous owner removes it from this property. Either way, I do not appreciate the City to continue to advertise the word "cigarette" on a sign adjacent to where our children play in the park and tourists driving through our City on Highway 70 read and remember the image portrayed by seeing this sign. I choose to be proud of my City and I will continue to remind the City elected officials of ways to keep the City projecting to the world an environment that reflects pride in where we all live.

I have a website that I have had for six years and my message changes randomly. This month it says, "when you speak words to another, think of them as the last words that person may ever hear from you". At this time I wish to thank all of you

who sit at our Council table and have chosen to work to the best of your ability at making our lives in the City of Ruidoso Downs lives worth living here. Thank you.

Councilor Miller said I just want to invite everyone to a Task Force Meeting on Monday night, the 17th, at 7:00 p.m. at the Senior Center in Ruidoso Downs for the community center. Right now the people involved are Ruidoso, Ruidoso Downs and Capitan. Maybe you can come show your support or whatever you would like to say to the Task Force. Everyone is welcome.

Councilor Morales asked Mr. Waters if he could drive up West Street from Allison down where they made those street cuts. They are getting really bad. Mr. Waters said I noticed they are starting to settle. We will take a look at it tomorrow. I think it is something we need to get the contractor back out here to fill in. Anything that has settled is the contractor's responsibility.

Councilor Miller said I came in last week and talked to Mr. Waters about North Central. North Central is terrible. My mother has the only ditch and all of the gravel goes into her ditch and fills it up. She says there is not much room in the culvert should we have some rain.

Councilor Garrett said Mayor Miller I have just one small request. I had several calls this weekend about an item coming before Planning and Zoning. It would be really nice if the Council received information along about the same time that it is going to P&Z so we are at least aware of it. It was really difficult to answer any question at all because I had no idea what they were discussing. If we could just have a copy of the packet of the information they are going to discuss so at least we know what is on their agenda.

Councilor Miller asked what happened to our calendars; we used to have a monthly calendar.

Administrator Waters said as for the first request, Mr. Armstrong can have Emma make a packet for each of the Councilors and Mayor at the same time you submit the ones to the P&Z. As to the second request, we have no problem doing the calendars again. Clerk Virden said just keep in mind that they are subject to change.

Mayor Miller entertained a motion to adjourn.
Motion was made by Councilor Morales and seconded by Councilor Miller to adjourn at 6:00 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer