

MINUTES OF THE RESCHEDULED MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
MARCH 23, 2005

The Council of the City of Ruidoso Downs met in a rescheduled session on March 23, 2005. Mayor Miller called the meeting to order at 5:30 p.m. and asked Barbara Green 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:

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

APPROVAL OF AGENDA

Mayor Miller stated I have pulled Item 11. F. from the Agenda under New Business (Consider approving personnel recommendation, Police Department new hire, position patrol officer, David Hightower). Mayor Miller entertained a motion to approve the agenda. Motion was made by Councilor Morales and seconded by Councilor Garrett 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 Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF MARCH 10, 2005 SPECIAL MEETING

Motion was made by Councilor Miller and seconded by Councilor Olivo to approve the Minutes of the March 10, 2005 special meeting. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF MARCH 14, 2005 REGULAR MEETING

Motion was made by Councilor Miller and seconded by Councilor Olivo to approve the Minutes of the March 14, 2005 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 Olivo 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 Olivo to approve the following reports:

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

Mayor Miller stated first item under Unfinished Business is Beautification Committee - Consider requesting Lincoln County Solid Waste Authority extend hours of operation on Saturdays from 8:00 a.m. to 4:00 p.m. and asked Don Coleman to enlighten us.

Mr. Coleman said I will try to give you some information and try to answer any questions you may have. I represent Lincoln County Solid Waste Authority. At the present time we are open on the second Saturday of every month from 8 o'clock until 12 o'clock, four hours. In December we had two people show up in those hours from Ruidoso Downs. In January we had four people, February we had none, March we had seven and generally that is about the way it runs in the colder months. In the summertime it comes up to ten to twelve so it doesn't increase very much. We would recommend to you that rather than trying to extend hours you have more official cleanups. Last year when you had the cleanup, you had six containers full. It is more economical and you will get more accomplished. Also, you need more publicity. If you are going to have something let the people know it is there to use. I gave some numbers to John Waters and you gave them some cost figures in their packets. I will answer any questions that I can for you.

Councilor Miller said I think the reason people don't come the second Saturday is because it is once a month and a lot of people forget for one thing. Then again, I have been there many times and they say they are full; they don't let you dump. Mr. Coleman said I asked them about that and they said that was not true. Councilor Miller said a lot of times they close way before noon on the second Saturday. Mr. Coleman said the only thing I can tell you is that it is not supposed to be. I live in the Downs and I represent the Downs and I will check on that for you.

Councilor Miller said like you say, it is not publicized and people don't know that the second Saturday of every month they can go dump free. Mr. Coleman said I spoke to people that have been there for quite awhile and they said originally it was open every Saturday and they had no traffic. Then they went to being closed every third Saturday and still did not have the traffic so then they went to just the second Saturday. According to these figures, it is not worth keeping it open even for that length of time. Some times the people are not from the Downs; they are from Ruidoso. There is another thing you can do. Carrizozo and Capitan set their own container on their own property and they take care of it. We pull over a container for them. The cost for that is \$300 a pull and the average landfill fee is \$103.56 plus tax of \$20.18 for a total cost \$423.73. This way you control it. You can even go to Sunday if that is what you want to do. Then every third container that we pull is free if you are manning it and taking care of it yourself. Councilor Miller said that could be a possibility to put it down at the top down there at the City yard. We don't want it back at the park; that's a mess. We want it where we have equipment in case we have to clean up the area. Mr. Coleman said you have to have a backhoe and a backhoe operator. Whatever your wishes and desires are, we will be glad to talk to you about it but my recommendation is you have a cleanup in April and you have another one in October. You get more benefit out of the cleanups. For instance, the one you had last year we put you four forty yarders in the park and those ran over. We had to take two more down there except you had to clean up the mess that overflowed. Councilor Miller said I think it does need to be more publicized and that is a good idea. We might look at doing something like that and letting the people know where it will be. We could try it for the cleanup months at least. Mr. Coleman said we will be glad if that is what your desire is to set you up a container. There will be no charge to send it down there. It will be \$300 a pull, plus \$13.90 on the tonnage and of course tax. Consider your options and let us know if there is any way we can help you; we will try to work with you. We definitely are not in the position to stay open any more than we are because hopefully we are going to break ground in May on our new location. We are going to have a very busy summer.

Councilor Morales said Sebrina Lundquist of the Beautification Committee wants to say something. Ms. Lundquist said I would just like to say in regards to keeping it open on Saturday, then the local people would have more access to it when they are able to do it instead of planning once a month in that four hour period. If we had it available every weekend then I think we would get more people cleaning up the property in the area instead of just four hours once a month. Councilor Miller said I agree; it would be easier to remember if it was open every Saturday. Ms. Lundquist said if you put a container down there you are going to have everyone dumping, not just Ruidoso Downs so you are not saving any money that way. Thank you.

Councilor Garrett said Judy, why don't you share that information with Sebrina so she knows the cost involved and that may make a difference to her if she

understands that too. Councilor Miller said I will. We are just looking for availability for our residents to be able to dump at their convenience.

Mayor Miller stated the next item on the agenda, consider approving City sign contest, newly acquired building. Councilor Garrett said I tabled that last time Mayor and can we do B, C and D together because I think we need to just talk about it. Mayor Miller concurred.

Councilor Garrett said on the City sign contest that probably would be feasible now in the sense that we can do that if everybody wanted to. The picture on the back of the newly acquired building, I think we need to decide what we are going to do with the building before we make that decision. Mayor Miller asked on the back of the building. Councilor Garrett said yes, this was for the children to have a contest to do a mural on the back. I think it is a really good idea but I don't think we know exactly how the remodel is going to go on that building eventually and maybe we should wait on that. Mayor Miller asked is it artwork. Councilor Garrett said yes, Mya had suggested a contest for artwork to be put on the back of that building. Mayor Miller said you don't think it would be better on the water tank. Councilor Garrett said I think that is a consideration. Mayor Miller said the back of that building would not accommodate artwork because it is rough and jagged. The water tank is brand new. Councilor Garrett said what does everyone else feel about that; I think that might be nice to look into the water tank rather than the building.

Councilor Garrett said the advertising in the Ruidoso News, I know this staff is really stressed; I personally think we should wait on that too. Councilor Miller said we have already told Mya we think these are good ideas and I am glad that she is getting involved in the community because it does show there is community when people get together and do things together. I think the sign contest is a wonderful idea. I think probably the Auxiliary or somebody like that could handle it instead of the City. Councilor Garrett said we should probably refer it to the Auxiliary and ask them. Councilor Miller said I think getting the kids involved in anything is wonderful. The advertising in the Ruidoso News, that can't hurt us if we have lodgers' tax money available for such things. I think it is wonderful; do a series on Ruidoso Downs. Who is going to write it; who is going to take the pictures. Councilor Garrett said I want to do all of them but I just think we can't ask our staff to do that. Councilor Morales said maybe we could shorten it from thirteen weeks to once a month. Councilor Miller said I would like to see pictures of our skateboard park in the paper because people all over might enjoy reading about what we are doing in the community. I wouldn't mind helping by taking pictures. Councilor Morales said maybe even just once a quarter. If it gets really rolling maybe later on we could expand it and make it every month. Councilor Miller said this could be expensive. Councilor Olivo said it will be especially with your skateboard competitions. Mayor Miller said we can monitor it and see what the results are.

## OTHER BUSINESS

Mayor Miller said we have an item here on gross receipts tax distribution for March 2005. Administrative Waters said you have in your packet an Agenda Briefing Memorandum. Unfortunately, this month we received an unwelcome surprise from the State Taxation and Revenue. Essentially our March check, which covers the period in January was about \$50,000 less than the same period last year. This coincides also with the new grocery tax exemption that has been put in place. When we received this Carol and her staff notified that the check was significantly lower. When I checked into it with the State Taxation and Revenue, they were very surprised by the number. Their concern is that there might be a possibility of one of our larger vendors not reporting properly. In order for them to look into it though the auditing division of the Taxation and Rev Department has to come down and have to speak to the people who did the paper work for our large vendors. If they find an error, the way they described it to me is they would ask the tax payer for an amended return, send the amended return in and get approved or disapproved by Taxation and Rev. If at that time there is an increase then we would receive the amount credited back to us. If this coincides with our next month's check it will be on next month's check. If it doesn't come for two months it will be on the check two months from now. We have asked them to make sure that they minimize that and possibly issue us a supplemental check as soon as they find out. We will keep you posted but until that time after talking to the Mayor, we have pinched the budget down just in case hoping for the best but preparing for the worst. Obviously, if this happens through the rest of the year, it is going to be a pretty tight year. If this is a permanent thing, next year is going to be relatively interesting. Your budget section will probably be ten workshops because it is going to create a lot of work on behalf of the staff and Council. Hopefully that won't happen; Taxation and Rev feels confident that there is a reporting error. They are supposed to get back to us fairly soon to let us know what they found. When we find something out we will let you know.

Councilor Morales asked how much faith do you have that it will be fairly soon. Administrator Waters said we pushed some buttons not only with Taxation and Rev but I went a little higher than that to the Governor's office. They have a large concern that the gross receipts tax on groceries did not hold this municipality harmless. They did indicate they think it is a local problem. I have contacted other cities in the area. Alamogordo's actually went up. Ruidoso's went down by about 10 percent I believe. The City of Lovington stayed about the same. It really is a localized issue but with our situation here with groceries we may be the squeaky wheel that gets the grease first. I am going to continue to call and ask at all levels to make sure it happens but I don't believe we will see the money if and when it comes before four weeks. We are probably looking at a four or five week period before we know something. I am hoping they tell me before then when they discover it so at least we can plan ahead. The check was projected to come in at about \$60,000 more than what is was. If you look at the GRT totals, this is all of the GRT's including the environmental which goes to solid waste. In March 2003, we had \$180,222, March

2004, \$185,869 and March 2005, \$134,326. Evidently we were one of the worst although we were not the only one that reported this. I know I wasn't the first one to call Taxation and Rev. They have a few others in front of us but I am hoping within four weeks we will know one way or another. I have informed the Governor's office that two months of a 30 percent cut in projected revenue would be hard to swallow for a town our size. Their staff members understand that. If it looks like it is going to be longer than that, we will have an emergency budget adjustment.

### NEW BUSINESS

Mayor Miller stated first item under New Business, Ruidoso Public Library Board. Carmen Chisholm said I gave you a sheet and it explains a lot. Of course, we are here for some money to help the library. I just want to say that we don't want to think of the Ruidoso library as the Ruidoso library; it is our library too. In the last year 600 transactions in the month were for Ruidoso Downs people. It is our community library; it is just in Ruidoso and it is a wonderful library. It is important because you have this wonderful park here for the kids to exercise but the library is important to get the kids to go to. I was thinking maybe on Saturday morning there could be something arranged for the City cars here and somebody that works for the City to take kids to the library to get them interested and inspire them. Once they get interested their parents will be taking them to the library. We use the library in this town and I think we should support it. I think we have to support it, we must. It is important. Dr. Cynthia Orosco is also here to tell you about it.

