

MINUTES OF THE CITY COUNCIL
REGULAR MEETING
OF THE CITY OF RUIDOSO DOWNS
JUNE 26, 2006

The Council of the City of Ruidoso Downs met in a regular session on June 26, 2006. Mayor Miller called the meeting to order at 5:30 p.m. and asked Warren Beavers to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Hood	Councilor Miller
Councilor Holman	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
Tom Stewart, Public Works Director
Jay Smith, Museum Director

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the Agenda with a change that Item B. come before Item A. under New Business. Councilor Garrett moved to approve the Agenda. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, 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 Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF JUNE 12, 2006 REGULAR MEETING

Motion was made by Councilor Miller and seconded by Councilor Hood to approve the Minutes of the June 12, 2006 Regular meeting. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor 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; Councilor Garrett, Aye. Motion carried.

MONTHLY REPORTS

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

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

Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

UNFINISHED BUSINESS

Attorney Bryant said we have been pursuing Mr. Eisler and Mr. Harvey who are the two gentlemen renovating the house. I caught up with Mr. Harvey today and he is going to send a note to Mr. Waters or Mr. Armstrong's attention within the next day or two. They are finishing up cabinets and paint on the house they are working on. Mr. Harvey inspected the property today and was aghast at what had been left outside. He is going to take steps immediately to clean that up and they will be hard at work on the inside within a month. I asked that he get that in writing to city staff so we would have a current report.

OTHER BUSINESS

None

NEW BUSINESS

Mayor Miller stated next item on the agenda, Elisa Davis, update on Group Work Camp of Southeastern New Mexico Community Action Corporation.

Elisa Davis reported on the Group Work Camp for the area saying there were originally 51 homes scheduled and 62 crews as follows:

Alto	2
Capitan	5
Ruidoso	15
Ruidoso Downs	20
San Patricio	4
Glencoe	1

There are nine back up sites ready if any changes need to be made.

We are fortunate that Foxworth-Galbraith is working with us and making sure that we are maximizing the funding we have. Our total budget for materials is \$34,060 and we will probably spend all of that. Setup week is June 26 through July 1 and camp week is July 2 through July 8 and extended an invitation to schedule a tour of the camp.

Mayor Miller stated next item on the agenda, consider request from Lincoln County Solid Waste Authority, increase of collection rates.

Administrator Waters said to clarify, this is not the actual public hearing for the ordinance. This is just considering the request to proceed with publishing and the process for the ordinance public hearing.

Debra Ingle, Operational Supervisor for LCSWA said LCSWA is asking all of the entities for a rate increase. The Board of Directors of LCSWA have asked for a \$1.85 increase for a residential account. This year we gave you the option of your administration fee. Currently yours is \$0.35 which would be a total of \$2.20. Also, the Authority is asking for a \$0.60 a year increase for the next four years which will take us to 2010. We believe this is sufficient so that we do not face large increases to the citizens in the future. This is the first time we have asked for an increase since 2001. I have provided a comparison sheet as to other entities in New Mexico with polycart services and the U.S. Department of Labor as to where we got the percentages for the increase.

Attorney Bryant asked when you are trying to factor in the rate of inflation on your operations, what CPI do you look at and Ms. Ingle replied I look at the urban West CPI. Attorney Bryant asked are you able to give us a sense for what that urban West CPI has been over the five years your rates have maintained. Ms. Ingle said it has been on the average of 12.7 and that is over five years. It has been running about 3.7 percent on an average over the last five years. Attorney Bryant said I knew there had to be a CPI basis on the 60 cents and I just wanted to know what it was.

City Clerk Virden said at the last Council meeting I gave a brief overview of how the Notice of Intents to adopt ordinances for the City of Ruidoso Downs occurs. I have already issued the Notice of Intent for the June 1, 2006 letter from Lincoln Solid Waste on that increase and the public hearing is scheduled for July 10, 2006. If the Council seeks to add this 60 cents a year for the next four years, we will have to amend the ordinance that is coming up for public hearing on July 10th just for the members to know that. Attorney Bryant asked do we have enough publication time and Clerk Virden replied not for the July 10th meeting. If the Council approves the ordinance coming up on July 10th after the public hearing, it will become effective for the July 2006 billing. Attorney Bryant said we would need to hold a second public hearing on the 60 cents at the second meeting in July and I don't see the time crunch on the 60 cents since it is an annual number that really won't take effect until

July 2007 rates. Ms. Virden said we can put it on the next agenda and have the public hearing in August.

Councilor Garrett moved to approve publication of public hearing for rate increase for Lincoln County Solid Waste Authority. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Councilor Miller moved to approve pay off of lease purchase equipment, motor grader. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving personnel recommendation of Public Works Department position of shop clerk, David Pearson.

Public Works Director Stewart said this position is a full-time shop clerk, which is kind of my right hand in public works. David is currently employed at Wal-Mart. He was employed 23 years at DHL where he was in charge of training, shipping and delivering. I think he will be a big asset to the city and the Public Works Department.

Councilor Miller moved to approve personnel recommendation to hire David Pearson for the position of Shop Clerk in the Public Works Department. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving personnel recommendation for Hubbard Museum position of administrative secretary, Stephanie Morgan.

