

**VILLAGE OF RUIDOSO
GOVERNING BODY, REGULAR MEETING
313 CREE MEADOWS DRIVE, RUIDOSO, NEW MEXICO 88345
MAY 9, 2023**

CALL TO ORDER

Mayor, Pro Tem, Rafael "Rifle" Salas called the Regular Meeting of the Governing Body, Village of Ruidoso to order at 1:00 p.m. by calling for a Moment of Silence, Invocation by Reverend Tanya Tyler, the Pledge of Allegiance and Salute to the State Flag. Councilors Jackson, Lutterman, Hooker, Coughlin and Eby were recorded present in person. Mayor Lynn D. Crawford was not present. Municipal employees present were Ronald L. Sena,, Village Manager; Jini S. Turri, Village Clerk; Yvonne Bartz, Deputy Clerk; Judi M. Starkovich, Finance Director; Christella Armijo, Water Resources Director; Adam Sanchez, Public Works Director; Joe Kasuboski, Fire Chief; Lawrence Chavez, Police Chief; Anthony Montes, Community Center Supervisor; Matthew Baird, Director of Recreation Operations; Josh Long, Streets Manager; David Tetreault, Parks Supervisor; Robin Parks, Staff Accountant II; Dick Cooke, Director of Forestry; Samantha Serna, Community Development Director; Andrea Nejerer, Purchasing Agent; Carol Kirkpatrick, Purchasing Agent; Sydnee Mowery, Event and Recreation Supervisor; Bobby Simpson, Code Enforcement; Randy Koehn, Water Production Manager; Bernadeen Herrera, Convention Center Manager; Steve Minner, Deputy Police Chief; Bill Hansen, DWI Grant Coordinator; Dianne Staab, Library Manager; and Zachary J. Cook, Village Attorney. There were approximately 11 visitors present in person.

Invocation By: Reverend Tanya Tyler, First Christian Church

APPROVAL OF AGENDA.

Councilor Jackson moved to approve the agenda as presented. Councilor Hooker seconded the motion and upon a roll call of all voting "aye" the motion passed.

CONSENT REGULAR ITEMS.

1. Approval of Governing Body Minutes:
 - Regular Meeting of April 11, 2023
 - Special Meeting of April 26, 2023
 - Workshop Meeting of April 26, 2023
 - Workshop Meeting of April 27, 2023
 - Workshop Meeting of May 2, 2023
2. Approval of Request to Schedule a Public Hearing on June 13, 2023 for Ordinance 2023-04, Amending the Village of Ruidoso Municipal Code of Ordinance; Chapter 74 Streets, Sidewalks and other Public Places, Article III-Excavation, Division 1-Generally, Section 74-62 Permits Required and Appendix A in Conjunction with Chapter 74; Compliance with Division and Terms of Permit to

Amend and Strengthen Language.

3. Approval of Request to Schedule a Public Hearing on June 13, 2023, for an Ordinance 2023-05, to Authorize the Village of Ruidoso to Enter into a Loan Agreement with the New Mexico Environment Department for the Purpose of Obtaining Project Funds for a Stormwater Management Plan.
4. Approval of Request to Schedule a Public Hearing on June 13, 2023, for Ordinance 2023-06, an Ordinance Amending the Village of Ruidoso Municipal Code of Ordinances Chapter 54, Land Use, Section 54-106 Short-Term Residential Rental Overlay Zone, to Revise the Procedure for Registrations and Administration.
5. Approval of Request to Schedule Public Hearing on June 13, 2023, Ordinance 2023-07, Amendments to Chapter 54, Land Use; Article II, Zoning; Division 3, District Regulations; Section 54-92, R-1 Single Family Residential District.
6. Approval of Ratification of Award (ITB #2023-010B) with KD Huey Company, LLC for Modifications and Pump Re-Install, Clean-Out, and Pumping Test(s). With a Contract Price of \$714,257.91 Including Gross Receipts Tax.
7. Approval of Resolution 2023-11, Adopting a Revised Travel Policies and Procedures Manual; Providing for the Repeal of Prior Resolutions and Written Travel Policies and Procedures and an Effective Date.
8. Approval of Second Renewal Agreement for Land Lease by and between the Village of Ruidoso, a Municipal Corporation of the State of New Mexico owner of Sierra Blanca Regional Airport, and Down Time Services, Inc.
9. Approval of Approval of Award of ITB#2023-014B for \$387,488.00 for Chassis 5500 or 550 Wildland Trucks to Outback Fire Apparatus, Inc.
10. Approval of Agreement with Outback Fire Apparatus, Inc. for \$387,488.00 for two new 2022 Dodge Ram 5500 Sierra Wildland Trucks, ITB#2023-014B Chassis 5500 or 550 Wildland Trucks.
11. Approval of Annual Operating Plan with the United States Forest Service for the North Fork Eagle Creek Wells Special Use Authorization for Fiscal Year 2024.
12. Approval of Updates to the Special Event Permit Process.
13. Approval of Midtown Market Policy.
14. Approval of Recommendation From the Keep Ruidoso Beautiful Committee to Place Oversized Adirondack Chairs Built Out of Recreational Snow Equipment at the Country Club Lot as Art Installation for Photo Opportunities.

15. Approval of Joint Powers Agreement between the Village of Ruidoso and the Ruidoso Downs Race Track Regarding Providing Security for Special Events for the 2023 Race Season.
16. Approval of Joint Powers Agreement between the Village of Ruidoso and the Ruidoso Jockey Club Regarding Providing Security for Special Events for the 2023 Race Season.
17. Approval of Third Renewal Agreement between the Village of Ruidoso, and William and/or Elizabeth Hanson, DBA: Hanson Consulting For \$87,000 for FY24 for Professional Services for the Lincoln County DWI Grant Program Coordinator.
18. Approval of Memorandum of Understanding between the Village of Ruidoso and Linda Hand for \$33,000.00 in FY 2024 as a prevention specialist to provide Drug and Alcohol Prevention Services, in coordination with Lincoln County DWI Program at the Schools in Lincoln County effective July 1, 2023 through June 30, 2024 to assist the DWI Prevention Program with the education of school aged children in Lincoln County.

Councilor Jackson moved to approve the Consent Regular Items as presented. Councilor Coughlin seconded the motion and upon a roll call vote of all voting "aye" the motion passed.

PUBLIC INPUT.

Bill Hall presented to the Council that he had attended the Budget Hearings for the Village and learned information regarding revenues and expenditures in the budget. Mr. Hall stated that he had an idea of how to bring additional revenue into the Village. His idea was to impose impact and licensing fees in areas of high impact.

Jennifer Brewer, expressed her concerns of speeding on Rio Street and the lack of speed limit signs. She stated that the installation of speed bumps may help slow down traffic.

Debra Burke suggested that the speed limit on Rio be reduced to 15 mph and that she would like to see speed limit signs put up.

Mario Bazan stated that he felt that the utility bills in Ruidoso were too high. He then stated that he was opposed to residents being required to pay a \$200 fee per year in order to use fire pits. Mr. Bazan also suggested that the highway through mid-town to Center St. be closed to traffic to help with pedestrian safety. He also stated that the sidewalks in mid-town are dangerously narrow.

Jodie Canfield presented to Council that she would be interested in establishing a program to promote "not feeding" wildlife in the Village and suggested that Lodger's Tax fund the project.

MAYORAL REPORTS AND PRESENTATIONS.

1. Presentation of New Employees and Promotions

New Employees:

Tyler Forrester - Fire Fighter - DOH 4/26/2023

Simon Haase - Animal Control/Code Enforcement Officer - DOH 4/2/2023

Ethan Knott - Parks Maintenance Technician - DOH 4/26/2023

Promotions:

Bernadeen Herrera - Convention Center Manager - 4/23/2023

Mayor Pro Tem Salas introduced the new employees and recognized Bernadeen Herrera's promotion.

2. Presentation by the Lincoln County Juvenile Justice Board

Sergio Castro, 12th Judicial District Chief for the Juvenile Probation Office and Bill Jones, Coordinator for the Lincoln County Juvenile Justice Board made a presentation to the Council about the juvenile justice and probation program in place for Otero and Lincoln counties.

BOARD AND COMMISSION APPOINTMENTS.

There were no appointments to be made.

VILLAGE MANAGER REPORT.

1. Village Manager's Report

Ronald L. Sena, Village Manager, presented his monthly Managers Report.

REPORTS FROM MUNICIPAL OFFICIALS.

Councilor Eby commented on the RSVP Banquet and the Keep Ruidoso Beautiful clean-up day and BBQ. Councilor Jackson commented on the success of the Keep Ruidoso Beautiful clean-up day. Councilor Coughlin asked that the residents of the Village be kind and patient when dealing with tourists who "stop" to take pictures of the wildlife that roam the Village. Mayor Pro Tem stated that he had the pleasure of welcoming the Archeological Society at their Conference that was held at the Convention Center.

PUBLIC HEARINGS.

1. Public Hearing for an Application Submitted by Downshift Brewing Company, LLC, for a Small Brewer 3rd Off-Site Location Liquor License With On Premises Consumption and Package Sales for 2706 Sudderth Dr., Ruidoso, NM.

Mayor Pro Tem Salas opened the Public Hearing. The Village Clerk presented to the Council that on February 10, 2023, the Clerk's office received an application from Downshift Brewing Company for a Small Brewer 3rd Off-Site Location Liquor License with On Premises Consumption and Package Sales for the location of 2706 Sudderth Dr, in Ruidoso, NM. The Clerk stated that in compliance with state law, notice of the public hearing was published two times in the Ruidoso News. The Clerk also stated that she had not received any correspondence, e-mails or phone calls in opposition of the

license. Mayor Pro Tem asked for public input or questions from the Council, there being none, he closed the Public Hearing. Councilor Lutterman made a motion to approve the issuance of the Small Brewer 3rd Off-Site Location Liquor License with On Premises Consumption and Package Sales to Downshift Brewing Company for the location of 2706 Sudderth Dr, in Ruidoso, NM. Councilor Hooker seconded the motion and upon a roll call vote of Councilor Lutterman voting "aye"; Councilor Hooker voting "aye"; Councilor Jackson voting "aye"; Councilor Coughlin voting "aye"; Councilor Eby voting "aye" and Mayor Pro Tem Salas voting "aye", the motion passed.

REGULAR ITEMS.

1. Discussion and Possible Action on Resolution 2023-12, a Resolution of the Acceptance and Approval of the Fiscal Year 2022 Audit.

Councilor Hooker made a motion to approve Resolution 2023-12, Councilor Jackson seconded the motion and upon all voting "aye" the motion passed.

2. Discussion and Possible Action on Award of RFQ #2023-001Q Alto Lake Concession and Rentals to High Mountain Concessionaire, LLC.

Councilor Jackson made a motion to award RFQ#2023-001Q, Alto Lake Concessions and Rentals to High Mountain Concessionaire, LLC; Councilor Lutterman seconded the motion and upon a roll call vote of Councilor Jackson voting "aye"; Councilor Lutterman voting "aye"; Councilor Coughlin voting "aye"; Mayor Pro Tem Salas voting "aye"; Councilor Eby voting "nay" and Councilor Hooker voting "nay" the motion passed 4 to 2.

3. Discussion and Possible Action on Contract for Concession and Rentals at Alto Lake to High Mountain Concessionaire, LLC. Awarded via Request for Quotes (RFQ) #2023-001Q Alto Lake Concession and Rentals.

After detailed discussion between Council members, Councilor Jackson made a motion to approve the award of contract to High Mountain Concessionaire, LLC, for concessions and rentals at Alto Lake, Councilor Hooker seconded the motion and upon a roll call vote of Councilor Jackson voting "nay"; Councilor Hooker voting "nay" Councilor Eby voting "nay"; Councilor Lutterman voting "nay"; Councilor Coughlin voting "nay" and Mayor Pro Tem Salas voting "nay" the motion failed to pass. The Village Clerk clarified with Council that the contract would be "negotiated" and brought back to Council at a future meeting.

4. Discussion and Possible Action on Award of RFQ #2023-002Q Grindstone Lake Concession and Rentals to High Mountain Concessionaire, LLC.

Councilor Coughlin made a motion to award RFQ#2023-002Q, Grindstone Lake Concessions and Rentals to High Mountain Concessionaire, LLC; Councilor Eby seconded the motion and upon a roll call vote of all voting "aye" the motion passed.

5. Discussion and Possible Action on Contract for Concession and Rentals at Grindstone Lake to High Mountain Concessionaire, LLC. Awarded via Request for Quotes (RFQ) #2023-002Q Grindstone Lake Concession and Rentals.

Councilor Hooker made a motion to approve the award of contract to High Mountain Concessionaire, LLC, for concessions and rentals at Grindstone Lake, Councilor

Coughlin seconded the motion and upon a roll call vote of Councilor Hooker voting "aye"; Councilor Coughlin voting "nay" Councilor Eby voting "aye"; Councilor Lutterman voting "aye"; Councilor Eby voting "aye" and Mayor Pro Tem Salas voting "aye" the motion passed 5 to 1.

6. Discussion and Possible Action on Purchase and Installation of Pavilion on BuyBoard Contract #679-22 from Exerplay in the amount of \$71,955.78 including NMGR at Grindstone Disk Golf Course.

Councilor Lutterman made a motion to approve the purchase and installation of the pavilion, Councilor Eby seconded the motion and upon a roll call vote of all voting "aye" the motion passed.

7. Discussion and Possible Action on Approval of Appropriation #A22G2019-G591 with the State of New Mexico Aging & Long-Term Services Capital Outlay Department for the Plan and Design of an Addition to the Ruidoso Community Center in the amount of \$38,300.

Councilor Jackson made a motion to approve the appropriation, Councilor Lutterman seconded the motion and upon a roll call vote of all voting "aye" the motion passed.

8. Discussion and Possible Action on Memorandum of Understanding between the Village of Ruidoso and Region IX Education Cooperative for \$45,000 for FY24 to provide School Based Health Center Services For The Prevention Of Alcohol And Substance Abuse Of Children In Lincoln County.

Councilor Coughlin made a motion to approve the Memorandum of Understanding, Councilor Jackson seconded the motion and upon a roll call vote of all voting "aye" the motion passed.

9. Discussion and Possible Action on Ruidoso Police Department Use of Force Policy Updating Required Mandates Passed in 2023 Legislation, Outlined in Senate Bill 19.

Councilor Jackson made a motion to approve the policy update, Councilor Lutterman seconded the motion and upon a roll call vote of all voting "aye" the motion passed.

10. Discussion and Possible Action on Ruidoso Police Department Policy on Serious Use of Force and In-Custody Death Incidents.

Councilor Hooker made a motion to approve the policy with the amended language from "light duty" to "modified duty"; Councilor Jackson seconded the motion and upon a roll call vote of all voting "aye" the motion passed.

11. Discussion and Possible Action on Approval of Amendment No. 1 to ITB #2023-001B, Agreement with Mesa Verde Enterprises, Inc. for Sierra Blanca Airport Improvements; to Include Schedule II - Reconstruct Taxiway B, in the Amount of \$3,607,573.00 and Authorizing the Mayor or Mayor Pro Tem to Sign the Amendment.

Councilor Lutterman made a motion to approve the amended agreement, Councilor Coughlin seconded the motion and upon vote of all voting "aye" the motion passed.

12. Discussion and Possible Action on Approval of Grant Agreement - Project No. SRR-23-03 with New Mexico Department of Transportations State Aviation Division in the Amount of \$3,930,770 for Reconstruction of Taxiway B.

Councilor Hooker made a motion to approve the grant agreement, Councilor Jackson seconded the motion and upon a roll call vote of all voting "aye" the motion passed.

CLOSED SESSION.

Councilor Jackson made a motion to recess into:

- Discussion of limited personnel matters. § 10-15-1.H.2, NMSA 1978.
- Discussion subject to the attorney-client privilege pertaining to threatened or pending litigation in which the Village of Ruidoso is or may become a participant. §10-15-1.H.7, NMSA 1978.
- Discussion of the purchase, acquisition, and/or disposal of real property and/or water rights by the Village of Ruidoso. § 10-15-1.H.8, NMSA 1978.

Any action taken as a result of the closed session will be brought back into open session.

Councilor Hooker seconded and the motion carried with a roll call vote of all "ayes".

Mayor Pro Tem Salas recessed the Regular Meeting and entered into Closed Session at 2:56 p.m.

Present in closed session were members of the Governing Body, Ronald L. Sena, Village Manager; Lawrence Chavez, Police Chief; and Zach Cook, Village Attorney.

Mayor Pro Tem Salas adjourned the Closed Session and reconvened the Regular Meeting at 3:58 p.m.

Councilor Jackson moved to certify that matters discussed in the closed session were limited only to those specified in the motion for closure. Councilor Hooker seconded and the motion carried with a roll call vote of all "ayes".

ADJOURN.

There being no further business to come before the Governing Body, Mayor Pro Tem Salas adjourned the Regular Meeting at 3:58 p.m.

MINUTES ARE DRAFT UNTIL APPROVED:

Minutes were passed and approved on this 13th day of June 2023.

APPROVED:

Lynn D. Crawford, Mayor

ATTEST:

Jini S Turri, Village Clerk