Dr. Orosco said thank you for having us here. I am a new representative on the Board of the Ruidoso Public Library. Very much so we would like to stress this is very much a public library. Most of our funding comes from Ruidoso. We get a measly sum from the county and last year we got \$1,500 from Ruidoso Downs. As mentioned by Carmen we are serving Ruidoso Downs. At this point we have now figured looking at the statistics Ruidoso Downs accounts for about \$37,000 of our funds. We would like to see greater participation from Ruidoso Downs. We are already receiving patrons from this community. We would like to continue to serve this community. When your offices or administration needs information many times you have to visit the library. When somebody is going to write your history of Ruidoso Downs, the first place they are going to go is to the public library. We need more help from Ruidoso Downs. I would also like to mention that I am a professor here at ENMU and we send many of our students to the public library because we do not have the kinds of books we need at the university. In fact it is actually true that we have a better history collection at the public library than we do at our small university library. Consequently, we have Ruidoso Downs' students that are also attending ENMU that we also send down to the public library. We are in dire need of staffing. Right now we don't have adequate staff. We would like to hire one more person and this would require about \$30,000. We are asking Ruidoso Downs to do its share. Also, again, think about where your children and yourselves go for

information. I can assume it is the Ruidoso Public Library that you visit. I would be willing to entertain any questions or comments you may have for me.

Mayor Miller asked if there were any questions. Councilor Miller said that seems like a high wage to me for a library assistant. Dr. Orosco said I am new to the Board and I don't have information with regards to what standard library wages are but that is the number actually the director of the library gave me. Councilor Garrett said that probably covers the benefits with insurance. Dr. Orosco said it does. Right now we just have one person in the children's library. We are getting ready to come into summer and that is a place where our kids need to be. We want to see more kids from Ruidoso Downs and we want to see more kids from all over the county there. Councilor Miller said I would like to see that too and I believe we always have supported the library. I thought it was more than \$1,500. Dr. Orosco said you can see we are about \$35,000 short on Ruidoso Downs if we were to run the statistics. We are projecting this is going to be a long-term need. If you don't fulfill this in the immediate time frame, we will be back again the next time around because the need continues to grow as our county gets larger and we make greater use of the library. We would appreciate anything you could give us. Councilor Morales said our budget workshops will be in the next couple of months and we will make a determination then of what we have available. Mayor Miller said we appreciate your coming.

Mayor Miller stated next item on the agenda, consider awarding Bid No. 05-001 West Turkey Canyon Lane reconstruction. Administrator Waters said as you aware we received a New Mexico State Coop Grant for the year for reconstruction of the streets throughout town. We worked on Turkey Canyon and Allison together last year and completed it. It looks really nice. This fiscal year we have West Turkey Canyon which is the center part of Turkey Canyon Lane. We intend on continuing with curbs and gutters and overlay down Turkey Canyon. We have to match that, of course, with some money we take from the road tax. It is all in the Street Improvement fund. I believe Ruidoso Paving got the low bid. We only had enough to do one of the alternates. The other alternate was more than we could afford which would have allowed us to pave a little bit more. It will do the majority of what is left on Turkey Canyon Lane.

Councilor Olivo said Dan and I have been looking at it. The future drainage pipes are supposed to go right down the middle of Turkey Canyon. If we pave Turkey Canyon right now in a couple of more years we are going to tear it up just to put that drainage pipe in there. Is there any way we can put in the drainage pipe and then pave Turkey Canyon. Administrator Waters said there is way we can do it. I believe the figure is roughly \$10,000. Plus, as you are aware, we have to move from the lower drainage areas up to the higher ones. It may be as many as five years away before we get the drainage up in that area. In addition we might be able to bore the drainage under the road as opposed to tearing up a new road. I don't want to cut a brand new road in a year either.

Councilor Olivo moved to award Bid No. 05-001, West Turkey Canyon Lake reconstruction, to Ruidoso Paving Company in the amount of \$147,767.80. 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 awarding Bid No. 05-002, Itron Compatible Water Meters. Public Works Director Dan Gens said each year in the budget we have asked for a certain amount of water meters to help update our system to radio reads which will make it easier to read our meters and keep our system up to date and replace some old meters.

Councilor Miller moved to award Bid No. 05-002, Itron compatible water meters, to Morrison Supply in the amount of \$12,432. 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, consider approving personnel recommendation, Police Department promotion, Patrol Corporal position, Jason Kinnick. Chief Logan said as you remember in December we had a competitive promotional process for promotion to corporal. Officer Kinnick did apply for and competed in that promotional process. We recently had a vacancy in that supervisory position and the difference between Officer Kinnick and the next contestant in the promotional process was a matter of a fraction of a point. I believe Officer Kinnick is a very capable officer and able to fulfill the position of corporal. I would like to recommend he be promoted to corporal.

Councilor Olivo asked since he is a detective right now, is he going to continue as a detective and corporal. Chief Logan said no sir, the investigations have been shifted to Lt. Denny and actually Jason has been working on the street to fulfill the vacancy that was left on the street. Councilor Olivo asked what about being a Firefighter I. If you make an SOP for him which priority does he take when this outfit calls and there is a fire when he is on patrol. Chief Logan said that directive was made several months if not a year or so ago and I will make sure that Corporal Kinnick understands that.

Councilor Olivo moved to approve personnel recommendation of promotion of Jason Kinnick to the position of Patrol Corporal in the Department of Public Safety. 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, consider approving personnel recommendation, Police Department promotion, position Patrol Officer, Andrew Friberg. Chief Logan said again in December we did have a competitive promotional process within the Department of Public Safety for promotion to patrol

officer. Andrew Friberg was interested and did very well in the promotional process it is just that another officer was selected at that time. We do have another vacancy and I would like for Andrew Friberg to be considered for promotion to Police Officer.

Councilor Garrett moved to approve personnel recommendation of Andrew Friberg to the position of Police Officer in the Department of Public Safety. Seconded by Councilor Morales.

Councilor Miller said I think a lot of Andrew and I think he will be a great police officer. I went through reserve training with him. The only thing I would like to do is that we train and we train, I would like to see us give them a contract when we send them off for training that they are going to stay with us three years. Mayor Miller said we can't do that. Councilor Miller said we are a training center for this whole county and we have been for years. Councilor Morales asked will Andrew be basically out on patrol even though he is not certified; will he be out with someone patrolling immediately. Chief Logan said what I would like to do is to ask the Council to postpone the immediate promotion. Because of the hiring freeze with officers and dispatchers, that is going to put us very short. I would like to leave him in the dispatch position with the promise that as soon as the hiring freeze is lifted we are able to go ahead and promote him. He will be in a field training status until he goes to the academy class which is scheduled in June. As soon as we are able to start hiring again, I would put him in field training recruit. Councilor Morales said my only concern is that we are so short handed right now. I realize what you are saying about the hiring freeze but I also think we need to have, it at all possible, more patrolmen out on the street. Chief Logan said in the current capacity, he would have to be in a field training position so he would be with another officer so effectively we only have one patrol car on the street. Councilor Olivo asked how many officers do we have on duty right now available to the department. Chief Logan said there are eleven authorized positions. With the fulfillment of Andrew into patrol, that leaves us two short. We have Andrew, who is basically ineffective, and Brady Chambers is currently attending the Law Enforcement Academy, which basically makes him ineffective as well. Councilor Miller said we have had two resign in the last two weeks or a month so that leaves those two positions open also. Chief Logan said if you count Andrew and Brady we have two positions we have not filled. Councilor Morales said my other question is we have a hiring freeze because of our gross receipts but if we are down police officers are we not going to be paying overtime because we have to have these shifts filled. Chief Logan said yes ma'am. Councilor Morales said it concerns me because we have a hiring freeze but we are going to be paying overtime, I am kind of confused. Councilor Miller said why "F" was pulled. Councilor Morales said I just don't understand how you can justify a hiring freeze but then by the same token we are going to pay overtime because we have to have patrol officers. Councilor Miller said I don't want to go back twenty years ago when they left at midnight. Councilor Olivo said that is one of the problems we have because if we are going to pay overtime then we need to

hire another officer. Councilor Morales said we have to because you are short handed and where are you going to pull from except from what you have hired. Mayor Miller said overtime is not equal to a salary. Councilor Miller said with the benefits probably not but you are still shorthanded. Mayor Miller said this is a short-term thing until we find out how we stand on our gross receipts tax. Councilor Miller said we are starting our busy season and I hate to see us short. We have two positions open and no officers for those positions, it is going to hurt the department.

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, Public Works Department, position Water Operator Level II, Shane Casler.

Public Works Director Gens said we have budgeted positions for two Class II Water Operators and we also have an open position due to someone leaving. Shane Casler has been with the City for quite a long time. He is a good operator and has his Class II Certification and I would like to recommend him for promotion to Class II Water Operator.

Councilor Miller moved to promote Shane Casler to position of Water Operator Level II. Seconded by Councilor Olivo. Councilor Garrett said I am really pleased to see that we are promoting people within the City into the positions they can fill. 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, discussion and consider amending City Council Compensation for actual attendance of Regular, Special, Emergency (Ordinance No. 97-07 adopted July 28, 1997) added the word Workshops (Ordinance 2002-11 adopted September 10, 2002).

Councilor Garrett said I asked for this to be placed on the agenda because what I see in the future for this Board in Ruidoso Downs is having to get together a lot more often. I think the Budget Workshops and the wastewater treatment plant are good examples. I would like to see us go to a salary so that every time we get together for a meeting we don't ask the citizens of our town to pay an extra \$200 per person. I would like the rest of the Board to consider that.

Councilor Miller asked what kind of salary do you have in mind. Councilor Garrett said we would have to do the salary that has been budgeted. I believe you take the budget, if I understood correctly, I asked Dan Bryant and John Waters for information. My understanding is you take the budgeted amount and divide it among us for what was budgeted this year and go to a salary figure. Councilor

Miller said it really wouldn't change because we barely have one or two extra meetings a year. Councilor Garrett said I don't know what is budgeted. Attorney Bryant said it would change a little bit because you have a contingency built into that line item for special meetings so if the line item doesn't go into the "red", you would take that whole sum, lump it together, divide it by twelve, divide that by four and that would be the salary. The reason we have to do it that way is because of the constitutional provision regarding increases and decreases in salary during the course of your term. This would avoid that consequence because you would be working at the same number you had before. Councilor Miller said that would not affect this Board whatsoever. Attorney Bryant said right. On occasion you get an extra check because there is a special meeting that month. Under this plan instead of getting back in a lump when you have an extra meeting a little piece of that is going to be in every single check every month, spread out. Councilor Miller said what I am saying it would change the next elected official's salary. I am on for three more years; it would have nothing to do with mine. You cannot change your salary within the term that you are elected for. Councilor Garrett said that is what I asked so I am confused. Attorney Bryant said I am not sure we are having the same conversation. If you vote to move from a per meeting payment to a salary payment it will affect the way you are paid. Instead of getting \$200 per meeting, you will get your share of that annual budget. You will have to tell me; do you want to get paid bi-weekly or bi-monthly. It can be divided into 26 pay periods so that every time we issue a check to the City personnel we issue a check to the Council as well or it can be 24, two times a month or 12, once a month. We can't go in and say we have \$22,000 but we are going to pay everybody \$2,000 a month and increase that budget up because that would be an increase in your salary. It would change the way the money comes to you, not the amount of money that comes to you over the period of the year. Councilor Miller said so State statutes are what we are talking about. You can decrease your salary but you can't increase it. State statute says you cannot change the salary during the time you are elected for. Attorney Bryant said you cannot increase or decrease the total amount of salary during the term. Moving from a per meeting payment to a monthly salary doesn't have to increase or decrease the salary but it will change the way you get it from a check that comes out when you attend a meeting to a consistent, regular check that is the same amount based on the annual budget. Councilor Miller said either way you want to do it; I don't care. I don't think we have overspent in the past that I know of and I think everybody who has complained about this being too much has still cashed their check. Councilor Garrett said I know one budget season there were like twelve or fifteen extra meetings and that was really expensive for the City. I just see a lot of other things we need to meet for that I think everyone would be more relaxed meeting for it. I would like to see us have six budget sessions but if we do that then it is six times all of our salaries. Councilor Miller said the thing is it is called a meeting because we are all here, we have a quorum and it is open to the public so it is a meeting. So we would have to just change that completely; take off that we don't get paid for meeting. Councilor Garrett said you are going to get paid as a salary and not per meeting. Councilor Miller said Ruidoso has a flat rate, I believe of \$500 a

month rather they attend or not. Councilor Olivo said I am totally against it because since I have been a councilor we have only had two extra meetings as far as I know and that was because we had to have them. I don't foresee any problems with this Council having extra meetings even with the wastewater treatment plant. We have a good man handling the situation and he is bringing us all of the information in a closed session. I don't foresee any extra meetings for this council; why spend more money if we don't have to.

Councilor Garrett moved to change to a salary. Administrator Waters said this is an ordinance that requires publication of the ordinance; it requires a public hearing. If you want to give the public a chance to respond to this and go through the regular ordinance changing procedure the proper thing to do is to direct staff to publish it and do it according to the requirements of the State statute. Mayor Miller said it may be better to leave it as a discussion and then we will bring it up at a later date.

Mayor Miller stated next item on the agenda, consider approving request for relief from water tap fee for Dusty Beavers. Dusty Beavers said I come before the Council to ask for relief of the water tap cost for the commercial business I am putting in across the street. I am just looking for a little consideration because of the expense I have had to go through to put in the water reclamation system that will help this community in the long run because basically I am recycling 80 percent of the water that is being used. 20 percent is lost due to evaporation and carry off and that is really the only usage that will not be reused again. I just thought the water tap was a little bit high for me bringing in a new business to this town. I am thinking about opening another business in Ruidoso Downs. I am just asking for a little bit of help on the water tap fee.

Councilor Olivo said you had a meter there but it was taken out because you were not using it; right? Mr. Beavers answered yes sir. The meter was there when the liquor store was there and then the meter was removed. Mayor Miller asked the tap you are asking for, is it 2 inch. Mr. Beavers said 1-1/2 inch. Mayor Miller said that will require a new tap into the water main but the thing is you helped us when we needed it with the well. I really consider that a lot of assistance. Councilor Morales said I agree with you. I don't know how the rest of the Council feels but I think what Dusty has done before for the citizens of the municipality, I would like to see it reduced to half. Councilor Miller said I agree that you are putting in a lot of extra expense to keep the water usage down. You need to be commended for that.

Councilor Morales moved to approve to reduce the water tap fee from \$1,500 to \$750 for Dusty Beavers. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

## PUBLIC INPUT

Mya said I just want to thank you very much for considering the ideas for public relations for our community I had given formally for the agenda back in February. Strictly for the record, whomever you choose to appoint for the sign contest, if you look back in that presentation, I feel there is more democracy in the decision making process if you have from the Economic Committee one person or two, perhaps the Auxiliary a couple and don't forget your new Chamber of Commerce people. By that way I truly believe it will be a more democratic decision as to what we should do for that sign. For the record, the thirteen weeks of the article, I had already gotten a quote from the newspaper of under \$400 for thirteen weeks. The purpose of that was going to be to let the summer visitors know that Ruidoso Downs existed and that was why the series, in my opinion, was going to be important. I have this feeling that perhaps next summer we are going to have this beautiful building over there for our visitors' center. I hope you will consider not just handing it over to some group called the Chamber of Commerce but let's get a public relations person that represents the City in there. Let's sell the souvenirs of the City of Ruidoso Downs in there and let's let that person work out promotions for the City, not just hand it over to one particular group. This is my suggestion. You said they just recently painted the Circle K. It looks beautiful with its southwestern decor outside. As you know we have lots bears, lots of deer. Let's make ours a log cabin; that fits right into our environment and shows how much we appreciate where we live. We could paint it maybe on this building or a new building if we put one up or as you know mobile homes have artificial and we could put that right on the cement of the building. I hope you consider something like this because we want to demonstrate a first-class welcome to people who want to be here in the City.

Carl Kelley said I am the contractor that put in the water system recently in Ruidoso Downs. We have been doing your work for many, many years. In your packet tonight there was a report from Dan saying that we did real shoddy work on that water line system. He also indicated that the City was allowed to overlook that shoddy work. He made some real bad statements in what he has given you. None of it is correct. Dan should be fired; he is causing the City an awful lot of grief and will continue to do so. In all respect, none of your people down here that work for him, everyone of them has told us how inexperienced he is and that he doesn't know what he is doing. Mayor Miller asked are you here just to get after one individual. Mr. Kelley said no, when he puts stuff in this for the City to look at and it causes a lot of trouble. Mayor Miller said he keeps us abreast of everything. Are you complaining about the North Central road. Councilor Miller said the residents are complaining about the road. I didn't complain about the way the water system was put in. Mr. Kelley said if you will read this stuff he has put out to the Council tonight he has made some statements in here that are really bad and are way off. He accuses the previous director of all kinds of things in here. The amount he spent on valves and all kinds of stuff. Mayor Miller asked the old line, did you just crimp it and that caused so much of the problem. Mr. Kelley said no, that is not exactly what is was. The City of Ruidoso Downs was supposed to, another words we were

putting in 6-inch line to replace the 2-inch line. If you recall that was towards the end of our project the City was out of water in Ruidoso Downs and had to buy some from Ruidoso. We elected not to cause any more water shortage or water spill than what was available. We actually had to slow down our construction to preserve what little water that the City had for fire protection. In doing so there are some 2-inch lines in there that on the end of them where our construction was, we capped them off as we were supposed to in our contract. On the other end where it tied back into existing lines, we did not have any construction on it where that looped to the 2-inch. The City of Ruidoso Downs was supposed to uncover their utility so we could cap them. The City of Ruidoso Downs never got around to that. At a meeting we had down here he kind of implied that ...

Mya stated Honorable Mayor, you have slammed your gavel on me for three minutes, this gentleman is over three minutes and not on the agenda. Mayor Miller said you ran out of time.

Corena Baca said I have a question and a couple of concerns over the packet. My first question when somebody is transferred from one department to another, does that not have to be approved by Council. Councilor Miller said as far as I know it should be. Corena Baca said I am just curious because in the packet it doesn't include that Bobbie Pearson was transferred from the Police Department to Shop Clerk. That was not approved by Council and I was just wondering why. Councilor Miller said my thought on that is that we did have a position called Shop Clerk. That was a newly added position that I think the Council should add positions. Councilor Olivo said the Council was never advised of this open position. The way I found out I saw the position in the paper they were hiring but the Council was never advised about it. Councilor Garrett said it says on the form transfer with an asterisk and it says "does not require action from the Council". Councilor Miller said no, we hired her as a Communication/Detention Officer. Councilor Garrett said we transferred her from one position to another. Councilor Miller said we didn't do that. Councilor Olivo said we didn't have the decision ultimately. Mayor Miller said there was a position open as a laborer. Councilor Olivo said a laborer and a shop clerk is a lot of difference. Councilor Miller said we need street laborers as far as I am concerned. Ms. Baca said I think a street laborer would be more important than a shop clerk. Public Works Director Gens said the reason I applied to have this position filled is rather than a street laborer, Public Works does a lot purchasing, a lot of filing and we have a lot of inventory to keep track of. This position will help in the shop, track our inventory in and out, make sure our equipment is maintained in and out, provide loss control which we have a tremendous amount of. We don't have a lot of equipment down there that has been purchased over the years. The person will save a lot in loss inventory. She has already started to streamline the system so we can get things done. It allows for me to get out on the street to make sure projects are getting done. If I hire a laborer rather than this position, I have another person unsupervised out in the field untrained and nobody to make sure things are getting done like the streets. This will allow me to do the things I was

really hired for rather than sitting behind the desk all of the time or watching the inventory going in and out. This position allows for a lot more freedom for the rest of us because right now the public works director and public works foreman spend a lot of time sitting behind a desk. This will free us up to get more things accomplished and improve the City in a lot better ways. Mayor Miller stated I have always wanted this position even when I first came here. We need someone in that shop that checks in inventory and checks it back out to make sure that everything goes according to the way it should go, keep everything in tact, answer the phone and be there available. This is a very good position to fill at this time because all of sudden there are no tools to work with. It is a very important position and I wanted this filled when I first came into office. I highly recommend this change and this lady is better trained for this type of work than the work she was doing. It is matter of just switching positions; it is not an addition to personnel. This lady is absolutely trained to handle that job. It is a very important function and it has been needed for the five years I have been here and I highly recommend this transfer. It is at my discretion that I can do that. Ms. Baca asked without going to Council that is why we have a Council. Mayor Miller said I know that is why we have a Council and you don't have to remind me of that.

Ms. Baca said I had a concern about the payment approval report. I was noticing there was an advance per diem for a trip that Mr. Waters took to Dallas, Texas. I was just concerned about the money that was spent on that trip. It was two days apparently on the 15th and 16th. The total that I have is \$404.48 that was spent and that didn't include his flight. That is a lot of money for two days. Mayor Miller said to fly into Dallas and take care of the business he took care of; are you aware of the business he took care of. Ms. Baca said no, but I know that \$750 is a lot of money for two days. Mayor Miller asked do you know the amount of money he saved us with the Environmental Department. He went on a trip that nobody else wanted to go on. Ms. Baca said he rented a vehicle for \$101 for one day; that is not saving anybody any money. That is all that I have to say is you need to start paying a little more attention to what is being paid out.

Ken Mosley said I am the previous Director and I feel somewhat attacked on some of the things I have read in the Council packet. Basically I am here to defend the work that I did do while I was here. It says that I overspent on valves. I was with this project in the final part of the design, the process and the installation to right before final inspection. Through that process, we inspected every part of the way and the waterline went in great. There wasn't any problem with that; we did lose some water. The work that we inspected was not shoddy. I was not employed here when they did the road part of it so I can't speak much on that. When it says that I did not save enough for street replacement, Mr. Waters was involved with this. There was a portion down on Riverview that we did not have to replace the waterline, about 800 feet of it. With that money we came back into the town and installed valves throughout up around Colorado, Nevada and that area. Citizens of this town know when we have a water leak here how many people are out of water,

at least half the town every time there is a water leak. Since we put this water system in and installed these valves, they can redirect water and there shouldn't be a tremendous amount of people out of water now when there is a leak. That is the reason for the valves. Any certified operator that works in a water system knows you can't have too many valves. I had no intention of saving money to repair the streets; that was not in my agenda. The engineer put the street repairs in Bid Alternate 10, which never got awarded. What we did do is we used the contingency money we did not award Bid Alternate 3 with and that is what the contractor came back in after I left and repaired the streets at that point. One of the other things, like I said I am defending the things I have done in the past, I am not here to attack anybody but I didn't have a problem taking care of all of the paperwork and the job in Ruidoso Downs as the public works director. I just wanted to make that point clear. Thank you. Mayor Miller asked why are there so many tools gone; there isn't anything available in that shop to work with. Mr. Mosley said no sir, you are right; those were Mr. Graham's. When he left, he took them with him. Mayor Miller asked what about all of the tools that we purchased. Mr. Mosley said we purchased, I want to say about \$4,000, anyway a pretty good number of tools and they are in a toolbox. We never had any on the trucks sir and that is why I tried to put money in the budget each year to get the trucks where they had tools for the guys that work out in the field. The majority of all the tools that were ever down there was Mr. Graham's and when he left he took them with him. I tried to stock that before he ever left. Councilor Miller said I remember when Mr. Graham was hired as a mechanic and he did bring his own tools with him back in the early ninety's. Councilor Garrett said I remember seeing bills and bills of tools for years. I don't know where any of that is. It is kind of like the fire department, we didn't know where any of that equipment went either. I think that was one of the things the audit was supposed to have an inventory every month and keep inventory. That is something we really need is good inventory.

Councilor Olivo said Joe Blaney is not here tonight but he came to the last meeting and told our Council to get your act together. My response to him tonight, he stated that our working force is very unhappy with the working situation which is very untrue. I think we have a beautiful working force and they like the work they are doing. Also he stated that City Council thinks personnel situations have to be addressed first. My only concern with the personnel department, I think we should be concerned about our personnel. Another thing he stated that we are not on top of the water treatment plant situation. We are; we have a very reliable lawyer that we trust. He handles the whole situation and he brings us information every meeting. From there, the Council decides and we tell him what to do whether to proceed on this thing or not to proceed on this thing. Another thing Joe mentioned was that we don't care about our water situation, our water tanks and all that. I would like to inform you that two council people here went to the Governor's office last month to talk to the Governor and ask for money for a well and some storage tanks so we are on top of everything. You have to remember one thing, this Council here is on top of the water treatment situation, the water, our working personnel and I think this is

the best Council you have ever had in this City and they are working for the future of this City. Joe is not here, therefore, he can't answer me why he brought that statement against our Council to get our act together. We do have our act together.

Councilor Miller said I would like to address this article that was in the paper. Mrs. Garrett and I guess Joe Blaney, according to his letter, both thought our executive session meeting was of no importance or it wasn't necessary. It was very important. We had over half of our employees outside and I want to apologize to every one of them. I feel like they were mistreated. I think they all have issues and to have a democracy is very important. I want each and every one of them that have a problem to file a grievance. I feel sorry that they didn't get to have their say. It wasn't possible; it wasn't stated that way on our agenda. It was a certain issue that we were talking about and those people that were there during that incident are the ones we talked to. That just shows you how many other incidents; I think the relationship of all of the employees have more to do with the productivity of work that gets done than any other issue. I think our personnel are very important; they are very important to me. We couldn't make it without them. If they walk out, we are in trouble. We have to go through the process after process to rehire, check out new people and then you get people that don't know what they are doing here because they haven't been here and don't know what goes on. I think our session was very important, I think it was money well spent and we have that option to take the check or not. If you cashed your check you agreed with the meeting.

Councilor Garrett said the meeting was very important. All I was saying in the article in the paper is that I think it is very, very important that we are aware as a Council of how we are perceived in the public. We are perceived when we have a forty-five minute meeting the following Monday that we could have really held that meeting on Monday. It would not have been anything that would have been out of the normal realm for us to have done that. A special meeting was called, we held the special meeting and that article said, and I agree with you Judy, please follow the grievance procedure, please follow your personnel policy and please do what you need to do as employees of the City. I think as a member of this Council that is why I brought up the financial part tonight. I really feel that every time we hold a separate meeting and ask this City to pay \$200 per person for that separate meeting that we could look at it a lot differently if we were on a salary and that way it wouldn't be perceived in the public that way. There are people in the audience that I know felt that way.

Councilor Morales said I would like to make a comment. I am actually very upset that you would admonish this audience not to applaud over what they thought to applaud to when at the last Council meeting some of these people in the audience applauded Joe Blaney and you did not stop them and I take issue with that. Councilor Miller said he was attacking this Council. Mayor Miller said there was someone talking at the time they were applauding. Councilor Morales whether they were talking or not, I take issue with that. You did not admonish them at the last

Council meeting. It is okay for them to applaud Mr. Blaney; it is okay for them to applaud anybody they want to if it is going to be consistent it will be consistent.

Bonnie Richardson said I am a citizen of Ruidoso Downs. I read the Ruidoso News and I would just like to ask a question/maybe make comment. Why does the Ruidoso News think there are no fireworks at the Ruidoso Downs Council meetings. Councilor Morales said Bonnie, they applaud you; they think our meetings are real short until we were here until 1 o'clock in the morning.

Councilor Olivo said Mayor, I want to know why on May the 9th, a day before our meeting, you call a councilor at home and told that councilor why did you side with the other two. What are you referring to, sir? Mayor Miller said in the same breath I would like to ask you, why you asked her in previous times why she didn't vote with you and Marge. Councilor Olivo said we all vote independently, sir. We don't get together to see how to vote.

Robert Beavers said the property that you purchased to buy water rights on, I am repairing that irrigation ditch and I will be sending you a bill because it is stopped up. We can't get any water. Everybody has to pay and I am just letting you know ahead of time the water is stopped up and no water going down it. We are digging on it right now. I worked for a week on it. We will share. Everybody has to pay on the ditch to fix it. You're part of the ditch. There are seven or eight people on the ditch and everybody has to pay their part and I am just letting you know that. I hate to tell you this but it is bad news. Mayor Miller asked what kind of price are we talking about. Mr. Beavers said I don't know I haven't gotten it fixed. Backhoe rent; it will be probably be \$500 or \$600. We will share it with everybody. Tull Stansell Estate is the main part. It has to be fixed. Mayor Miller said I haven't heard a word about it really. Mr. Beavers said we turned the water on and the kids filled the pipe three or four years ago. We capped them and over a period of time it is plugged up. I thought I had it fixed today but it is still plugged up so we are digging on down. There is one place down there we can tell it doesn't have any water. It is stopped up 150 yards or better. We will have it fixed by tomorrow I hope.

When you get grants to do the roads can I ask you, Mr. Waters, the percentage of the grants that you pay and the State pays. Administrator Waters said sure you can. Sometimes it is 100 percent grant money; sometimes it is not. It depends on what the Council has budgeted. Mr. Beavers said I know dealing in my construction business I furnish a lot of material for the Village of Ruidoso and the county. They had coops where they would get grants. The Village would pay 10 percent and the State would pay 90, 80 and they did all of those things like that and the City wouldn't be out but 10 percent of the cost of the job and that is why I am asking. Mr. Waters said actually the State Coop program is not allowed to match 10 percent; it is against the law. I can show you State statute. Mr. Beavers said 20 percent then. Administrator Waters said it is more than 10 percent and it depends. When you have a HUD grant for instance, it is based upon your size. What are we required

right now? Clerk Virden said we are required by the CDBG regulations depending on the amount you are going to request, the basic amount is 5 to 10 percent but that is for Community Development Block Grant and they all differ. Mr. Beavers said I know when they paved roads, they were on like 20 and 15 and 10 percent and that is why they got so many roads paved and gravel. The county did the same thing on a coop. On the school bus route, they got gravel and they got pavement. There is no sense in us paying 100 percent when we can get matching funds. Administrator Waters said we never do 100 percent. All of those block grants we are matched significantly. I more than welcome the opportunity for you and any member including the press to see our grant block. We are very successful in getting grants at higher percentages than communities our size throughout the state. Definitely, two years ago we got a million dollars to do projects. The drainage project, for instance, we got \$500,000 and we matched it with \$90,000; that's a pretty good percentage. Mr. Beavers said that's great. Administrator Waters said obviously if there is something in there the Council can't afford and we bring it before the Council and we don't have money to do it, we won't do it. We have had a couple of examples of that in the past where we didn't get the grant. Quite frankly if we don't get the grant then the matching funds, in many cases, are not going to do us any good so the Council decides to hold off on that. Mr. Beavers said that's all; I just knew there were a lot of them out there. Mayor Miller said we are not turning any of them down.

#### EXECUTIVE SESSION

Mayor Miller entertained a motion to go into Executive Session pursuant to Section 10-15-1(H)7, Litigation reference EPA Administrative Order and pursuant to Section 10-15-1(H)2, Limited Personnel Matters, reference Police Chief.

Motion was made by Councilor Morales to go into Executive Session. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated I would like to invite City Attorney Bryant and City Administrator Waters to attend the Executive Session and closed the regular meeting at 7:00 p.m. Mayor Miller called for a five-minute recess to clear the Council chambers.

Motion was made by Councilor Morales to go back into open session. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried. Mayor Miller called the regular meeting back in session at 9:15 p.m.

Councilor Morales attested that the only item discussed in Executive Session was pursuant to Section 10-15-1(H)7, Litigation reference the EPA Administrative Order and pursuant to Section 10-15-1(H)2, Limited Personnel Matters reference Police Chief and no action was taken.

Councilor Morales moved to terminate the employment of Chief Logan immediately. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Nay. Motion carried.

Mayor Miller entertained a motion to adjourn. Motion was made by Councilor Morales and seconded by Councilor Miller to adjourn at 9:16 p.m. Motion passed unanimously.

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Bob A. Miller, Mayor

ATTEST:

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Carol Virden, City Clerk/Treasurer