

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
MAY 11, 2015
4:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on May 11, 2015. Mayor Williams called the meeting to order at 4:30 p.m. and asked Councilor Eby to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Miller
Councilor Morales

Councilor Perry
Councilor Ritter

Carol Virden, City Clerk/Treasurer informed Mayor Williams there was a quorum.

Also present:

H. John Underwood, City Attorney
Mary Castaneda, Finance Director
Dale Graham, Project Manager
Steve Dunigan, Planning & Zoning Director

Others present: Tom Battin, Mayor VOR
Tim Coughlin, Councilor VOR
Joe Eby, Councilor VOR
Ron Sena VOR
Debi Lee, Village Manager VOR
Jennifer House, Engineer
Arnell Free, Engineer
Barbara Crockett, CH2M HILL

APPROVAL OF AGENDA

Mayor Williams stated the next item on the agenda was Approval of Agenda.

Mayor Williams entertained a motion for Approval of Agenda.

Councilor Miller moved to approve the agenda. Seconded by Councilor Perry.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Ritter, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Williams stated the next item on the agenda was Approval of the Consent Agenda.

Mayor Williams entertained a motion for Approval of the Consent Agenda.

Councilor Morales moved to approve the Consent Agenda. Seconded by Councilor Miller.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Ritter, Aye. Motion carried.

APPROVAL OF MINUTES OF SPECIAL JOINT MEETING OF APRIL 22, 2015

Councilor Morales moved to approve Minutes of Special Joint Meeting of April 22, 2015. Seconded by Councilor Miller.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Ritter, Aye. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF APRIL 27, 2015

Councilor Morales moved to approve Minutes of the Regular Meeting of April 27, 2015. Seconded by Councilor Miller.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Ritter, Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLES

Councilor Morales moved to approve Accounts Payables. Seconded by Councilor Miller.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Ritter, Aye. Motion carried.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

Mayor Williams stated the next item on the agenda was – Mayor's Comments.

He said he would like to thank Dale Graham, Project Manager and the Public Works people for completing the West Avenue paving.

Mayor Williams stated the next item on the agenda was – Councilor’s Comments.

Councilor Miller said for Keep Ruidoso Downs Beautiful we just go through shopping for plants. There will be sixty 2nd graders there tomorrow planting a garden. These kids come every year.

Councilor Morales also thanked Dale and the Street Department for West Avenue.

Mayor Williams stated the next item on the agenda was – Councilor’s Comments.
Mayor Williams stated the next item on the agenda was – Update by CH2M HILL Engineers, Inc. on the Sewer Line Relocation.

JR Bauman, Public Works Director VOR said they were here to make a presentation and update on the sewer line relocation between Ruidoso and Ruidoso Downs. They continued with a slideshow presentation.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Contract for Services between City of Ruidoso Downs and Boys & Girls Club of Sierra Blanca 2014-2015.

Tim Coughlin said the contract would be for funding for the services we do. The City has funded us for the past two years and has been very useful. We would greatly appreciate the continued funding from Ruidoso Downs.

Carol Virden, City Clerk/Treasurer said generally in the last two years we sent the contract for the next fiscal year to be signed in July once that funding is authorized by the Governing Body. I guess we were late in sending the contract for this fiscal year and this is what the Council will be taking action on tonight. Your funding for the next fiscal year is in the preliminary budget.

Mayor Williams entertained a motion to approve – Contract for Services between City of Ruidoso Downs and Boys & Girls Club of Sierra Blanca 2014-2015.

Councilor Miller moved to approve – Contract for Services between City of Ruidoso Downs and Boys & Girls Club of Sierra Blanca 2014-2015. Seconded by Councilor Perry.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Ritter, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval of Request from Tim Coughlin, Executive Director – Boys & Girls Club of Sierra Blanca – Use of All American Park - Summer Food Services Program – May 26th through August 12, 2015.

Tim Coughlin said this is an annual request for the use of All American Park for the USDA program that provides free meals for children between the ages of 1 to 18 every summer. There has been a decline since last year and we would like to ask you to help us get the word out and we will try it one more time in All American Park.

Councilor Miller asked how do the kids find out about the program?

Tim said we use flyers, media, and schools.

Mayor Williams entertained a motion to approve – Request from Tim Coughlin, Executive Director – Boys & Girls Club of Sierra Blanca – Use of All American Park – Summer Food Services Program – May 26th through August 12, 2015.

Councilor Miller moved to approve – Request from Tim Coughlin, Executive Director – Boys & Girls Club of Sierra Blanca – Use of All American Park – Summer Food Services Program – May 26th through August 12, 2015. Seconded by Councilor Morales.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Ritter, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Personnel Recommendation – Planning & Zoning Department – Position – P & Z Secretary.

Steve Dunigan, Planning & Zoning Director said I am very eager to ask Council for your approval of Stephanie Williams as P & Z Secretary. She scored the highest for the candidates and we feel she will do a tremendous job.

Mayor Williams entertained a motion to approve – Personnel Recommendation – Planning & Zoning Department – Position – P & Z Secretary.

Councilor Morales moved to approve – Personnel Recommendation – Planning & Zoning Department – Position – P & Z Secretary – Stephanie Williams. Seconded by Councilor Perry.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Ritter, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Direct City Clerk to Schedule Public Hearing for Consideration of Adoption of Ordinance No. 2015-01 An Ordinance Amending Chapter 50 Titled “WATER” Section 50.20 Rate and Charges; Billing and Collection (B) and (C).

Dale Graham, Project Manager said you all have a copy of the Ordinance and what we are trying to do is as it reads now if the owner of a property notifies the City that utility charges that may be incurred by a renter will not be the responsibility of the owner. This notification in writing is where the owner is let off the hook. The City loses a lot of money every year that way. The Water Department is supposed to be an enterprise fund and to make money not lose money. Our feeling is that the property owner should be responsible. They are making money on renting the house and should be responsible for their renters. We would like to schedule a Public Hearing on that Ordinance to change that process. It's not fair to other property owners.

Councilor Miller said the property owner has to know what's going on with that water bill. If the property owner doesn't know then we have to somehow duplicate those bills and let the property owner know. What if the bill gets to \$600 and the renter doesn't want to tell the owner?

Dale said the bill should never get to \$600 and within 30 days they should know if there's a leak or a problem and they should get a notice to disconnect. In the past several years we have been trying to stay on top of that and the bill shouldn't be more than two months behind.

H. John Underwood, City Attorney said we discussed that in our Staff Meeting today.

Mary Castaneda, Finance Director said any time there is a leak they come in and say there is a leak on my water bill. We tell them we will give them a sewer relief. There's not a water credit per ordinance. We tell them to bring in a plumber's bill or invoices showing the leak has been fixed and we process it through a sewer leak credit. We work with people and set them up on a payment schedule. The way the ordinance is set up now is giving the owner an exemption and it's a loophole.

H. John Underwood said it is a non-payment of utilities. I suggest a notice also go to the owner of the property.

Councilor Ritter asked if we want the tenants to be responsible for the bill or the property owner?

H. John Underwood said I think we want the tenant to be responsible but this change would make the property owner responsible.

Councilor Ritter said it seems very time consuming and especially with the turnover we have with the track. Would it be better on the City's part for the property owner to get it to their tenant?

Dale said that's something that would have to be done by ordinance.

Councilor Ritter said we should just have the homeowner responsible in this ordinance.

H. John Underwood said I'll rewrite it to include this.

It was agreed to postpone until the Council meeting of May 26th.

Mayor Williams entertained a motion to postpone – Direct City Clerk to Schedule Public Hearing for Consideration of Adoption of Ordinance No. 2015-01 An Ordinance Amending Chapter 50 Titled “WATER” Section 50.20 Rate and Charges; Billing and Collection (B) and (C) until May 26, 2015 Council meeting.

Councilor Morales moved to postpone – Direct City Clerk to Schedule Public Hearing for Consideration of Adoption of Ordinance No. 2015-01 An Ordinance Amending Chapter 50 Titled “WATER” Section 50.20 Rate and Charges; Billing and Collection (B) and (C) until May 26, 2015. Seconded by Councilor Perry.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Ritter, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Step Increases – Mary Castaneda, Finance Director and Donna Miller, Payroll/Personnel FY 2014-2015.

H. John Underwood they were eligible for these and will be paid in a lump sum payment and to be put in place immediately.

Councilor Morales said I assume this was an oversight.

Carol Virden, City Clerk/Treasurer said to give you some history on this when Randy Reynolds resigned we went through the steps and posted in house. Donna applied and I didn't start Donna at the same rate as Randy Reynolds because there was a big difference in qualifications and knowledge and that's the reason I started Donna at \$15. Donna did bring me a Personnel Action form for the step increase. I did go into Mary's office and ask her because the last budget I asked her to please leave in the salary for Randy Reynolds and for Terry Mosley as is. I did go into Mary's office and asked her because last budget I asked her to please leave in the salary for Randy Reynolds as is and for Terry Mosley as is because that's going to give us the cushion to do what we need to do.

Mary Castaneda said there was miscommunication there because it was my understanding the salaries were to be as stated and processed during the budget process as the hourly rates were and then the step increases, if there were any, were to be calculated in there. I did not have those step increases. I did not have that information.

Carol Virden, City Clerk/Treasurer said that was my question there was my question. So there was no cushion when I actually found out there was no money there. It's not really an oversight. I did know because of the step salary system that was created by Mr. Waters back in whenever I believe the starting point for the Payroll/Personnel was \$18 an hour. The second step was the \$19.43. So, where to get from \$15 an hour the first year and then move to \$19.43? There's a big difference there. I just didn't feel comfortable with that. Put it that way. It's not an oversight but there you have it right there.

Mayor Williams this is just a recommended salary increase. If Council feels that the salary increase from one level to the next level is higher than it should be that's your discussion on it. This is what is presented to you.

Councilor Morales said that account, we have got to do something with it. It is ridiculous and it's not working. We need to look at that in the future. What kind of step program are we going to have in the future for employees. There were employees in the step program who go nothing for raises. That being said I have no problem with the step increase raises.

Councilor Perry said I agree with Margie and I think we need to go with it.

Councilor Miller said I think this step program is very unfair to our employees because we have people who have been here a long time and did not get into that program. We've got people who have been here 20 years that make less than somebody that's been here a year. It's sad and something needs to be done. It's not efficient and it does not work. But, these people are here and it happened and there's not much we can do but go with it at this time.

Mayor Williams entertained a motion to approve - Step Increases - Mary Castaneda, Finance Director and Donna Miller, Payroll/Personnel FY 2014-2015.

Councilor Morales moved to approve Step Increases - Mary Castaneda, Finance Director and Donna Miller, Payroll/Personnel FY 2014-2015. Seconded by Councilor Miller.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Ritter, Aye. Motion carried.

The next item on the agenda was an item from the Consent Agenda - Discussion and Possible Action - Wastewater Treatment Plant - Invoices - March 2015.

Councilor Morales moved to approve - Wastewater Treatment Plant - Invoices - March 2015. Seconded by Councilor Miller.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Ritter, Aye. Motion carried.

OTHER BUSINESS

(Items are for discussion only - no action will be taken)

Mayor Williams stated the next item on the agenda was - Updated Financial Status Reports - Hubbard Museum of the American West and Lincoln County Transit.

Mary Castaneda, Finance Director said Lincoln County Transit had a beginning cash balance of \$43,618.04 at the beginning of April. Revenues were \$1,581.00. Expenditures were \$7,270.88. Ending cash balance was \$37,928.16. The museum fund had a beginning cash balance of \$16,174.18. Revenues were \$9,294.40. Expenditures were \$21,744.18. Ending cash balance was \$3,724.40.

PUBLIC INPUT

Mayor Williams stated the next item on the agenda was - Public Input.

There was no Public Input.

CLOSED SESSION

Discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation in which the City of Ruidoso Downs is or may become a participant, pursuant to §10-15-1 (H7) NMSA 1978.

Any action taken as a result of the Closed Session will be brought back into Open Session.

Mayor Williams entertained a motion to go into Closed Session for the discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978.

Councilor Ritter moved to go into Closed Session for the discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978. Seconded by Councilor Perry.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Ritter, Aye. Motion carried.

Mayor Williams closed the regular meeting at 5:42 p.m. and invited H. John Underwood, City Attorney and Carol Virden, City Clerk.

Mayor Williams entertained a motion to go back into Open Session.

Councilor Morales moved to go back into Open Session. Seconded by Councilor Miller.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Ritter, Aye. Motion carried.

Mayor Williams called the regular meeting back to order at 5:59 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Closed Session were that of discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978.

Councilor Ritter attested to the fact that the only items discussed in Closed Session were that of discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978 and no action was taken.

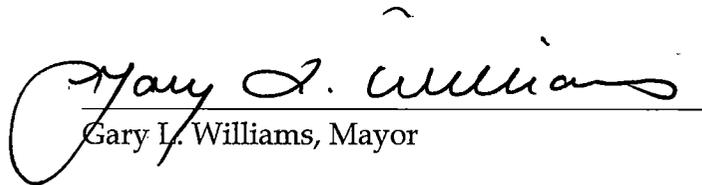
Mayor Williams entertained a motion for recommendations.

Councilor Morales moved to direct legal to take the appropriate action to recover damage to a light pole. Seconded by Councilor Perry.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Ritter, Aye. Motion carried.

ADJOURNMENT

There being no further business to attend to Councilor Morales moved to adjourn at 6:00 p.m. Seconded by Councilor Perry.



Gary L. Williams, Mayor





Carol Virden, City Clerk/Treasurer