

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
SEPTEMBER 24, 2007

The Council of the City of Ruidoso Downs met in regular session on September 24, 2007. Mayor Miller called the meeting to order at 5:30 p.m. and asked Jim Burrow to lead the Pledge of Allegiance. Mayor Miller asked City Manager, John P. Waters to take roll call. The following were present:

Councilor Hood
Councilor Garrett

Councilor Holman

Absent: Councilor Miller

John P. Waters, City Manager informed Mayor Miller there was a quorum.

Also present:

Carol Virden, City Clerk/Treasurer
W. T. Martin, City Attorney
Alfred Ortiz, DPS Chief
Steve Dunigan, Planning/Personnel Director
Mark Lewis, Acting Public Works Director
Jay Smith, Museum Director

APPROVAL OF AGENDA

Mayor Miller stated next item on the agenda is Item 4. Approval of Agenda. Mayor Miller entertained a motion to approve the Agenda.

Councilor Hood moved to approve the Agenda. Seconded by Councilor Holman Roll Call Votes: Councilor Hood, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Miller stated next item on the agenda is Item 5. Approval of the Consent Agenda. Mayor Miller entertained a motion to approve the Consent Agenda.

Councilor Garrett moved to approve the Consent Agenda. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF SEPTEMBER 10, 2007.

Motion was made by Councilor Garrett and seconded by Councilor Holman to approve the Minutes of Regular Meeting of September 10, 2007. Roll call votes: Councilor Hood, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLES

Motion was made by Councilor Garrett and seconded by Councilor Holman to approve Accounts Payable. Roll call votes: Councilor Hood, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

UNFINISHED BUSINESS Mayor Miller stated the next item on the agenda is Item 9 Unfinished Business. None

OTHER BUSINESS Mayor Miller stated next item on the agenda is Item 10. Other Business. None

PUBLIC HEARING Mayor Miller stated next Item on the Agenda is Item 11. Public Hearing.

CITY OF RUIDOSO DOWNS
PROPOSED ORDINANCE NO. 2007-06

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF RUIDOSO DOWNS, NEW MEXICO, GENERAL OBLIGATION BONDS, SERIES 2007, IN THE PRINCIPAL AMOUNT OF \$1,400,000, TO THE NEW MEXICO FINANCE AUTHORITY, DATED AS OF THE DATE OF DELIVERY, PAYABLE FROM AD VALOREM TAXES LEVIED ON ALL TAXABLE PROPERTY WITHIN THE CITY, LEVIED WITHOUT LIMIT AS TO RATE OR AMOUNT; PROVIDING THAT THE PROCEEDS OF THE BONDS WILL BE USED TO DEFRAY A PORTION OF THE COSTS OF PURCHASING, ACQUIRING, CONSTRUCTING, EQUIPPING AND IMPROVING A WASTEWATER SYSTEM; PROVIDING FOR THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE MANNER OF THEIR EXECUTION, AND THE METHOD OF, AND SECURITY FOR, PAYMENT; PROVIDING FOR THE AWARD AND SALE OF THE BONDS TO THE PURCHASER AND THE PRICE TO BE PAID BY THE PURCHASER FOR THE BONDS; AND PROVIDING FOR OTHER DETAILS CONCERNING THE BONDS.

Mayor Miller stated that any interested parties must approach the podium one at a time, state their names and present their testimony. A limit of three minutes will be allowed per person. Mayor Miller stated are there persons here to speak in opposition of the action. None.

Mayor Miller stated are there any persons here to speak in support of the action.

There being no comments, Mayor Miller closed the public hearing.

Mayor Miller stated next on the agenda is Item A under Item 11 Consider adopting Proposed Ordinance No. 2007-06. AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF RUIDOSO DOWNS, NEW MEXICO, GENERAL OBLIGATION BONDS, SERIES 2007, IN THE PRINCIPAL AMOUNT OF \$1,400,000, TO THE NEW MEXICO FINANCE AUTHORITY.

Councilor Holman moved to adopt Ordinance No. 2007-06 An Ordinance Authorizing The Issuance And Sale of City of Ruidoso Downs, New Mexico, General Obligation Bonds, Series 2007, In The Principal Amount of \$1,400,000 to the New Mexico Finance Authority. Seconded by Councilor Garrett. Roll call votes: Councilor Hood, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

NEW BUSINESS

Mayor Miller stated next item on the Agenda under New Business is Item 12. ASCG- Presentation of Water Well and Water Line Projects (PER) Preliminary Engineering Report.

German Andrade Engineer for the Water System Improvement with ASCG. Engineer who prepared the 40 Year Water Plan in the year 2000 and the Water Master Plan.