Hubbard Museum Director Smith said we are recommending Stephanie Morgan for the position of administrative secretary. Stephanie has a great deal of experience in administration. Lately at the Ruidoso Convention Center she has coordinated various conferences and has done a lot of research. She also has a degree in history from U.C. Davis and has a love for the museum. I think she will do a fantastic job for us.

Councilor Garrett moved to approve personnel recommendation of Stephanie Morgan for the position of administrative secretary for the Hubbard Museum of the American West. Seconded by Councilor Miller. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving proposed Ruidoso Downs Citizens Benefit to the Hubbard Museum of the American West.

Hubbard Museum Director Smith said we have talked a great deal about what we could do for and with the citizens of Ruidoso Downs. We have studied what would be best to offer our citizens that would be economically feasible. We have settled on offering free admission to the citizens of Ruidoso Downs every Sunday as a pilot program at least through Labor Day to allow us to analyze the program and see how the citizens are responding to the program. We would ask the citizens to present identification and we will issue a card to the individuals and their children.

Councilor Miller moved to approve free admission to residents of the City of Ruidoso Downs every Sunday through Labor Day to the Hubbard Museum of the American West. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Councilor Miller moved to approve Facility Rental Policy for the Hubbard Museum of the American West. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving Long Range Plan for the Hubbard Museum of the American West.

Public Works Director Smith thanked the Council for their support of creating a long-range plan for the museum. I think this is the most important exercise any museum can undertake and I think it was vitally important we did so at this time. Director Smith explained the document.

Councilor Miller moved to approve long-range plan for the Hubbard Museum of the American West. Seconded by Councilor Garrett. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving Resolution No. 2006-05, New Mexico Department of Transportation for Project No. SP-2-07 (972) Burke Lane and Thompson Drive.

Administrative Waters said we have an ongoing construction project that started on Allison Lane with a road that was very narrow and in very poor condition. We continued with Turkey Canyon and that took a couple of years to complete that long road. Last year we received a grant for a little over \$60,000 from the Department of Transportation for doing Burke Lane. It is a road that is unpaved and has a lot of water that runs down it. We have three unpaved roads in that area with really bad

ruts in them and they are Burke, Thompson and West. These are the three that are scheduled in that order for reconstruction. I am very happy to say this is the largest amount we have ever received from the Department of Transportation. We received \$87,416.18. In addition, we are only required to match it with \$29,000. We should have enough to complete all of Burke and Thompson Lane with curbs and gutters. We hope to get started on this project by the end of this summer. This should fix a lot of those drainage problems and it will also widen the streets. As you know for next years funding we have asked to do West Drive.

Councilor Hood moved to approve Resolution No. 2006-05, NMDT Project No. SP-2-07 (972) Burke Lane and Thompson Drive. Seconded by Councilor Miller. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

PUBLIC INPUT

Shirley Collingsworth said I live at 1535 Wood Lane and we have had an ongoing problem for months with the fence company next door to our addition. It is just a big fire hazard. We have all been so worried about it. I think Mr. McQueen has spoken with someone here. Mrs. Teasley has spoken here and also with the fire department. I have talked to Mr. Waters twice and took his valuable time. I have talked many times to Tom Armstrong, Mr. Dunlap, Rene Olivo and last but not least Tommy Hood. There is everything from junk cars to trashy wood that has been torn down from things and just piled there. We were asking for a privacy fence. We thought that was something we thought we could deal with. We got a short fence; it is six feet tall and chain link. Is that a privacy fence?

Administrator Waters said in the definition laid forth in our P&Z manual, a privacy fence of a chain link nature would have slats included into the fence. If that hasn't been done, we will have to go back and require compliance with our ordinance.

Ms. Collingsworth said you can still see over the fence and all of the junk is still there and all of the hazard is still there. It is not improving; it is getting much worse. I am speaking for the entire neighborhood. We could all go up in flames with the dryness that we have had all winter. There are a lot of workmen out there. They smoke and throw their cigarettes down. You can't stop that regardless of what signs we put up everywhere. Are we going to be able to get any kind of resolution to this?

Administrator Waters said we have had our code enforcement officer site the individual that is there. They have been working with them to try to get them to comply. The fence was one of the issues. Obviously, it hasn't been fully complied with but we will look into that. We also have the other issues of the junk cars. I do know that Mr. Dunlap has met with Debra Ingle from the Solid Waste Authority and they do have a program that they can come pick these junk vehicles up. This is a successful program and we have had a lot of them picked up throughout town. I will make sure Mr. Dunlap takes the time to take the documents from the Solid

Waste Authority over to the individual that owns those cars to see if we can accomplish picking up those vehicles. I have visited the site. I would agree with you that there is some work that needs to be done. It has been an ongoing problem.

EXECUTIVE SESSION

Mayor Miller 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.

Councilor Garrett moved 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. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller closed the regular meeting at 6:28 p.m. and invited City Attorney Dan Bryant, City Administrator John Waters and City Clerk Carol Virden to attend the Executive Session and called for a five minute recess to clear the Council chambers.

Motion was made by Councilor Hood and seconded by Councilor Holman to go back into regular session. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller called the regular meeting back to order at 9:16 p.m.

Councilor Garrett attested that the only item discussed in Executive Session was Threatening and or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H)7 and no action was taken.

The Council gave Attorney Bryant a vote of confidence.

Mayor Miller entertained a motion to adjourn.

Motion was made by Councilor Garrett and seconded by Councilor Miller to adjourn at 9:17 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer