

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
JUNE 22, 2015
4:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on June 22, 2015. Mayor Williams called the meeting to order at 4:30 p.m. and asked Dakota Crouch 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
Cleatus Richards, Public Works Director
Christopher Rupp, Police Chief
Dakota Crouch, HMAW Associate Director

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 Ritter.

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 REGULAR MEETING OF JUNE 8, 2015

Councilor Morales moved to approve Minutes of the Regular Meeting of June 8, 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.

APPROVAL OF MONTHLY REPORTS

Councilor Morales moved to approve Monthly Reports. Seconded by Councilor Miller.

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

APPROVAL OF COMMITTEE REPORTS

Councilor Morales moved to approve Committee Reports. Seconded by Councilor Miller.

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

PUBLIC HEARINGS

A. ORDINANCE NO. 2015-01

An Ordinance Amending Title V: Public Works; "Chapter 50 Water; §50.15 Water Service (A); §50.16 Application for Service (A) (B) §50.20 Rate and Charges; Billing and Collection (B) (C) of the City of Ruidoso Downs Code of Ordinances.

Cleatus Richards, Public Works Director said the purpose of this ordinance is to determine that the property owner will be responsible for the water billing on their property. We've allowed tenants in the past to sign for water but when they leave without paying under the current ordinance we are losing quite a bit of revenue.

Under this process it would be best that the property owner be responsible for any water charges and they can make arrangements with their renter. That would be assurance that we are going to be paid for the services.

Mayor Williams said the Public Hearing is open for comments for Ordinance No. 2015-01.

Wayne Williams said it was just months ago that this was changed and the City Council agreed at that time that they would raise the deposits so it would cover the loss of revenue. Holding the property owners was not something you wanted to do.

Mayor Williams closed the Public Hearing for Ordinance No. 2015-01.

B. 2017-2021 Infrastructure Capital Improvement Plan (ICIP).

Mayor Williams said the Public Hearing is open for comments for the 2017-2021 Infrastructure Capital Improvement Plan (ICIP).

Cleatus Richards, Public Works Director said the Public Hearing is required annually for the ICIP and we are holding one here today and one in July. The purpose is to get public input of what the public would like to see in our ICIP request. The City has prepared an ICIP for this year but we would like input from staff on what they are proposing so we can continue continuity in our request. We are always open for ideas from the public on projects that would be of interest to them.

Wayne Williams said we recently have been going to Cree Meadows for karaoke and there are two or three other places doing it in town and even a church. You would be surprised how many people are doing it. We have one person in Ruidoso Downs that won an international championship. The food for thought is that we have one of the most beautiful parks in the country over here when it gets finished up and that's Riverside Park. If we could come across maybe a flatbed trailer or maybe a permanent one build an amphitheater that could be taken down when the summer is over but to have something like that in the park. I know a guy that has the karaoke machine. This might stir the interest of the locals.

Corena Baca said I would like to see the streets paved and gutters cleaned.

Mayor Williams closed the Public Hearing for the 2017-2021 Infrastructure Capital Improvement Plan (ICIP).

UNFINISHED BUSINESS

Mayor Williams stated the next item on the agenda was Unfinished Business.

There was no Unfinished Business.

NEW BUSINESS

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

Mayor Williams said what I'd like to do tonight is very special to me and cool when I can show what our employees are all about. It is with great pride that we gather today to recognize two of our public safety officers. On Thursday the 4th of June Officer Robert Odom and Firefighter Alicia Beveridge responded to a medical call at the Three Bears Apartment complex within the City limits and the jurisdiction of Ruidoso Downs. Upon arrival they discovered a female in respiratory distress and not breathing. They immediately began CPR and by doing so resuscitated the woman until a medical unit arrived and took over the patient care. They are to be commended and he presented them with a CPR ribbon and a Certificate of Appreciation.

There was a round of applause.

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

Councilor Miller said I would like to thank our Public Works for the help they have given to the Beautification Committee. Any time we need something they are right there. We gave them a little luncheon on Friday, hamburgers and hot dogs and we appreciate them.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Adopt Ordinance No. 2015-01 An Ordinance Amending Title V: Public Works; Chapter 50 Water; §50.15 Water Service (A); §50.16 Application for Service (A) (B) §50.20 Rate and Charges; Billing and Collection (B) (C)" of the City of Ruidoso Downs Code of Ordinances.

Cleatus Richards, Public Works Director said this is a change that makes the property owner responsible for any water billing that is accumulated for their property by them or by their tenant. The City has lost considerable revenue with the current structuring of the ordinance. We do not take an adequate deposit to cover the losses that we are having. I think making the property owner responsible and letting them work it out with their tenant on the adjustment of their rent is a more applicable way of doing it. Most of the communities I have been to have followed that procedure.

Mary Castaneda, Finance Director said at the current time the way the ordinance is written it allows property owners to rent their property out and basically not be liable if there is any water left and remaining. This will close that loop hole.

Councilor Ritter asked if a current property is tenant occupied how is that going to be handled?

Cleatus said in the future when the property is rented the owner will have to come in and sign for it.

Councilor Ritter asked if that will go on until there is a new tenant?

Cleatus said yes.

Mayor Williams entertained a motion to adopt - Adopt Ordinance No. 2015-01 An Ordinance Amending Title V: Public Works; Chapter 50 Water; §50.15 Water Service (A); §50.16 Application for Service (A) (B) §50.20 Rate and Charges; Billing and Collection (B) (C)" of the City of Ruidoso Downs Code of Ordinances.

Councilor Ritter moved to adopt - Adopt Ordinance No. 2015-01 An Ordinance Amending Title V: Public Works; Chapter 50 Water; §50.15 Water Service (A); §50.16 Application for Service (A) (B) §50.20 Rate and Charges; Billing and Collection (B) (C)" of the City of Ruidoso Downs Code of Ordinances. Seconded by Councilor Miller.

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 - Approving Resolution No. 2015-06 Participation in Local Government Road Fund Program and Request for Match Waiver Administered by the New Mexico Department of Transportation.

Cleatus said this is one of those grants for local participation. We have to match around \$66,000.00 and we're asking for a waiver which they provide for us. I have no assurance but I feel we should file a request for a waiver along with a copy of our outstanding debts so they can see where the City stands financially on having to match the net funding. This is for the New Mexico Department of Transportation and is under their Map Major Arterial Program and we received funding to pave Griffith St. in Agua Fria from Highway 70 up to Escalante. We do plan to use Public Works equipment and work forces to reduce our amount of cash contribution.

Mayor Williams entertained a motion to approve - Resolution No. 2015-06 Participation in Local Government Road Fund Program and Request for Match Waiver Administered by the New Mexico Department of Transportation.

Councilor Morales moved to approve - Resolution No. 2015-06 Participation in Local Government Road Fund Program and Request for Match Waiver Administered by the New Mexico Department of Transportation. 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 - Memorandum of Understanding Between the Village of Ruidoso and the City of Ruidoso Downs as the Administrative Authority for the Ruidoso Downs Police Department for DWI Enforcement Activities and Reimbursement Costs.

Chief Rupp said this is the DWI Program with Lincoln County and we've dealt with them many times. It is done annually. It provides us with overtime for us to participate with the DWI education program at the school. We sent two officers over there to teach about the program.

Mayor Williams entertained a motion to approve - Memorandum of Understanding Between the Village of Ruidoso and the City of Ruidoso Downs as the Administrative Authority for the Ruidoso Downs Police Department for DWI Enforcement Activities and Reimbursement Costs.

Councilor Miller moved to approve - Memorandum of Understanding Between the Village of Ruidoso and the City of Ruidoso Downs as the Administrative Authority for the Ruidoso Downs Police Department for DWI Enforcement Activities and Reimbursement Costs. 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 Agenda Briefing Memorandum - Changes to Police Corporal Job Description.

Chief Rupp said this is a change in the job description. It will not affect his position or his pay. By changing this from Corporal to Lieutenant is he will be working on my behalf and he will get equal playing ground. From the administrative standpoint we need a Lieutenant. I passed out a corrected job description but there are two typos. Under definition corporal is crossed out and it should be Lieutenant. Under qualifications we added New Mexico to the certified police officer required with a minimum of three years law enforcement experience.

Mayor Williams asked if with the change made from Corporal to Lieutenant that would mean that you would have an in-house promotion?

Chief Rupp said we could, depending on the qualifications of the officers.

Councilor Morales asked if they were going to post in-house first?

Chief Rupp said yes.

Councilor Miller asked if this was a new position?

Chief Rupp said no.

Mayor Williams entertained a motion to approve – Agenda Briefing Memorandum – Changes to Police Corporal Job Description.

Mayor Williams entertained a motion to approve – Agenda Briefing Memorandum – Changes to Police Corporal Job Description.

Councilor Morales moved to approve – Agenda Briefing Memorandum – Changes to Police Corporal Job Description. Seconded by Councilor Ritter.

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 Agenda Briefing Memorandum – Waiver of Sewer Tap Fee, Agua Fria Subdivision.

Cleatus said I'm requesting that we defer action on this item for 90 days until we get a final approved budget. We do have a conflict at this point. Apparently the rates have increased because of budgetary consideration.

Mayor Williams entertained a motion to approve – Agenda Briefing Memorandum – Waiver of Sewer Tap Fee, Agua Fria Subdivision.

Councilor Morales moved to postpone – Agenda Briefing Memorandum – Waiver of Sewer Tap Fee, Agua Fria Subdivision for 90 days. 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 from the Consent Agenda – Discussion and Possible Action – Wastewater Treatment Plant – Invoices May 2015

Councilor Morales moved to approve – Wastewater Treatment Plant – Invoices May 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 from the Consent agenda – Discussion and Possible Action – Regional Wastewater Treatment Plant (RWWTP) Parametrix Billing – May 2015.

Councilor Morales moved to approve – Discussion and Possible Action – Regional Wastewater Treatment Plant (RWWTP) Parametrix Billing – May 2015. Seconded by Councilor Miller.

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 – Hubbard Museum of the American West – Advertising on Lincoln County Transit Buses – Dakota Crouch.

Dakota Crouch said what I just passed out are some examples of what I've been thinking of. I am asking for approval to use a space on the transit buses for advertising not to exceed six square feet. It would be for promotion of the museum and museum activities. I did submit three different designs and I would like to use all three.

Mayor Williams asked what the motivation was to go this route instead of other advertising?

Dakota said I've been conducting paper surveys and I have two hundred turned in surveys. One of the questions on the survey was how have our visitors been hearing about us? The answers have not been lining up with the way the advertising dollar has been spent in the past. These buses are extremely visible to the people who would be visiting the museum or walking up and down Sudderth quite a bit. It would be a more cost effective return on the investment.

Mary Castaneda said this is a really smart idea.

H. John Underwood, City Attorney said we need to establish a policy before we actually put this on the bus for those municipalities who are participating in funding for transit can advertise x amount of space per year for nothing. I'm sure the Village of Ruidoso would like to do likewise. At the staff meeting today I asked Dakota to go ahead and present the idea. I don't want to limit you to size. Let's make sure that we get the square footage.

Mayor Williams entertained a motion to approve – Advertising on Lincoln County Transit Buses – Dakota Crouch.

Councilor Miller moved to approve – Advertising on Lincoln County Transit Buses. Seconded by Councilor Perry.

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

OTHER BUSINESS

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 said these figures are for May and they are balanced. Lincoln County Transit had a beginning cash balance of \$37,928.16. Revenues of \$6,095.97. Expenditures of \$7,445.89. Leaving them with an ending cash balance of \$36,578.24. The museum had a beginning cash balance of \$3,724.40. Revenues of \$36,678.83 which includes the last quarter payment of \$25,000.00 from the Hubbard Foundation. Expenditures of \$31,605.03. Leaving them an ending cash balance of \$8,798.20.

PUBLIC INPUT

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

Scott Brady said the reason I think this is important what I'm bringing up us because it was brought up in a letter from a Councilor.

Mayor Williams warned not to bring up any names or references. If you want to talk to somebody talk to me.

Scott said this is important because it was brought up in a letter by a Councilor and it states that . . .

Mayor Williams warned again that if you are going to bring up names and titles I can't let you continue. If you want to generalize or point out as a citizen of the community you can continue.

Scott said so in this letter, and I can't say it's a Councilor can I?

H. John Underwood, City Attorney asked if it was on City of Ruidoso Downs letterhead?

Scott said no.

H. John Underwood, City Attorney asked if it was signed by a City Councilor in the position of Councilor?

Scott said no but it was given to the City Attorney.

H. John Underwood, City Attorney asked if it was a complaint by a citizen against you?

Scott said yes it is who is also a Councilor.

Scott says what it states here is that the noise created by a basketball hitting a basketball rim or a back board is a public nuisance. I'm concerned that children's games or toys may be considered possibly by City Council or . . .

Mayor Williams said Scott, I can't let you continue.

H. John Underwood, City Attorney said what this amounts to is a private citizen has made a complaint against you for noise on your premises right?

Scott said yes.

John said that Councilor who has a citizen's opinion and that citizen has not filed a nuisance charge against you at this time. That citizen has advised you in that citizen's opinion that constitutes a nuisance. Whether you continue to do that it will be taken to court and the court will determine whether or not that was or was not a nuisance.

Scott said the letter does not say night time or anything.

John said that letter was written with a copy to me advising if it does not stop that the individual would have to go further with charges against you. That's your choice. I think there are also issues with issues of children urinating in your front yard and tormenting a dog that was brought up in the same letter.

Scott said I didn't want to bring that up.

John said that was in the letter wasn't it?

Scott said yes but I didn't want to bring that up.

Mayor Williams said Scott you have less than a minute.

John said we're not going to try municipal court cases in City Council.

Scott said the child, the boy . . .

John said Scott, we are not going to try municipal court cases in City Council.

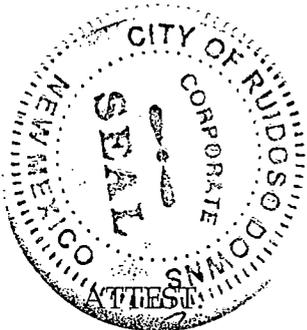
Scott said well you brought some stuff up and I thought I could respond to what you said.

Mayor Williams said you can feel what you want if it's not fair but you can't make any comments directed or inference toward everybody. You made your statement and your three minutes are up. I want to advise that Public Input is for citizens to let us know what is happening. Don't come up here pointing fingers because it's not fair for these

individuals during Public Input. They're here to make decisions that will benefit the community to move forward as a City.

ADJOURNMENT

There being no further business to attend to Councilor Morales moved to adjourn at 5:15 p.m. Seconded by Councilor Ritter.



Gary L. Williams

Gary L. Williams, Mayor

Carol Virden

Carol Virden, City Clerk/Treasurer