

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
AUGUST 22, 2016
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on August 22, 2016. Mayor Williams called the meeting to order at 5:30 p.m. and asked Tom Reese to lead the Pledge of Allegiance.

Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Morales
Councilor Romero

Councilor Miller (via telephone)
Councilor Walker

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

Also present:

H. John Underwood, City Attorney
Dale Graham, Public Works Director
Christopher Rupp, Police Chief
Dakota Crouch, HMAW Director

APPROVAL OF AGENDA

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

Mayor Williams entertained a motion.

Councilor Morales moved for - Approval of the Agenda. Seconded by Councilor Romero.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, 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.

Councilor Miller moved for - Approval of the Consent Agenda. Seconded by Councilor Morales.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF AUGUST 8, 2016.

Councilor Miller moved to approve minutes of Regular Meeting of August 8, 2016. Seconded by Councilor Morales.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLES

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

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

APPROVAL OF MONTHLY REPORTS

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

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

COMMITTEE REPORTS

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

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

UNFINISHED BUSINESS

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – 2016-2017 Contract Services between the County of Lincoln and City of Ruidoso Downs for Lincoln County Transit.

H. John Underwood, City Attorney said I've had no contact with Nita Taylor with the County and don't know if anyone else has heard from the County.

Mayor Williams we can go another meeting under Unfinished Business.

Carol Virden, City Clerk/Treasurer said I did name the County of Lincoln for the fiscal year 2018 Lincoln County Transit application. I did the justification for the program and I also named that they did participate or will be participating in FY 2018. I did get a resolution from the County financially supporting that \$5,000.00 to the transit as part of the application process.

H. John Underwood, City Attorney said it's my understanding and I recall from the last conversation where Councilor Walker brought up the issue of the other areas in the County that weren't mentioned in this. I think that we were in the process, and as of today, that we were still in the process of hiring a manager for the transit system. Has there not been a manager hired yet?

Mayor Williams said no there hasn't.

H. John Underwood, City Attorney said so that I would reassure the Council that the language that is in the second 'whereas' I'm satisfied with where it reads that 'provides services to all that are eligible for the program within the boundaries within the program budget.' I think it's language which allows the budget to be managed for all of Lincoln County so that handles what it is that you are talking about. Your concern Councilor about the other unnamed areas of Lincoln County is well taken but as I mentioned on the phone to you none of those are incorporated municipalities. When it says 'all who are eligible for the program within the boundaries of Lincoln County' that it probably intends that whoever it can take into account within Lincoln County within that funding that it can do that. Even though we don't have a manager at this time and even though I haven't discussed that with Nita Taylor. As I recall our discussion we were going to have our manager discuss that with Nita Taylor. If you would prefer to wait until that's done that's fine otherwise I think the language that's in here is good language and is controlling language and I don't see any harm in approving the contract that's in here and accepting the \$5,000.00.

Mayor Williams said I want to let the Council know that it's been closed on the manager's position. We have four applicants that we will be interviewing this week and it's your call on how you want to proceed once the manager is in place and we'll

have discussion with the County on how this system will work within the County with the budget. So, if the Council is satisfied with the language that's pertained within the agreement then when the manager is in place that discussion can take place with the County manager to determine what can be done and how that process can be played out. Any questions from Council?

Councilor Miller said I for one read it like John does that it's placed in our budget as we can in our budget to go as far as we can in the County or just Ruidoso and Ruidoso Downs. We're part of the County. I think we should not turn it down. I don't believe in turning the money down. That might even make them mad but we can show them what we can do with it and that's it. I would like to make the motion.

Mayor Williams entertained a motion.

Councilor Miller moved to approve 2016-2017 Contract Services between the County of Lincoln and City of Ruidoso Downs for Lincoln County Transit. Seconded by Councilor Morales.

Councilor Morales said my only question is what was in the motion. Should we address the parameters of that \$5,000.00 budget? Or do we just leave it as it is?

H. John Underwood, City Attorney said I think if you addressed it, it would be micro-managing. That's really something that is up to the manager to figure out what the budget allows and then to figure out where in Lincoln County the money would allow us to serve. If it only allows service of Ruidoso and Ruidoso Downs or the areas currently being served or if it allows a little expansion into other areas of Lincoln County due to the \$5,000.00 being given then that's good but I think otherwise you would be micro-managing the additional \$5,000.00.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

NEW BUSINESS

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

Mayor Williams said holiday is coming up next weekend and the end of summer. The events that will be happening in the City are the Farmers Market on Saturday and the All American Festival that will be here in All American Park. There's a bike rally that will be happening that will be brought up later on in the meeting. The big race at the racetrack. Be careful when you're out there. I apologize, Public Works is doing a great job trying to get caught up. They've been working on a project that's getting near the end of what they have to do and then move on to the contractor doing the rest of it.

They'll be back out on the streets taking care of City business so if you have anything you want to pass on to Dale about what can be done out there it would be appreciated. I want to make Council aware we're going to have a Special Meeting on Thursday at 5:30 in the chambers for an adoption of a resolution that needs to be put in place for the ICIP to be sent to Santa Fe to be considered for projects in the upcoming legislative session. We have not had that resolution put in play yet so I'm advising Council of this short meeting to get that resolution in play and get that documentation to Santa Fe.

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

Councilor Romero said I was approached by a citizen the other day in regards to Dale Graham in Public Works. She wishes to express her very much thanks for you taking care of her road very quickly.

Mayor Williams stated the next item on the agenda was – Heather Babcock – Aflac Associate – Presentation and Authorization to Change Existing Aflac Account to Payroll Deduction format and Implement a Section 125 Cafeteria Plan.

Heather Babcock said I am your current representative for Aflac. Right now your employees are really not taking advantage of this so I wanted to briefly explain how it works in offering it as a payroll deduction. Now your employees are only eligible if they want it directly drafted out of their own bank accounts. This cuts down a lot of accessibility to your employees. You do have good benefits already. A \$500.00 deductible is almost unheard of. Major medical is good but there's still gaps in coverage. How do they make ends meet? That's what Aflac is designed to do to the policy holder when they are hurt or sick. With an employee deduction scenario we can offer different benefits that we're not able to offer now. One of them is short-term disability. It's a very important coverage. Aflac is very customized to each employee's needs. The cafeteria plan is very easy to implement. There is no charge to the City which means that we would be able to pre-tax your insurance premiums. Your employees would save paying the high Social Security tax on any insurance premiums and that includes your major medical. That also saves the City. I would take care of all your enrollments and paperwork to make sure Human Resources and Accounts Payable has all of the paperwork they need. Another great feature of the Cafeteria Plan is that it is non-discriminatory meaning that I would speak to each employee at least once a year to make sure they have the opportunity to opt in or opt out.

Councilor Walker asked what is the cost based on?

Heather Babcock said it is entirely employee funded. I've done a rate analysis for you and you are a B class which is at the very low end of the premium scales. If an employee wanted to have an accident policy it would be around \$9.84 per check. That

would cover them 24/7 on and off the job. These benefits are paid directly to the policy holder. They would decide do I pay my co-pay, do I pay my deductible, do I pay my rent or do I buy my groceries? That's the beauty of it.

Councilor Miller said I don't quite understand it but is this supplemental coverage? Is it full coverage or something to the individual policy?

Heather Babcock said this is not full coverage. This is supplemental coverage. Each employee would be able to individualize their own coverage. I would want to offer short-term disability and an accident policy and critical care coverage. When I first came in 2013 and talked to some of the people it wasn't very effective. We did have some employees take the coverage. One person might want an accident policy while another might be worried about cancer running in their family so it is very customizable.

Heather Babcock repeated to Councilor Miller because she had gotten hung up from the telephone and then called back.

Councilor Miller asked if that was for everyone?

Heather Babcock said it is guaranteed issue to a point. Most of our policies are a guaranteed issue. The only exception to that is the cancer coverage in which case we can cover employees who have had cancer as long as they are cancer-free for five years. The first two levels of the hospital policy are guaranteed issues.

Councilor Miller said that does answer my questions.

Heather Babcock said the City Councilors and Mayor are also eligible. You can get these policies at the City rate.

Mayor Williams asked Heather Babcock if she had spoken to the Payroll/Personnel office?

Heather Babcock said yes on several occasions. We weren't really sure on how to proceed which is why I'm here to speak with you this evening.

Mayor Williams entertained a motion.

Councilor Morales said I think the employees should have the opportunity to talk with her.

Heather Babcock said it only takes three employees to activate an account.

Councilor Morales said you said some employees had already signed up for it?

Heather Babcock said I have a couple of employees still enrolled from the Police Department. Once we activate this through the payroll then they can transfer into the payroll deduction and their premiums would be pre-taxed as well and they wouldn't be penalized for having taken it out back 2013. So, my next course of action is to talk to Donna?

Mayor Williams said yes for a possible meeting with employees.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Resolution No. 2016-14 Authorizing the Filing of an Application to the New Mexico Department of Transportation for Funding Assistance for Federal FY 2017-2018.

Mayor Williams said we will have a Special Meeting to put that in place. The local match will be \$25,000.00 from the City.

Mayor Williams entertained a motion.

Councilor Miller moved to approve Resolution No. 2016-14 Authorizing the Filing of an Application to the New Mexico Department of Transportation for Funding Assistance for Federal FY 2017-2018. Seconded by Councilor Walker.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - State Engineers Office Approval of Proposed Settlement - Application OSE: SD 2903-1; SD 2903-2; H-974 POD4; H-974 S-2 HU NO. 15-049.

Dale Graham, Public Works Director said what we are here for tonight is to get you to approve these proposed conditions of the settlement and our application with the State Engineer. Several years ago we had applied to make our water rights from our Griffith spring supplemental to our wells. If something happened to the spring or the spring slowed way down we could use the wells to continue providing water to the City. That application was denied. We appealed that application and through our geologist that we hired and an attorney in Santa Fe, Mr. D.L. Sanders, and Mr. Underwood, instead of ending up in court we ended up in mediation. This proposal is what the State gave back to us which is exactly what we were asking them to do in the first place. It just took six years to get there and a lot of attorneys. What they proposed to give us back was that if the spring slows down to less than 332 gallons per minute and once we

exhaust our few water rights we have at the wells then we could start using the water rights from the spring. What that equals out to is we could pump almost fourteen and a half million gallons a month from our well and use water rights from the spring. I think it's a very good proposal and better than I expected to get back from them. I'm happy with it and all of the attorneys were happy with it.

H. John Underwood, City Attorney said I agree. This application was put in several years ago and I think we are both very pleased. I would recommend approval by the Council.

Mayor Williams entertained a motion.

Councilor Morales moved to approve - State Engineers Office Approval of Proposed Settlement - Application OSE: SD 2903-1; SD 2903-2; H-974 POD4; H-974 S-2 HU NO. 15-049. Seconded by Councilor Romero.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Zach Carrizal - Your Mom's Motorcycle Shop - Labor Day Get Together - September 1-5, 2016.

Zach Carrizal said I just wanted to give everyone a heads up and get with everyone on what we are trying to do. We had a great run on Memorial Day and a lot of fun. We want to come back and do it again for Labor Day. I don't think we're going to have a ride this time though. This starts on the 1st and everyone rides home on Sunday. We're just trying to get the permits for fires. This time we're having a live band so we need the noise permits.

Chief Rupp said the last ride they had gave us no issues. We had one complaint about the exhausts and one complaint from the arts & crafts. They did a tremendous job of cleaning up their area before and after. We had an open line of communication that weekend.

Councilor Morales asked how big of a group are you going to have?

Zach Carrizal said last time there were probably 500 to 600 people that came. This time it would maybe be 1000. We got with the Beavers who are right next to us and they are okay with it.

Mayor Williams entertained a motion.

Councilor Romero moved to approve – Zach Carrizal – Your Mom’s Motorcycle Shop – Labor Day Get Together – September 1-5, 2016. Seconded by Councilor Walker.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Zach Carrizal – Your Mom’s Motorcycle Shop – Noise Permit for Live Band and Request Permission for Campfires.

Zach Carrizal said on Saturday we’re going to set the stage up and they were just going to play throughout the day while the party is going on and we’re just going to play it by ear with a lot of people there. It probably won’t go on too late into the night. Maybe midnight we’ll turn it down.

Mayor Williams asked if he’s had any communication with the Fire Department?

Zach Carrizal said no I haven’t. I plan on going out and having a walk with him. This last time we weren’t able to mow like we wanted to. This next weekend I hope we’ll have everything covered and then I’ll walk out there with him. We plan on having it mowed down real short and follow the same precautions.

Mayor Williams said to make sure that Council is made aware of any issues about lighting any campfires. We’ll get that to you as soon as we find out about everything.

Councilor Walker said I want to thank you guys for not having any issues on the last rally and just keep it that way. We enjoy your money too.

Mayor Williams entertained a motion.

Councilor Morales moved to approve – Zach Carrizal – Your Mom’s Motorcycle Shop – Noise Permit for Live Band and Request Permission for Campfires. Seconded by Councilor Walker.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Appointment of Two Members of the Governing Body to Joint Transportation Advisory Committee (JTAC).

Bradford Dyjak, Village of Ruidoso Planning Director said I do want to note that Anthony Montes our Community Center Supervisor was unable to attend today because he is attending a long-term Seniors Aging Conference. I want to briefly follow up from our meeting from the last Council meeting regarding the Lincoln Country Transit and the proposal for a Joint Transit Advisory Board to work on a mutual participation between the Village of Ruidoso and the City of Ruidoso Downs. I do have a brief outline to distribute to the Councilors. In summary the Village is grateful for the partnership with the City in terms of enhancing the services of Lincoln County Transit. We've reviewed some of the operations and opportunities for the collaboration on the service and there is a proposal for a Joint Transportation Advisory Board. It would be less formalized than the JUB and there would be quarterly meetings. We are seeking two representatives from the City. Two elected officials would be appointed from the Village and then we would have the Transit Manager as well as the Community Center Supervisor and the Village Manager also as part of the operation. Discussion has already been made through an agreement with the County on their participation. As that becomes more clear we will have the opportunity to ask for their participation on the Joint Transportation Advisory Board. The idea is to increase communication and to work strategically on planning and long-range planning and well as assisting with grant writing opportunities and to coordinate those priorities with the transit manager. We would work with our attorney and Mr. Underwood on an MOU but at this time we are just seeking the willingness of two members of your Councilors to be appointed.

Councilor Morales said I would like to volunteer.

Councilor Romero said I would too.

H. John Underwood, City Attorney asked Bradford Dyjak if he would be our main point of contact?

Bradford Dyjak said for this interim period yes I would be along with Anthony Montes our Community Center Supervisor as far as establishing out MOU.

Mayor Williams entertained a motion.

Councilor Walker moved to approve Councilor Morales and Councilor Romero to sit as members of the JTAC. Seconded by Councilor Miller.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Memorandum of Understanding for Fundraiser for Hubbard Museum of the American West and Boys and Girls Club.

Dakota Crouch, HMAW Director said tonight we have Tim Coughlin, Executive Director of the Boys & Girls Club of Sierra Blanca in support of this fundraiser. Up for your approval and signatures is a Memorandum of Understanding for a fundraiser event that the Boys & Girls Club approached me about scheduled in December. The basic idea is to have a Christmastime fundraiser and auction off sponsored decorated Christmas trees and wreaths. The MOU outlines the responsibilities of both parties and what both parties will get in compensation. The museum will provide the venue, tables, and chairs. We will also contract a qualified entity to provide bar service for that event. We will both share the duties of acquiring sponsors for trees and wreaths. We will both share the responsibilities of setup, tear down, and clean up. The Boys & Girls Club will provide food for the event. They will provide the ticket printing and things like that. We will split the proceeds also.

Tim Coughlin, Executive Director of the Boys & Girls Club said this is an idea we kind of got from the Otero Boys & Girls Club. They have done it in conjunction with one of the banks for several years. They raised a lot of money. We're not expecting to raise as much as they did. They had a tree decorated with a NASCAR theme and it went for \$18,000.00. They had another one that was a Disney theme and you got a couple of nights in the Disneyland Hotel and park passes. That went for only \$8,000.00. What we're hoping for is a goal of \$25,000.00 if not more. It came down to the idea is there now how do we go about it? I approached Dakota and he said they would be interested in doing it. It would help raise some much needed funds for the Club and museum. It would be an opportunity to sell some memberships and for them to gain more recognition. We go out and solicit. They would be setup in public venues around town. Somewhere where there is high traffic. Banks, possibly City Hall, local hotels. They'll be setup for a period of time and people will be able to view them. Then a few days before the event they will be taken down and transported to the museum and set back up. Then that evening they will come in to enjoy some food and drink and view the items and then we'll go into live auction. The Boys & Girls Club will provide the food. Our kitchen is a licensed facility. It will be the first of hopefully many like it. We will partner with various organizations of the community. We've already been talking about some other things we can do together so it's a great partnership.

Councilor Miller said I was real pleased to hear about this so I'm really glad you are getting this together.

H. John Underwood, City Attorney said the agreement was reviewed and revised by legal counsel and we have no problem with it.

Mayor Williams entertained a motion.

Councilor Romero moved to approve – Memorandum of Understanding for Fundraiser for Hubbard Museum of the American West and Boys and Girls Club. Seconded by Councilor Morales.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

Mayor Williams asked Tim Coughlin how the Summer Food Program went this year?

Tim Coughlin said it didn't go as well as it did last year. We received reports from the State CYFD that statewide the number of meals served was down. Last year we did about 24,000 meals and this year we only did about 18,000 meals. The main reason for that was the Mescalero Boys & Girls Club was closed and they were closed pretty much most of the summer. We were serving about 125 meals a day there. All American Park was doing great and then we would have slow downs and then it would go back up and back down. There were times near the end when it did get down to 5 meals. We did not hit our goal. In fact we get an advancement from them based on funds based on what our numbers are supposed to be. We didn't hit the goal for that so we're going to have to give back some money to the state. I appreciate your help and the Police Department with putting it on the sign

The next item on the agenda was from the Consent Agenda – Discussion and Possible Action – Wastewater Treatment Plant – Invoice July 2016.

Councilor Miller moved to approve – Wastewater Treatment Plant – Invoice July 2016. Seconded by Councilor Morales.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

OTHER BUSINESS

(Items are for discussion only – no action will be take)

Mayor Williams said the next item on the agenda was – Updated Financial status Report – Hubbard Museum of the American West and Lincoln County Transit.

Mayor Williams said the ending cash balance for July for Lincoln County Transit was \$3,750.55. For the museum it was \$18,251.01.

Mayor Williams stated the next item on the agenda was – Employee of the 1st Quarter – Eli Polaco – Planning Service Department.

Mayor Williams stated the next item on the agenda was – Employee of the 2nd Quarter – Ronnie Randolph – Public Works Parks Department.

Mayor Williams said they aren't here said Eli Polaco is the kid you see on the side of the streets picking up trash. He's going into the neighborhoods picking up trash and mattresses, washing machines, and what people leave on the side of the streets. He does it because he likes doing it and he's fantastic at it. Ronnie Randolph is one of the longest running employees that we have and he's a hard-core workaholic. He's got some good pedigree and he's got a good supervisor Larry Nunez who has really picked it up in the parks. I can give this to you Director so you can give it to him when all the employees are around.

PUBLIC INPUT

Wayne Williams said your entire Public Works Department are doing a very good job. The question I have is back when they stumped the well at River Park there was a big argument about how much water they could take. We were under the impression they could only take an acre foot of water or whatever the water rights for that land just what the well was going to be allowed. I'm just wondering under the well for this memorandum that you voted through is within that parameter of the water usage. Is it within the acre foot or two acre foot?

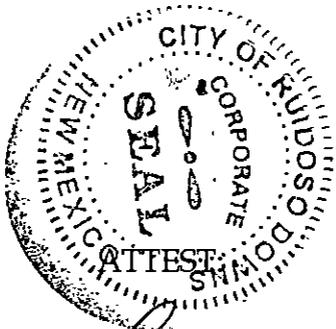
H. John Underwood, City Attorney said let me discuss that with you after the meeting.

Dale Graham, Public Works Director said I would be glad to explain it to you because it gets a little complicated.

Wayne Williams said I just know there's a lot of people in the Downs that have wells. I have a well. Two of my neighbors have wells and several people across the road have wells off the same aquifer. That was the promise made to all of the well owners when that well was put in that they would not take any of the surface water. That it would all be aquifer water and it would never effect ours.

ADJOURNMENT

There being no further business to attend to Councilor Morales moved to adjourn. Seconded by Councilor Miller. The meeting adjourned at 6:28 p.m.



Gary L. Williams
Gary L. Williams, Mayor

Carol Virden
Carol Virden, City Clerk/Treasurer