Mr. Andrade informed Council that his presentation is on upcoming projects in which the City of Ruidoso Downs obtained funding for.

For the record Mr. German Andrade represents ASCG and is the City of Ruidoso Down's Water System Engineer.

Mr. Andrade informed Council that one of the projects the Water Master Plan that was prepared in the year 2000. Recently a new well was drilled, the well is located on Joe Welch Drive and has a pumping capacity of 2000 gallons per minute. This capacity is approximately 4 times the capacity of the strength. The current demand for the City of Ruidoso Downs is the range of 250 to 300/450 gallons per minute depending on the time of the year. The well is now ready to be equipped by putting in a pump and working on the conception from the preliminary engineering report. The well pump that is associated with the water lines to the street to the water system.

Over on Joe Welch Drive we have been analyzing the capacity of the well in a manner to equip it to get water to the system. Even though the well has a capacity of 1700 gallons per minute; Mr. Andrade informed that they conducted an actual analysis of the existing water lines. There is not an infrastructure in the system right now of a large water line capacity to be able to equip a well of 1700 gallons per minute. If we went to equip the well with that capacity we would need to upgrade the infrastructure, meaning the water lines, we would need to install 12 inch water lines only from Joe Welch Drive to Hwy 70 and up to the Spring Tank where a one million tank is needed and there is no funding for that at this time.

Mr. Andrade also informed that in order to operate this well properly we would need to run a line to DiPalo Hill on U.S. 70 and connect to Redman Tank. The analysis conducted from his office utilizing a role model, this is a computerized analyzes tool that they put back together in 2000 to basically upgrade these projects. Based on the analysis conducted, they have determined that the most beneficial well pump to install is a 400-gallon per minute pump. Mr. Andrade went on to explain when the pump comes on and discharges a certain amount of water into the system; they have to push the water all the way up to the tanks. In doing so, the pressure on the system has to rise sufficiently to allow water to be conveyed up to the storage tank. There is a practicable limit as to what a resident and commercial business owners will tolerate because of pressure fluctuation from the system. In the terms of the over view of having the well pump in your servicing the home and the well pump comes on, you can definitely see a little bit of pressure fluctuation in the water coming out of the faucets. When the wells pump turns off, the pressure is low.

In water system engineering in a case like this, we are very concerned that the pump turning off to convey water to the tanks does not cause very much pressure in the system. Mr. Andrade informed that a 400-gallon per minute well pump would result in a pressure differential of about ten pounds per square inch, which is very reasonable and is very common in municipal industry. Equipping the well with a pump of 400 gallons per minute results in a full replacement capacity for the strength. Mr. Andrade informed that 400 gallons per minute is adequate. In the future it will be recommended that well pump be upgraded to 1700 gallons per minute and will also be proposing to construct a ten-inch diameter well collective line. This is the line that goes from the well house to US 70 and that ten inch line is a sufficient line, so that in the future it won't have to be upgraded.

Mr. Andrade informed the funding amount of about \$750,000.00 is for equipping the well and constructing the well discharge. The other part of the project is to construct a 12 inch transmission line on US 70 and DiPalo Hill and another 3500 feet West of that, constructed on the North side of the highway, this transmission line is also part of the Master Plan. It has been funded through CDBG. Mr. Andrade is recommending that both projects be constructed at the same time. This transmission line is to be connected

to the Redman Tank. The funding for the project of the 12-inch line is about \$550,000.00 from CDBG. The preliminary engineering report includes both projects.

Mr. Andrade informed that about 90 percent of the Preliminary Engineering Report will be reviewed by both New Mexico Environment Department and the City of Ruidoso Downs. At the end of October ASCG will be finalizing the preliminary engineering report, at that time ASCG will be preparing and submit 90 % of the PER to the City and NMED between the end of October and December. Construction phase; advertisement for bids between January and the middle of February; opening bids around the 7th of February and notice to proceed to contractor the first week of March, construction to start in mid April.

City Manager, John Waters pointed out to Council and Mr. Andrade is that the CDBG Grant funding deadline is May 1st, and has to closeout by May 1st constructed and closeout.

Mr. Andrade is to go back to office and get with Charlie Leder and probably what they need to do then is; the other option is to break both projects and bid the water lines, those are items that we need to discuss, it's flexible.

Mayor Miller stated next item of the Agenda is Item B. Ray Alborn-Lincoln County Food Bank Presentation.

Mr. Alborn informed Council that in May of this year the Lincoln County Food Bank moved from St. Eleanor's in Ruidoso to First Baptist Church in Ruidoso Downs. Have served up to 792 families up to right now with a little bit over 1,790 individuals so far this year. Mr. Alborn informed that the Lincoln County Food Bank is a 501 3(C) non-profit organization. Mr. Alborn informed they had received a grant from the Hubbard Foundation. The Lincoln County Food Bank is strictly a volunteer organization. Opened Monday through Friday from 12-4. Mr. Alborn informed Council that an open house is scheduled for October 11 from 4-7 p.m.

Councilor Hood informed Council that Mr. Alborn does a very good job.

Mayor Miller stated next item on the Agenda is Item C. Reading of Proclamation- Proclaiming Month of October 2007 "Lincoln County Food Bank Month" and asked City Manager, John Waters to read Proclamation.

PROCLAMATION

WHEREAS, hunger continues to be a hidden problem in Ruidoso Downs, Lincoln County, New Mexico (America's Second Harvest. Hunger in America 2006); and

WHEREAS, the Lincoln County Food Bank, is an all volunteer, community-based organization, has been serving hungry people in Ruidoso Downs and Lincoln County since it's chartering in 1986; and

WHEREAS, many food insecure individuals are children and youth and too many local citizens face the difficult choice of feeding a family or paying rent; and

WHEREAS, the Food Bank receives no governmental support and is totally dependent on the good will and generosity of our citizens for donations of food and money;

WHEREAS, the Month of October 2007, has been declared, "Lincoln County Food Bank Month".

THEREFORE, I Bob A. Miller, Mayor of the City of Ruidoso Downs, do hereby proclaim that the month of October 2007 as "**Lincoln County Food Bank Month**" and urge all of our citizens to support the Lincoln County Food Bank in every way possible.

PROCLAIMED this 24th of September 2007 in Ruidoso Downs, New Mexico.

Bob A. Miller, Mayor

Mayor Miller stated next item on the Agenda is Item D. Consider approving Performance Bond – Avalon Town Center-Don Murphy.

Councilor Holman moved to approve Performance Bond Avalon Town Center. Seconded by Councilor Garrett. Roll call votes: Councilor Hood, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the Agenda is Item E. Patric Pearson and Ron Andrews Golden Aspen Rally Report.

Mr. Ron Andrews reported that this was the 38th year for the motorcycle rally in the Ruidoso-Ruidoso Downs area. Mr. Andrews reported that the numbers were up by 11 percent and did not have the numbers of attendees, but according the New Mexico State Police Chief there was about 1000 motorcycles in Lincoln County and if so, that 11 percent would bring the numbers well over 41,000 people.

Mr. Andrews thanked all the citizens and employees of this board, Ruidoso and Lincoln County for their patience and understanding, but mostly the 175 businesses in this area who support us every year. Mr. Andrews especially thanked Chief Ortiz and his staff and the Lodger's Tax Committee in Ruidoso Downs for their support.

Mayor Miller stated next item on the Agenda is Item F. Consider approving Wastewater Treatment Plan Operating Bill of 15% for month of August 2007.

Councilor Hood moved to approve Wastewater Treatment Plan Operating Bill of 15% for month of August 2007. Seconded by Councilor Garrett with same reservations.

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

Mayor Miller stated next item on the Agenda is Item G. Consider approving purchase recommendation Loader/Backhoe/NM State Price Agreement #60-000-00-0038.

Mark Lewis informed Mayor and Council that they have looked at the two operations of these vehicles; what he is seeing that stand out most in his eyes is the case unit actually has more horsepower than the Cat unit comparable to its matters that is one of things we gotten through our state control number we are looking at. Also we did a little bit of looking around on some different prices. Mr. Lewis had asked the Case/John Deer/Volvo to give him a price on those standard units; what we found that the base units, the Case unit is less money via state contract than any of the other units, with the exception of Volvo. And did have exceptions to that unit, simply because Volvo has not put out a backhoe bucket until 2003. Mr. Lewis informed Council that he did not feel like we would want to go with a unit that was not proven; also felt that getting parts from a manufacture overseas would hinder us in our duties in the future. Mr. Lewis stated that he feels good about this unit and believes it meets the needs of the public works and thinks the price shows that we are saving some money.

Mayor Miller entertained a motion to approve purchase recommendation Loader/Backhoe/NM State Price Agreement #60-000-00-0038.

Councilor Garrett moved to approve purchase recommendation Loader/Backhoe/NM State Price Agreement #60-000-00-0038. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller informed Council that there was a lady who came to his office this morning and paid the highest compliment to the public works department, especially to an employee by the name of Jason Willard. Mayor Miller informed that the lady had turned in a complaint and was taken care of in a very short time.

Mayor Miller stated next item on the Agenda is Item H. Founders' Day Progress Report.

