

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
SEPTEMBER 14, 2015  
4:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on September 14, 2015. Mayor Williams called the meeting to order at 4:30 p.m. and asked Donna Miller 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 informed Mayor Williams there was a quorum.

Also present:

H. John Underwood, City Attorney  
Mary Castaneda, Finance Director  
Steve Dunigan, Planning & Zoning Director  
Christopher Rupp, Police Chief  
Dakota Crouch, Associate Director HMAW

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 Morales, Aye; Councilor Miller, Aye; Councilor Ritter, Aye; Councilor Perry, 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 Ritter moved to approve the Consent Agenda. Seconded by Councilor Morales.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF AUGUST 24, 2015 AND SPECIAL MEETING OF SEPTEMBER 01, 2015.

Councilor Ritter moved to approve Minutes of Regular Meeting of August 24, 2015 AND Special Meeting of September 01, 2015. Seconded by Councilor Morales.

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

APPROVAL OF ACCOUNTS PAYABLES

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

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

PUBLIC HEARING

ORDINANCE NUMBER 2015-02

- A. AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 152: MANUFACTURED HOUSING REGULATIONS SUBSECTION 152.02 RESTRICTIONS; SUBSECTION 152.99 PENDING OF THE CITY OF RUIDOSO DOWNS CODE OF ORDINANCES.

Steve Dunigan, Planning & Zoning Director said periodically ordinances are reviewed and over a period of time questions are brought up and in our Planning & Zoning Commission meetings there are opportunities to talk about what goes on as to what may be enforceable or the language that we have. In this chapter for Manufactured Housing there aren't many changes but I would like to go through the items we are recommending for changes. In the first addition in our ordinance would be labeled number C saying "No manufactured or mobile home built prior to the June 1976 HUD Code 2 enactment, shall be transported into, or installed upon any site in the City of Ruidoso Downs. All manufactured or mobile homes must be in habitable condition prior to placement within the City of Ruidoso Downs." There was a time in the past that there was a restriction of ten years of any manufactured homes coming into our town. It was discussed that it was preventing some folks in a lower income bracket. There could be two year old mobile home or a twenty-seven year old mobile home that weren't in good shape so we did away with the ten year restriction. To be fair to our citizens who may live next door or in the neighborhood and

give us the opportunity to say we appreciate that you want to bring that home in but it's just not to the minimum standard that I think we need to set so I want to bring it back. Those two are not that high a bar but I think it gives us a chance to say you can bring that in but you need to fix this, this, and this first. That's the first change and then there are some letter changes because it kicks down. The next addition would be F and we add the language "All manufactured or mobile homes placed on a lot within the City of Ruidoso Downs shall be setup within a reasonable period of time not to exceed 30 days, and in no case shall a manufactured or mobile home not intended for setup be placed on property for storage longer than 7 days." These are homes that would be setup to be lived in as soon as possible and finished within a reasonable period of time. We have had some cases where it has taken a long time and it is a detriment to the neighborhood. In the next addition of language we're changing something where we have allowed 90 days for the installation of the skirting around the home. We don't think of the home as being completed just because it arrives on the site. The home is only completed when it's completed and the skirting is part of that. The next addition was the sentence "All hitches must be removed or hidden" and we added "when applicable." The next addition is K, "Pursuant to the requirements set forth herein all manufactured or mobile homes installed within the City of Ruidoso Downs must be anchored according to the manufacturer's installation recommendations and must follow all State and local laws governing set up and utility hook ups." The next addition is L, "No manufactured or mobile home shall be used for storage purposes." The next change is in L which would now be O stating, "No tires or other materials are allowed to be placed on the roof of a manufactured" and here we added "or mobile" and then continued with "home. The next addition is under Penalty and the language added and/or changed will read as "Any person found in violation of any of the provisions of this chapter may be fined in an amount not to exceed \$300."

Mayor Williams said the Public Hearing is now open for comment.

Wayne Williams said I understand what he said that we don't like to see junk coming into our City and that it should be livable but I do have a problem. The City doesn't have a certified inspector. He was saying that you're not going to be allowed to bring a mobile home into this town unless you fix this, this, and this. Who in the name of Pete is going to be the person to say you have to fix this, this, and this when you have nobody in this City that is qualified to say that? Nobody. As far as I know there is not a certified building inspector in this town. I sure wouldn't want to turn it over to the Zoning Department to be the one that does that or a member of the City Council as far as that goes unless they're certified to do it. So, I have a real problem and we have a problem already with people stepping outside of their authority in this town. If you pass this the way it says without a certified building inspector then. . . I have an empty lot next to my house but if I decided to move a doublewide in there and the City came by and told me and said you can't move it in here until you put a new sink in there you know what I'm going to tell them. I'm going to tell them to get off my property. So, you need to think about it real hard. You're either going to have to hire a building inspector for this town or send somebody to school to be

qualified because I'll guarantee you right now this Planning & Zoning committee and the people that work on it and serve on it are not qualified. Not even close.

There were no other comments and Mayor Williams closed the Public Hearing for Ordinance Number 2015-02.

### ORDINANCE NUMBER 2015-03

#### B. AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 55 ZONING ADMINISTRATION SUBSECTION 155-026 SITE PLAN AND CONCEPT APPROVAL (B) 1 (C) 5 AND AMENDING APPENDIX A FEE SCHEDULE OF THE CITY OF RUIDOSO DOWNS CODE OF ORDINANCES.

Steve Dunigan, Planning & Zoning Director said when the position of building inspector has changed for the City and we no longer issue building permits or collect fees the work that goes into reviewing development within the City doesn't stop. We still have to make sure that all development meets the ordinances that are in effect regarding setbacks, flood zones, height restrictions, and crossing over easements. There are still a lot of issues that go into a site plan review. So, we looked at the possibility of following the program that the Village of Tularosa has in effect. It's basically a site location fee. They charge a \$25 fee because we will still have to make copies and spend time, drive to the site and verify the placement of the deck or foundation before it's poured and make sure the setbacks and flood plain issues haven't changed from when the site plan was given to us. We do keep and maintain files. We are also responsible for signing off on the State permits. They won't issue a building permit unless we've signed off on the issues of zoning and flood plain. So, I'm asking for the language to be added in Section 155.026 which is site plan and concept approval. The language we are adding is "A \$25.00 site location fee will be charged for the purpose of ensuring that any proposed new structure or addition to an existing structure is situated on the lot in such a manner to comply with all applicable setback and development requirements of Chapter 155 Zoning. [Fee Schedule shown in Appendix A]." We have added to that and also on the application. The last addition within this section was under C5 where we are updating the flood map date to November 5, 2014.

Mayor Williams said the Public Hearing is now open for comment.

There were no comments.

Mayor Williams closed the Public Hearing for Ordinance Number 2015-03.

### UNFINISHED BUSINESS

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Updates to the City of Ruidoso Downs Personnel Policy Manual Chapters 200-1700.

Donna Miller, Personnel/Payroll Office said the Unfinished Business was the wording that we changed or added since our last meeting to Rule 527 for City Vehicle Usage. The wording we added was “for the purposes of this policy employees must either live within the corporate limits of the City of Ruidoso Downs or Ruidoso or within a fifteen mile radius from the City of Ruidoso Downs corporate limits to utilize a take home vehicle with the exception of firefighters. Employees who reside outside of the allocated fifteen mile radius may request an exception to the City Vehicle Usage policy. Employees must submit a request to the Mayor and should the Mayor find the employees exception is warranted the Mayor shall bring the request for the exception before Council. The Governing Body will then discuss and vote on the request.”

Mayor Williams asked Donna if that was the only update?

Donna said no. Rule 608 is the Call Back Pay. We changed it and added “Employees called back to work outside of their regularly scheduled shift hours to perform non-scheduled work shall be paid for a minimum of 2 hours regardless of the number of times they are called back during the shift. This time includes reasonable travel time. This provision does not apply to assignments that immediately follow or are connected to the employees regularly scheduled work time. This doesn’t apply if a Department Head or Supervisor changes an employee’s work schedule due to weather, deadlines or short staffing. An example is scheduling people to work days off or changing times for snow removal. Employees who have call back hours listed on their time sheet and whose total hours for the work week exceed 40 hours shall be paid time and a half for the call back time but shall not be paid overtime for the same hours that paid for in accordance for the call back pay.” Which means no matter how many times they get called back they are only paid once for their call back pay during that shift. Other than that all of the other changes stayed the same and are listed on the sheet in front of you for the Personnel Policy.

Councilor Morales said my only question would be to Councilor Ritter. Is that where we want it to be on that call back pay?

Councilor Ritter said I think it is. I don’t know that there is a perfect way to do it but I think that’s where we ended up. It’s not exactly what I wanted but I only have one vote. I think the way it is written is probably the best it can be.

Councilor Perry said I think everything is like we wanted it.

Mayor Williams entertained a motion to adopt – Updates to the City of Ruidoso Downs Personnel Policy Manual Chapters 200-1700.

Councilor Morales moved to adopt – Updates to the City of Ruidoso Downs Personnel Policy Manual Chapters 200-1700. Seconded by Councilor Ritter.

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

### NEW BUSINESS

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

Mayor Williams said as you see the work project is continuing in the last section of the highway to the east with one lane to go. We look forward to that being done this week. The Farmer’s Market is still out at All American Park for at least another month. It’s expanding and there are a lot more vendors and we thank Beth Miller. Coming up is the bike rally this weekend. You’ll want to be very cautious and keep them in view at all times

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

Councilor Morales said I would like to commend the Ruidoso Downs Police Department and Fire Department for their traffic control during the All American Futurity and that weekend. There were a lot of people and traffic was just flowing and I think they did an awesome job.

Councilor Miller said we were going to do our Toss No Mas cleanup this coming weekend on the 19<sup>th</sup> and we found out there were baseball games happening and motorcycles in town so we are having a meeting this Wednesday and will be putting it off until October 10<sup>th</sup>.

Mayor Williams stated the next item on the agenda was – Survivors Clean and Sober Benefit Run Presentation of Award to City of Ruidoso downs City Council – Victor Montez.

Chief Rupp said I was informed that Victor would not be here.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Adoption of Ordinance 2015-02 and Ordinance 2015-03.

Councilor Ritter said I have several questions. Under Section F “not to exceed 30 days” how do you determine when the first day starts?

Steve Dunigan, Planning & Zoning Director said when the home is placed on the foundation or on the site where the permanent place.

Councilor Ritter said in regard to Item K “Pursuant to the requirements set forth herein all manufactured or mobile homes installed within the City of Ruidoso Downs must be anchored according to the manufacturer’s installation recommendations and must follow

all State and local laws governing set up and utility hook ups." I strongly feel that we need to put language in there and you and I have discussed this and there is a difference of opinion. We need to require that they need to get Manufactured Housing Division certification for a permanent foundation. If they are going to bring them in here they need to be permanent.

Steve said there are lots of different circumstances for manufactured and mobile home installations. So we have mobile home parks where they don't own the land. They have singlewides that are transients that come and go and permanent foundations on land that isn't owned by them is not the norm. Anchored to meet state and local requirements for wind gusts and those types of issues are certainly what we are talking about here. I agree with you on residential manufactured homes that are double sections or doublewides we have found that most of the time there has never been an issue on foundations because the banks have ensured that because of financing requirements. Our recommendations are always to follow the manufacturers installation requirements and they have actual guides of where to set the piers and where the stress supports should be but we've come up short in talking to the Manufactured Housing Division in Santa Fe who controls every aspect of manufactured housing. We've been advised for some time now that the requirement for permanent foundations would be not available to us. It's a zoning requirement that is burdensome on that category of home owner. There is some room in the statutes of municipalities to establish placement guidelines. I can do more research but I think I would need some legal advice on that.

Councilor Ritter said I just think if we're meeting the state codes already I don't think we're talking thousands of dollars I think it's just a matter of having it inspected. If they know from the very beginning that they have to have that done as part of the process then they can budget for those expenses.

Steve said I agree. I wanted to clarify something on inspections. We never did have the authority nor do we now to inspect any foundations. The state inspector does that and on the set ups. I am a little concerned and need to be straight forward with the cost of a permanent foundation where it may not be large it could be burdensome to some people we work with.

Councilor Ritter said being somebody that has neighbors that negatively affect his property, I'm more worried about the ten or fifteen or twenty neighbors and how something that is so low budget affects their property.

H. John Underwood, City Attorney said when Councilor Ritter brought this up to me just prior to the meeting I texted Alex back at the office and asked her to quickly look into it. What she could find quickly was the New Mexico Housing Authority says that after a year minimum is it needs to be made permanent. I noticed that this refers to "must follow all state and local laws regarding the setup and utility hookups." I'm not sure at first glance how they would take the time and coming back after a year to make sure it became

permanent. That seems like an incredible amount of state work going on if they are the only one that can inspect and permit.

Steve said if we are going to research this I think we need to know if the state supports that as a mandatory requirement. I would think you would want the foundation done up front.

Mr. Underwood asked if it would be okay with Council if we set this back for some further legal research? On the issue that was brought up during the Public Hearing on the Building Inspector this is not something the state does anyway.

Steve said I would like to clarify one thing. On our application for a manufactured home placement permits. We do ask the applicants about six different categories of inhabitability. We don't go into the houses and inspect electrical and plumbing. What we do is at least give them an opportunity to advise us of the condition.

Mayor Williams asked Mr. Underwood what his recommendation was on this?

Mr. Underwood said I would recommend postponing action on this until we get more on the legal issues of the foundations and how it's coordinated with state statutes and the requirements of the New Mexico Housing Authority.

Mayor Williams asked what the time frame would be for this postponement?

Mr. Underwood said two weeks.

Mayor Williams entertained a motion for postponement of any action - Ordinance 2015-02 until the next meeting of September 28, 2015.

Councilor Morales moved to postpone the adoption of - Ordinance 2015-02 until the meeting of September 28, 2015. Seconded by Councilor Ritter.

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

Mayor Williams entertained a motion to approve - Adoption of Ordinance 2015-03.

Councilor Miller moved to approve - Adoption of Ordinance 2015-03. Seconded by Councilor Ritter.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Awarding Bid No. 001 CDBG 14-C-RS-I-07-G-18 Agua Fria Water System Improvements Phase I.

Tappan Mahoney of Dennis Engineering said we have been assisting the City with the Agua Fria water/wastewater projects. We have reached substantial completion with Phase I of the wastewater and we are waiting for information from the contractor to process final payment for closeout of Phase I of the wastewater. On September 3<sup>rd</sup> we opened bids for Phase I on the water system improvements which is funded through a Community Development Block Grant. You received three low bids with the lowest being DuCross Construction out of Las Cruces. This CDBG grant is funded in the amount \$475,000 and the City has a contributing match in the amount of \$25,048 providing just over a half million dollars for this project. The Southeast Council of Governments is providing grant administration and you have a contract with them as I understand it in the amount of \$19,000 and then with our services of the bidding and construction Phase I in the amount of \$62,378.64 providing just over \$418,000 for construction. When the bids were opened the basis of the bid were such that you had a base schedule and added alternates. Not knowing how these bids would come in we did an engineer's opinion of probable cost which is summarized on the first page but in detail on the third and subsequent pages by line item. The bids received were lower than anticipated. The low bidder was much lower than anticipated and if you elect to proceed with award of the contract based on the funding that's available all three schedules which would be the base schedule, schedule 1 and 2 which totals \$388,540.87. That would provide a balance of just over \$30,000 for project contingency. The base schedule includes water line replacement on a portion of Spring Street, Griffith, Escalante/Adobe. Items in schedule 1 includes water lines on Acequia, La Canada and added to schedule 2 is Parkway. Essentially it's all streets where we just finished the wastewater plus Spring Street north because we are tying into a larger line. The area that was disturbed for the wastewater project will be disturbed more for the water system improvement project. The Department of Finance Administration has provided a contractor clearance form which I requested from Dora at the Southeast Council of Governments. That document is provided through a process to make sure they are registered with the federal government for different registrations so that they can receive award of a project. It should be attached to your packet on the second to the last page. The award will allow us to move forward and we would notify the contractor and we would gather their performance and payment bonds and by this notice would have 10 days to get this document back. It will be reviewed to make sure the amount of insurance is in order based on the contract. Then a pre-construction will be scheduled. I'm anticipating around 7 days after that so taking that into consideration it will be 17 days and Notice to Proceed which the start date of construction would be established so tentatively it will be in the first week of October based on the timeline presented here.

Mayor Williams entertained a motion to – Award Bid No. 001 CDBG 14-C-RS-I-07-G-18 Agua Fria Water System Improvements Phase I.

Councilor Ritter moved to - Award Bid No. 001 CDBG 14-C-RS-I-07-G-18 Agua Fria Water System Improvements Phase I to DuCross Construction, LLC. Seconded by Councilor Miller.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Approval of Resolution No. 2015-16 A Resolution Revising the City of Ruidoso Downs Personnel Policy Manual Chapters 200 through 1700.

Donna Miller, Personnel/Payroll Office said this is a resolution revising the City of Ruidoso downs Personnel Policy Manual Chapters 200 through 1700.

Mayor Williams entertained a motion to adopt - Resolution No. 2015-16 A Resolution Revising the City of Ruidoso Downs Personnel Policy Manual Chapters 200 through 1700.

Councilor Morales moved to adopt - Resolution No. 2015-16 A Resolution Revising the City of Ruidoso Downs Personnel Policy Manual Chapters 200 through 1700. Seconded by Councilor Ritter.

Councilor Miller said I would like to commend the staff and Donna and Mr. Underwood's office for the work on the policy.

Roll call votes: Councilor Perry, Aye; Councilor Miller, 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 Resolution No. 2015-17 Cooperative Agreement Project No. SP-2-16 (924) Control No. L200285.

Mayor Williams said this is an agreement and resolution with the Department of Transportation for \$40,000 that has been provided for the City to utilize for road projects. The departments share would be \$30,000 and the City's share would be \$10,000. Most of that \$10,000 would be done in-kind. So, we'll be getting materials and City workers will be doing the actual work. This will include two roads within the City and that would be South Parnell and East Avenue. Both of those streets will be totally redone and repaved with this funding. It's great to see that we as a City and the staff were able to get this funding and we will seek more funding to get more streets done.

Mayor Williams entertained a motion to approve - Resolution No. 2015-17 Cooperative Agreement Project No. SP-2-16 (924) Control No. L200285.

Councilor Miller moved to approve – Resolution No. 2015-17 Cooperative Agreement Project No. SP-2-16 (924). Control No. L200285. Seconded by Councilor Morales.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval of Personnel Recommendation – Position – Communication Detention Officer – Ruidoso Downs Police Department.

Chief Rupp said I ask for approval for the hiring of Communication Detention Officer: After the interviews were conducted the board had selected the candidate known as Alesha Beveridge. Alesha is here tonight. She is also a lieutenant in the Ruidoso Downs Fire Department and a Basic EMT. She studied Criminal Justice at ENMU and NMSA and she has proficient computer skills. You might also know Alesha from giving her an award for saving a life here in Ruidoso Downs. I ask tonight to allow me to fill this position with Alesha. The position is in my line item and is budgeted for.

Mayor Williams entertained a motion to approve – Personnel Recommendation – Position – Communication Detention Officer – Ruidoso Downs Police Department.

Councilor Perry moved to approve – Personnel Recommendation – Position – Communication Detention Officer – Ruidoso Downs Police Department – Alesha Beveridge. Seconded by Councilor Miller.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Special Dispenser Permit – KEDU Fund Raiser – October 9, 2015, 5 pm to 7 pm.

Dakota Crouch, HMAW Associate Director said KEDU Community Radio is requesting to host a small fund raiser at the museum facilities in which they would have a couple of hours where they would have invited some of the more famous folks from the Cowboy Symposium. It would be David Alexander and the like who host western radio shows and they want to have a small ticketed fund raiser where they will have hors devours and hang out with these folks and have autographs signed and of that nature. That requires a Special Dispenser Permit to be piggy backed on the racetrack.

Mayor Williams asked what the whole event would be centered on?

Dakota said what they have proposed to the museum is along with the president of KEDU who owns quite a collection of vintage radios and original radio shows. They would like to display those for a period of time at the museum and tie that in with this event. The actual

fund raiser will be on October 9<sup>th</sup> but they want to help promote the museum through this event also.

Mayor Williams entertained a motion to approve – Special Dispenser Permit – KEDU Fund Raiser – October 9, 2015, 5 pm to 7 pm.

Councilor Miller moved to approve – Special Dispenser Permit – KEDU Fund Raiser – October 9, 2015, 5 pm to 7 pm. Seconded by Councilor Perry.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Agenda Briefing Memorandum – Request for Authorization for take home unit – Ruidoso Downs Police Chief.

Chief Rupp said tonight I bring forth the request for authorization for a take home unit for myself. This request was sent forth to the Mayor's office per our new policy. This position under the Chief is required for response to emergency situations for 24 hours 7 days a week. If a situation comes up where this could greatly benefit the City as well and citizens by allowing me to have a take home unit to assist me in getting here to the scene safer and also able to monitor the situation and better evaluate the situation by being up here.

Mayor Williams asked Chief Rupp to elaborate on instances when you've had to respond to the City.

Chief Rupp said there have been bomb threats, unattended deaths, and some of those more serious situations. It's not for every day call out. Natural disasters would be another one such as wild fire or flooding.

Mayor Williams said during the time that you are talking about call out you're talking about end of the work day hours, weekends, and all that where you really don't have any supervisors on shift or working for the City that can make those decisions without any kind of authorization from your office.

Councilor Miller asked if this was in our budget because this could be quite costly for the City?

Mary Castaneda, Finance Director said there is a flat amount in the fuel for their budget and last year they had thousands of dollars left over in the fuel line. I believe they have \$40,000 in their line this year but since they got new vehicles I think they used maybe \$28,000 in their fuel line cost. Without knowing what that cost will be I won't be able to know that until after a time period and be able to look at that and say last year we used this amount of

fuel and this year we used this amount of fuel. I wouldn't be able to guess what the increase would be.

Councilor Miller said I don't know how many days a week you come up here.

Chief Rupp said it's 5 days unless it's like the Futurity weekend and then I was here all weekend. Holidays and major events I'm here as well so again it's all based on call out. Some weeks it's more and some weeks it's less.

Councilor Miller said so it could be as much as 2500 miles a month because it's nearly 100 miles a day.

Chief Rupp said it's 70 miles approximately.

Councilor Morales said you would call into dispatch with your mileage when you got to home and when you were leaving in the morning?

Chief Rupp said yes.

Councilor Morales said as a way to keep record your mileage.

Chief Rupp said what I do now is let them and give them my mileage when I'm leaving the jurisdiction and call them when I get back to my house and give them my mileage then as well. Then in the morning I do the same.

Councilor Miller said is this just for monetary procedure right now?

Mary said are you asking what procedure is?

Councilor Perry asked if this would affect our insurance by going out of town?

Mary said no.

Councilor Miller said I have a few more things but I don't think this is the right time to say it.

Councilor Ritter said I think we've discussed this in the past thoroughly. I think the Police Chief absolutely needs a take home vehicle because we need him here sooner than later in an emergency situation and for him not to have radio, lights, and sirens would just be silly not to provide him with that. I can't imagine we would ever need anybody else besides the Chief to give them a car.

Councilor Miller said I've looked some of this stuff up in towns and our fifteen mile radius has worked for many years. What I see in taking a car to Tularosa is not beneficial to

Ruidoso Downs whatsoever. It's not parked in our community or our neighborhoods for crime. If they are within a fifteen mile radius they are in our community and we have a lot of backup. We have the county and the state and we have the village. Also, when you hired the lieutenant you said that he would be in charge when you're not here. I expect to see you guys on different shifts so somebody can be in charge at all times. The new cars I don't think are going to last five years, they are going to last two years at 30,000 back and forth a year. The liability is greater because of the distance and traffic in Mescalero and the snow. Not only to the car but it's liability for the other police officers. Because they are going to come forth and say they are being discriminated against. We've gone through this over and over and it has always worked. I would buy you a light and a radio to put in your car if it was me. I have nothing personal against you or the Police Department but I took an oath to look after the funds of Ruidoso Downs. I don't think it's been official in any way for a car to go through another county and into another town daily and stay there. What if we need that car here? I don't see it benefiting Ruidoso Downs. I would like what I say on the record. I have never seen a Chief hired here that didn't live here.

Mayor Williams entertained a motion to approve – Agenda Briefing Memorandum – Request for Authorization for take home unit – Ruidoso Downs Police Chief.

Councilor Ritter moved to approve – Agenda Briefing Memorandum – Request for Authorization for take home unit – Ruidoso Downs Police Chief. Seconded by Councilor Morales.

Roll call votes: Councilor Perry, Aye; Councilor Ritter, Aye; Councilor Miller, Nay; Councilor Morales, 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 \$36,216.24. Revenues of \$1,481.46. Expenditures were \$11,756.61 leaving them a tentative ending cash balance of \$25,941.09. These figures are for August. The museum had a beginning cash balance of \$4,878.88. Revenues of \$12,397.68. Transfers coming in from Lodgers' Tax were \$27,500.00. Expenditures of \$32,011.79 leaving them a tentative ending cash balance of \$12,764.77.

Mayor Williams asked Mary to explain what occurred this last week with DOT and Transit.

Mary said we had the New Mexico DOT come down and did a review or audit of the transit system and I guess they come every two years so this was my first time participating with the transit. They reviewed the records and will be back in January because they didn't

have enough time to finish with the whole process and complete audit. Carol was there for policies and procedures and Donna was there for personnel. Both myself and Ally were there and Emma Martinez as the driver came in during the questionnaire time. We spent all day long doing that process. We were given a good review. There are things we need to follow up on their recommendations that they will be sending a letter and we will be bringing that to the Council for review.

Mayor Williams said they made recommended advice on how we can make transit better.

Mayor Williams stated the next item on the agenda was – Presentation of Certificate of Award – Employee of the 2<sup>nd</sup> Quarter of 2015 – Celia Villarreal.

Chief Rupp said Ce Ce for Employee of the Quarter. She's a great worker and helped us out with being bilingual. She was here but had to leave. She's been able to communicate well with some of the people and agencies when they didn't have a bilingual person available. She's a tremendous team player and is a great asset to the department and City.

Mayor Williams asked why she left.

Chief Rupp said she had to pick up her son at the Boys and Girls Club.

#### PUBLIC INPUT

Pam Williams said I turned in a new water tap request over four months ago for 211 North Lane. I heard nothing. In the middle of August I came to the City desiring to know what had happened to my request. I was concerned as the property purchaser that this was my property and I had sold it and we used our well water and they were to go after a year then they were to get their own water from the City. I was concerned her social security number was on this piece of paper and I found that the request had been placed in Rex Vaughan's file on the front desk available to anyone. I finally spoke to a City employee explaining we have owned this property 17 years and had nothing to do with my father. At this time I found out there was a lien against 213 Highlands Lane which we also own, by the City, the lien is by the City, dated 3-19-13. I returned to the City showing proof that this had gone through probate. A legal was put in the paper to notify if any outstanding debts were mailed against Rex B. Vaughan's estate. All debts were satisfied. I heard nothing and on October 10, 2012 it was ended and we were deeded this property at 213 Highlands Lane. The lien claimed unpaid utility bill from 2-28-09 to 7-12-12. Daddy died on 4-14-2012 and the City was well aware of this. We had told the City. Daddy, Rex, had told the City to close his account months ago and he quite putting out his trash and everything else. So now, due to the City not doing their job this action has caused us all kinds problems. More than two members of the City have been informed of the failure of the City to do their job. The City has made threats and caused problems with the sale of this property now at 213 Highlands Lane. This action is forcing us to sue the City naming the two employees for

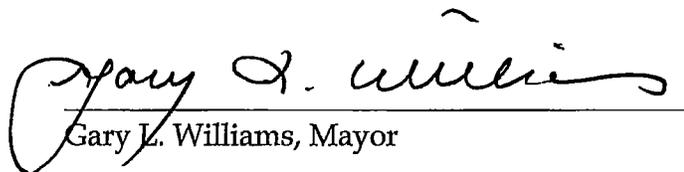
harassment, discrimination, and general aggravation caused to us by the City and its employees. The amount will be much, much, more than this illegal lien is for. Thank you.

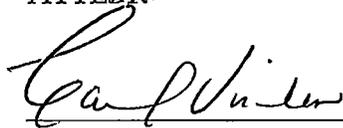
Wayne Williams said a little food for thought for the City Council on the item that you postponed earlier. As Mr. Underwood will probably agree with, I don't know if he will or not being a lawyer, but the most useless law you can pass or rule or anything else is one you can't enforce. Where it says that you must fix this or fix that before we let you bring it in but we'll take your word for it. That makes no sense at all. None. So, I don't see any sense in that. One of the Councilor's brought up a question that struck me as being really more important than the time it was given. He asked when does the time your 30 days start? It starts the second you own the property. Well, if you've ever had any dealing with the state trying to get a state inspector it might take you 30 days to get a state inspector to your house. I've had dealings with state inspectors and even city inspectors and you call them and call them and call them and it will be a week, two weeks, three weeks before you get somebody to come in actually. They may be busy somewhere else. There may be a lot of reasons why they can't come. But, anyway I thought this might be some food for thought because I thought your question was really an important one and was not given much thought at the time. The wording of this change in the rules saying that if you decided you wanted to bring a mobile home here that you couldn't bring it here unless it's livable and that you have to fix this or this but we're going to take your word for it. That kind of rule makes no sense at all because there's so many of those things now that's not enforceable or that are not being enforced. If you're going to have the City ordinance at least pass one that can be enforced. You guys are the City Council so do what you wish.

ADJOURNMENT

There being no further business to attend to Councilor Ritter moved to adjourn at 5:54 p.m.  
Seconded by Councilor Morales.



  
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Gary L. Williams, Mayor

  
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Carol Virden, City Clerk/Treasurer