

MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
OF THE CITY OF RUIDOSO DOWNS  
JUNE 12, 2006

The Council of the City of Ruidoso Downs met in a regular session on June 12, 2006. Mayor Pro-tem Garrett called the meeting to order at 5:30 p.m. and asked Rosie Hood to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller	Mayor Pro-tem Garrett
Councilor Hood	Councilor Holman

Administrator Waters informed Mayor Pro-tem Garrett there was a quorum.

Also present:

Dan Bryant, City Attorney  
John P. Waters, City Administrator  
Carol Virden, City Clerk/Treasurer  
Robert Denny, Department of Public Safety Director  
Tom Stewart, Public Works Director  
Jay Smith, Museum Director

APPROVAL OF AGENDA

Mayor Pro-tem Garrett entertained a motion to approve the Agenda with a change in Item 10.B. as it should be "consider awarding" instead of "consider approving". Councilor Hood moved to approve the Agenda with the correction. Seconded by Councilor Miller. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Mayor Pro-tem Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Pro-tem Garrett entertained a motion to approve the Consent Agenda. Councilor Miller moved to approve the Consent Agenda. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Mayor Pro-tem Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF MAY 30, 2006 RESCHEDULED MEETING

Motion was made by Councilor Miller and seconded by Councilor Hood to approve the Minutes of the May 30, 2006 rescheduled meeting. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Mayor Pro-tem Garrett, Aye. Motion carried.

### ACCOUNTS PAYABLE

Motion was made by Councilor Miller and seconded by Councilor Hood to approve the Accounts Payable. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Mayor Pro-tem Garrett, Aye. Motion carried.

### UNFINISHED BUSINESS

Administrator Waters said as I reported to you last time, based on a request from Councilor Holman asking for certain ordinances of what different communities are doing, you will see that I printed out five ordinances from different municipalities four of which are in New Mexico and one in Texas. Every single one that I looked at the municipality did not take care of the property. Every single one of them required the citizen property owner to take care of everything from their front door essentially to the street. Some towns say curb, some towns say parkway. I starred the ones that were applicable to the ordinance we were talking about. You can see from these ordinances that different people do it different ways. All five of these are similar in many ways and distinct differences in other ways because each town has their own problems that they have to deal with and they make codes to address each of those. If the Council wishes to put something together or if they find things that are important they like in here an ordinance can be structured from this to bring back to the Council in a draft ordinance to look at or if there are things you don't see certainly there are other things I am willing to look at to put into any kind of ordinance the Council would like me to do. This is the background documentation. It is a lot of reading for the Council to look at but it is what our peers are doing. There are some penalty assessments. Councilor Holman thanked Administrator Waters for researching this. It gives us a starting point. Mayor Pro-tem Garrett said I think this is something we can discuss at our next meeting.

### OTHER BUSINESS

Mayor Pro-tem Garrett stated next item on the agenda, recognition of May 2006 Employee of the Month - DPS staff. Chief Denny said it is my fault that Steven Dobbs is not here this evening. I failed to mention it to him that he did win this award. Chief Denny read one of the nomination forms: "Officer Dobbs has been and continues to be a great asset to the department. He has brought his knowledge with him and has been very helpful to all employees. He is very good at dealing with the public. His attitude is always upbeat and positive." He has been a great addition to us. He has a lot of experience and he has been with us before. He has handled some very serious things including a major accident we had on North Central. He basically did the whole diagram and accident report himself. I will present this to him the first thing in the morning and tell him of our appreciation of his hard work.

Chief Denny said we decided to have a community meeting here in the Hubbard Room on June 21st. We have these flyers to post throughout the city. We hope to have the community come out and talk and give them a chance to meet our officers and dispatchers and maybe give them a tour of our fire department and equipment. Tell them how we do things on a daily basis. I notice there is a big interest in a

neighborhood watch so we want to talk about that. There is a survey at the end for those who have not had an opportunity to fill one out. I know at this point Carol Virden has all the copies of the surveys if they want to come in and look for theirs. We will definitely take their input. If they want to do it anonymously, they can bring it in to Carol or Mr. Waters or put it in the comment box. This is something we want to use to help us out. Again, it is June 21st at 7 p.m. Everyone is invited.

Mayor Pro-tem Garrett said one of things on this list is how to keep your home safe. Chief Denny said one of the reasons this came up we have had a rash of burglaries and those burglaries were all due to somebody not locking their front door. Mayor Pro-tem Garrett asked that the meeting be put on the marquee and said maybe the media could help too.

Museum Director Smith said I have an announcement to make. I have a letter in hand that will go to Mr. Waters from the New Mexico Arts Commission which is a letter notifying us that we received a grant in the amount of \$5,159.00 which will go towards our educational programming for next year. In conjunction with what we announced last week with a donation from State National Bank for our children's area and some other funds that have come in, we have raised over \$11,000 in the last month and a half in unbudgeted funds. Now, \$11,000 to a facility with a \$1,000,000 budget may not seem like all that much but it represents over 1,700 paid admissions if you put it in those terms. I guarantee we will even do better than this in the future because this is a way to generate more dollars for resources, more dollars for programs and more dollars to make the Hubbard Museum an even better place than it is. This is a great first step. Before you congratulate me, it is a team effort. Coda Omness really put a lot of time into this and I think she should be congratulated on the record.

Administrator Waters said I have some good news for you. We have a one million gallon reservoir up on top of the hill that is filled with almost a million gallons of water. The water is clean and the tank did pass its test. We now have a million gallons in storage so we have effectively doubled the water storage in town. We are in much better shape than we were last year. The Spring did give us a little spurt this last month. It is up from the 220 to about 224 gpm but still far short of the 400 gpm it shot out in 1999. Still it is better that it goes up than down. We are holding steady at the Spring. We are getting ready to go forward with the drilling of our well. We have a sent a joint letter from the City and the Village to the State Department of Transportation. One of the items is putting out a public transportation system for the Valley. We have basically sent a letter of intent to the State DOT telling them that we will be jointly applying for something to start a transit system. This letter informs the State we wish to apply for that and an application process has been forwarded by the State to the entity, which in this case is both Ruidoso and Ruidoso Downs, and then at that point we will come back and look at a budgetary item. The good thing about this type of item there is a lot of money out there to purchase things. We have a population in Ruidoso Downs,

according to the census, that is 24 percent disabled. Since we do have a lot of disabled people in Ruidoso Downs that does allow us to take advantage of some of the grants that are out there. One of these grants does deal specifically with handicapped access allowing people with physical disabilities to be able to get transportation. Another thing, that was identified by Dr. Elrod of the college before, is we have another resource here. We have a lot of tourists in the summertime that have to get ferried around the valley. We could have a fixed route that could actually help pay for this system. It may not pay for all of it but it will pay for a lot more of it than towns that don't have the tourist base. We are thinking more along the lines of a handicapped bus. This is basically a first step telling the State we are interested in this and we believe we qualify for all of the grants that are offered. It is my intention to try to get each one of those grants.

Councilor Holman said I hadn't had a chance to look at this. I think along with that the possibility, and I know with our budget at this point it seems like this would be out of the question and it would be now but in the future, something like the little sheds you see on the golf courses with advertising of Ruidoso Downs on those sheds. Perhaps some of the businesses could help by contributing. It is obvious we are never going to get a school here so it would be a good place for the kids to catch the school bus.

Councilor Miller said I think like the governor on this. I think this joint effort is one thing that will make it work for us because we couldn't do this alone. I am glad we are doing this.

Mayor Pro-tem Garrett said I think it is a worthwhile thing. I know the poor people who work from Ruidoso Downs and a lot of them work at Wal-Mart have to walk because they have no transportation. I hope we can move forward on that.

Administrator Waters said this is not for this fiscal year but for the fiscal year 2007-2008. The Federal year starts in October as opposed to ours which starts in July. This is some time off but that is just how far ahead the Federal government thinks.

#### NEW BUSINESS

Mayor Pro-tem Garrett stated next item on the agenda, discussion and consider publishing transfer of Charter Communications Franchise. Clerk Virden said I have made copies of previous resolutions in regards to the cable for the City of Ruidoso Downs and the Village of Ruidoso Downs. I asked Mr. Bryant if this should be done by ordinance instead of resolution. In going back I found that the Village of Ruidoso Downs had by resolution transferred several times the ownership. I do have the original cable television franchise agreement so I am asking the Council if you wish to do this by ordinance or by resolution.

Administrator Waters said one of the issues that has come up is if you have an ordinance that allows for you to change things by resolution that is one thing

Mayor Pro-tem Garrett said my suggestion is we clean up whatever we need to clean up at this point.

Attorney Bryant said a franchise is typically called franchise agreements but they really are franchise ordinances. What you do by a franchise is the governing body grants to the company access to its streets and public ways for the purpose of putting in their facilities so they can operate a service. What we should have in place is a franchise ordinance that contains the essential terms of the franchise agreement with the franchisee. My recommendation would be to get in touch with the franchise company, change the name and get it all fixed and publish a public hearing to adopt an ordinance approving the franchise with the new name and do it as soon as we can make it happen.

Clerk Virden said to add to that, the notice of intent that will be going out, we are going to repeal everything and this is including the ordinances and resolutions just for your information.

Mayor Pro-tem Garrett stated next item on the agenda, consider awarding RFP No. 06-04 New Riverside Well Drilling.

Administrator Waters said the City has gone out for a design build for the new Riverside well. This is our high capacity well that is intended to, if necessary, replace the spring if it ever completely goes out. We are planning on starting this mid-summer and drilling deeper than the other wells around us so we won't be affecting neighboring wells. We are asking this item be awarded to Stewart Brothers which is a New Mexico drilling firm. They have a lot of experience and it rated the highest. We were fortunate to have two very well known and highly respected drilling firms. Both in price and qualifications Stewart Brothers came out on top. This is going to cost the City somewhere in the neighborhood of \$569,000. Of course we have a significant amount of that money in grant monies from the State legislature. In addition, we received the \$500,000 CDBG grant to put the waterlines in which will take the water from the well and put it in our reservoir as well as put a large capacity line down the highway with an interconnect to our neighboring city so maybe someday we can pay back the favor they bestowed upon us a couple of years ago. If there is money left over, we have some water lines on Wood Lane that are in bad need of attention and we have a couple of lines in Agua Fria that need to be replaced. They are 2 inch lines and they need to be 6 inch lines. In addition, this well will also include a chlorination station so the water will be disinfected onsite.

Councilor Hood moved to award RFP No. 06-04 New Riverside Well Drilling to Stewart Brothers Drilling. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Mayor Pro-tem Garrett, Aye. Motion carried.

PUBLIC INPUT

None

EXECUTIVE SESSION

Mayor Pro-tem Garrett entertained a motion to go into Executive Session for the discussion of Threatening and or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H)7 and Real Property and Water Rights pursuant to Section 10-15-1 Subparagraph (H)8.

Motion was made by Councilor Miller to go into Executive Session for the discussion of Threatening and or Pending Litigation pursuant to Section 10-15-1 Subparagraph (H)7 and Real Property and Water Rights pursuant to Section 10-15-1 Subparagraph (H)8. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Mayor Pro-tem Garrett, Aye. Motion carried.

Mayor Pro-tem Garrett closed the regular meeting at 6:00 p.m. and invited City Attorney Dan Bryant, City Administrator John Waters, and City Clerk Carol Virden to attend the Executive Session. There was a five minute recess to clear the Council chambers.

Mayor Pro-tem Garrett called the regular meeting back to order at 7:15 p.m.

Councilor Miller attested to the fact that the only items discussed in Executive Session was Threatening and or Pending Litigation pursuant to Section 10-15-1 Subparagraph (H)7 and Real Property and Water Rights pursuant to Section 10-15-1 Subparagraph (H)8 and no action was taken.

Mayor Pro-tem Garrett entertained a motion to adjourn. Motion was made by Councilor Holman and seconded by Councilor Hood to adjourn at 7:16 p.m. Motion passed unanimously.

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Susan Garrett, Mayor Pro-tem

ATTEST:

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Carol Virden, City Clerk/Treasurer