City Manager, John Waters informed Mayor and Councilors that they have been progressing our Founders' Day planning, there has been a lot of work done, a lot of citizens that are part of the committees; has never seen a group of folks who are dedicated to putting on an event on. Have had an overwhelming response from the public.

Mr. Waters informed that businesses in Ruidoso Downs some of them from Ruidoso as well as some businesses in the State have donated money to us; we're right now approaching \$7,000.00 in private donations to the project. Mr. Waters stated that ads were put in the MTD station, which is Tim Keithley and also a lot of discussion on KWES. Have had a lot of hard work put in by folks in the Public Works, the Museum Department and certainly the Chief and the security and thinks things are moving forward great. Right now he thinks they have taken care of everything that needs to be taken care of, the only thing that is left to do now is get the event set up.

Mr. Waters stated, we have leased the tent, the chairs, the sitting at the event for over 1000 people, hopefully some of the kids and folks will sit outside the tent on the grass there at the baseball field. The carnival is \$12,000.00 as reported earlier in a council meeting; we did stay under the \$17,000.00 that the Council budgeted for the food. The entertainment has been booked, a couple of bands and we also have Karaoke, we have a shuttle service that will be shuttling folks back and forth.

Mr. Waters stated that there will be security at the Park. There will be port-a potties as well as the restrooms available at the Park. Mr. Waters stated that Kathy Tetreault has done a fabulous job organizing this as well as other staff.

Councilor Holman made a comment on Founders' Day and will direct the Council again, at one of our previous meetings he had brought the subject up of charging for the dance. These kind of events can be pretty expensive if you do them right and our community has been working hard. Councilor Holman stated, as he understands the meal is free, even the carnival, he even thought about addressing that. Those two being free, says he sees a place where maybe they can recover some of the expense. Some of the businesses have been very generous and still feels that the dance and being primarily an adult event, thinks it would help to at least break even to pay the bands, and sees it as possibly making us some money to put into the free activities that we are giving the citizens. Had we served alcoholic beverages at the dance, it could have been a real money making activity. We had decided that we did not want to pursue that. Councilor Holman thinks it would work with a minimal charge for the dance.

Councilor Holman wanted to make a motion to charge a minimum fee for the dance. Councilor Holman was made aware that no action could be taken on the matter, since item is not on the agenda.

Mr. Waters informed Councilor Holman that he and Jay would be placing donation boxes at the entrance to the dinner and dance and ask people to donate to offset the cost. There is no requirement to do that.

Jay Smith, Museum Director informed that some type of event needs to be done on a yearly basis and for the record stated that for the Mayor's consideration and Council's consideration that something needs to continue on no matter what.

PUBLIC INPUT

Mayor Miller stated next item on the Agenda is Item 13. Public Input with a three-minute time limit.

Councilor Garrett stated that the trip to Washington, D.C. met with our representatives and the earmarks are just going to be very very difficult to receive. Representatives said they would help us, making Lincoln County a Colonias and Ruidoso Downs a Colonias. They did get an opportunity to view the Smithsonian museum to help with the exhibit next year.

EXECUTIVE SESSION

Mayor Miller stated next item on the Agenda is Item 14. Executive Session: Discussion of all threatening and/or pending litigation pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 7: Real Property and Water Rights pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 8.

Mayor Miller entertained a motion to go into Executive Session for the Discussion of all threatening and/or pending litigation pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 7: Real Property and Water Rights pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 8

Councilor Hood moved to go into Executive Session for the Discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7 and Real Property and Water Rights pursuant to Open Meetings Act Section 10-15-1 Subparagraph (H) 8. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller closed the regular meeting at 6:47 p.m. and invited City Attorney, W. T. Martin, Jr., City Manager, John P. Waters, and City Clerk, Carol Virden to attend and called for a five-minute recess.

Mayor Miller entertained a motion to go back into open session.

Councilor Garrett made a motion to go back into regular session. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller called the regular session back to order at 7:21 p.m.

Councilor Garrett attested to the fact that the only items discussed in Executive Session were that of Threatening and/or Pending Litigation pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 7: Real Property and Water Rights pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 8 and no decisions were made.

Mayor Miller entertained a motion to Consider possible actions pursuant to Threatening and/or pending Litigation Pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 7: Real Property and Water Rights pursuant to Open Meetings Act: Section 10-15-1 (H) 8.

Councilor Garrett made a motion to give Mr. Waters and Attorney Martin the right to pursue lease with option to buy the Beaver water rights. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

ADJOURNMENT

There being no further business to attend to, Mayor Miller entertained a motion to adjourn.

Councilor Hood moved to adjourn at 7:23.m. Seconded by Councilor Holman.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer