

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
APRIL 14, 2008

The Council of the City of Ruidoso Downs met in regular session on April 14, 2008. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Mr. Rene Olivo to lead the Pledge of Allegiance. Mayor Armstrong asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Hood  
Councilor Holman

Councilor Williams  
Councilor Olivo

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

Also present:

Carol Virden, City Clerk/Treasurer  
Steve Dunigan, Planning & Personnel Services Director  
Jay Smith, Museum Director  
Alfred Ortiz, DPS Director  
W.T. Martin Jr., City Attorney  
Terri Mosley, Procurement/ Asset Control Manager

APPROVAL OF AGENDA

Mayor Armstrong said next item on the agenda was approval of the Agenda.

Councilor Olivo moved to approve agenda. Seconded by Councilor Holman. Roll Call Votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Armstrong said next item on the agenda was approval of the Consent Agenda.

Councilor Hood said he had a question on the Consent Agenda regarding Accounts Payables. He said the item was on page 7 at the bottom of the page for Emergency Medical Services expenditures for Thomas Chavez. Councilor Hood asked if he was an employee? Mayor Armstrong asked if he would like to pull it out and talk about it? Councilor said yes he would and would like to know more about it.

Carol Virden, City Clerk/Treasurer said Thomas Chavez is a volunteer firefighter and they do have the volunteer firefighters go to training sessions and she believed this was part of that and it was a normal thing.

Councilor Hood said okay. Mayor Armstrong asked if he still wanted to pull it out and Councilor Hood said no.

Councilor Olivo moved to approve the Consent Agenda. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

#### APPROVAL OF MINUTE OF REGULAR MEETING OF MARCH 24, 2008.

Motion was made by Councilor Olivo and seconded by Councilor Hood to approve the Minutes of the Regular Meeting of March 24, 2008. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

#### APPROVAL OF ACCOUNTS PAYABLES

Motion was made by Councilor Olivo and seconded by Councilor Hood to approve Accounts Payables. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

#### PUBLIC HEARING

Mayor Armstrong said next item on the agenda was Public Hearing-Proposed Ordinance No. 2008-01: An Ordinance Amending Section 9-10-6 of the City of Ruidoso Downs Code of Ordinances to Provide for Updates to Zoning District Map of the Municipal Boundaries of the City of Ruidoso Downs.

The purpose of the Public Hearing was to consider Adopting Ordinance No. 2008-01 An Ordinance Amending Section 9-10-6 of the City of Ruidoso Downs Code of Ordinances to Provide for Updates to Zoning District Map of the Municipal Boundaries of the City of Ruidoso Downs.

Mayor Armstrong said the process of the Public Hearing would be first those who oppose the ordinance and second those who support the ordinance. Interested persons may approach the podium one at a time, state their name, and present their testimony. A limit of three minutes will be allowed per person. He stated that he hereby opened the Public Hearing to comments. He asked if there was anyone present to speak in opposition?

Sue Davis came forward and said she lived in Agua Fria and that she owns some of the commercial property that is now being rezoned. She said they set their property up as C-1 and would certainly like to see it remain that way. She said they have restrictive covenants that covers all that where they don't have and gas stations or mess with any petroleum products and that she would think there weren't any people who would enjoy having a bar or gas station and that she opposes any change on that piece of property.

Judy Van Winkle came forward and said they owned Circle B RV at mile marker 265 East Highway 70. She said she was here in response to a letter for changing the zoning from PUD to C-4. She said she owns part of that property near that mile marker. When they were on the ETZ and from her memory she thought they were C-1 and all of the land to the north, south, and west of them was PUD. She said she has been working with P & Z of

Ruidoso Downs to put Circle B back to C-2 zoning. White Mountain Mobile Home Park is a C-2. Silver Leaf RV Park, River Bend RV Park, Lazy Dayz RV Park are all C-2. She said she didn't know why she was changed to C-4 but she would like to put their property at mile marker 265 at C-2. She said also having it as C-4 near the housing district in Palo Verde, she didn't think they want them to be C-4 near their back door and also hotels and motels are C-2. She said they are more along that line of business than what is being considered C-4. She said again that they should be C-2 and not C-4.

Councilor Williams asked if there was an explanation as to why that was done? Steve Dunigan, Planning & Personnel Services Director said he would give a brief history of how they got to this point tonight. The existing zoning map along with the ETZ has been our only reference for all new development for commercial, permitted uses or conditional uses. In 2006 the Planning & Zoning Commission started a series of workshops, public hearings, and in fact held five public workshops for regular P & Z meetings, two public hearings, one that was advertised in the Ruidoso News with the map. They went from there and put out the zoning map recommendations in the quarterly newspaper, posted it on the City website and recently sent out ninety-three letters to all property owners. He said our final recommendations that have been forwarded as you see, we didn't change some of the things we just talked about, they have been known to us for a while, and how it happened was merely an oversight more than anything else. To be consistent is the most important thing and with the zoning recommendations it is true that they have the RV and mobile home parks in predominantly C-2 and in fact that's where they wanted to recommend them and it's an oversight that has been notated already and should be changed to C-2 and that was their view on that. He said they had several other concerns, Sue Davis had mentioned hers too.

Mayor Armstrong asked if there was anyone present to speak in support of the action?

There was no one present who wished to speak in support of the action.

Mayor Armstrong thereby closed the Public Hearing.

Mayor Armstrong entertained a motion to adopt Ordinance No. 2008-01 An Ordinance Amending Section 9-10-6 of the City of Ruidoso Downs Code of Ordinances to Provide for Updates to Zoning District Map of the Municipal Boundaries of the City of Ruidoso Downs.

Councilor Williams asked if what was just stated would affect it if they approve this ordinance? What we haven't done so far? Will that affect the ordinance and how it reads? Mayor Armstrong asked Steve Dunigan if there were any other changes to the zoning that would take place? Steve Dunigan said there had been quite a bit of communication since the letters had been sent out and their concerns had been answered so they actually withdrew their concerns after answering what the actual zone would be changed and what the zone would be allowed for and these were the last two concerns that he had left. Mayor Armstrong asked how many letters were sent out? Steve Dunigan said ninety-three and about five were returned for bad addresses. He said they re-mailed to make the best possible effort possible to reach those. In addition to that we received about a half dozen calls related to these changes from folks from out of town and some local calls. He said they have been aware of these particular concerns and the others he thought they had answered to their

satisfaction and they withdrew any concerns they had. He added that he thought there was a misconception of how much was actually rezoned or what was proposed to rezone. He pointed to the final map that is recommended at this time. He wanted to clarify that all the zones that existed and the additional annexed area as well as ETZ proposals. The highlighted areas are the only actual changes that are recommended after all that period of time so he said it's not as though they had taken whole blocks at a time. He said they were very careful to look at the historic as well as the current use along with the Comprehensive Master Plan. He said they tried to develop it for what has changed over the years from the original map and said again the concerns left were an oversight. Steve Dunigan asked if they would be able to approve this with the two changes mentioned? Carol Virden said if he felt this was a matter that had to go back to Planning & Zoning for discussion and if not the Council can adopt the ordinance with the corrections made tonight on the map. Steve Dunigan said he personally felt it did not need to go back to Planning & Zoning for a full hearing on these two changes alone.

Councilor Williams moved to adopt Ordinance No. 2008-01 An Ordinance Amending Section 9-10-6 of the City of Ruidoso Downs Code of Ordinances to Provide for Updates to Zoning District Map of the Municipal Boundaries of the City of Ruidoso Downs with making the two changes as brought forth tonight by Sue Davis and Judy Van Winkle. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

#### UNFINISHED BUSINESS

Mayor Armstrong stated next item on the agenda was Unfinished Business to consider confirmation to Mayor's Appointments of Special Committees and Boards:

Parks & Recreation Board  
Lodgers' Tax Committee  
Planning and Zoning Board  
ETZ Commission  
Lincoln County Solid Waste Council Liaison  
Budget and Finance Council Sub-Committee  
Economic Development Board  
Beautification Committee  
DWI Council-Ruidoso Downs Council Liaison

Mayor Armstrong entertained a motion to approve appointments of Special Boards and Committees.

Councilor Olivo moved to approve appointments of Special Boards and Committees. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was consider awarding RFP No. 08-05 Professional Engineering/ Architectural Services for City Projects Ruidoso Downs, NM: Consider Awarding RFP No. 08-05 Street Drainage.

Mayor Armstrong entertained a motion to award RFP No. 08-05 professional Engineering/ Architectural Services for City Projects Ruidoso Downs, NM: Approve awarding RFP No. 08-05 Street Drainage.

Councilor Olivo moved to award RFP No. 08-05 Street Drainage to URS Corporation. Seconded by Councilor Holman. Councilor Williams asked if these people were local? Carol Virden said the engineers or architects were local. Mayor Armstrong said all of the engineers and architects were from New Mexico that were considered. Roll call votes: Councilor Hood, Aye; Councilor Williams, Nay; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong said next item on the agenda was consider awarding RFP No. 08-05 Parks, Museum and Recreation.

Mayor Armstrong entertained a motion to award RFP No. 08-05 Parks, Museum and Recreation and said they could discuss it if needed.

Councilor Holman moved to approve RFP No. 08-05 Parks, Museum and Recreation to Design Workshop. Seconded by Councilor Olivo.

Councilor Williams asked if there was a minimum of number of applicants that is required because this one only had two? Carol Virden, City Clerk/Treasurer said no. She said there were only two responses to this RFP for this project. Councilor Williams asked what the process was for this one as well as all others? Carol Virden said this RFP was put out some time ago and the deadline was March 6, 2008. The process for ranking and rating each and every one of these responses is based upon what the RFP specifically asks for. They are ranked on if they met the criteria and there were several that were based on specialized planning and technical competence, capacity, capability, past record performance, familiarity with contracting agents, the contracting agency, and the work to be done in New Mexico, current volume of work with the contracting agency not 75% complete, the availability and accessibility to the city technical staff and contract. Councilor Williams said when these points are awarded to each one of the categories, do you have a specific number that you have a criteria to work from and do you hold to a certain number required for a total? Carol Virden said for instance specializing in the planning and technical part of the RFP is the points allowed for the RFP is twenty-five. Each one of them has a point system. Councilor Williams asked that when these points are added up with the committee, was a committee involved? Carol Virden said the committee was Mayor Armstrong, herself, and Terri Mosley the Procurement officer. Councilor Williams asked if she and Terri had been through this before? She said yes. He asked if this was the Mayor's first time? She said yes. Councilor Williams asked if the Mayor understood the process and what he was doing and given updates on what was required when awarding these points? He said points can be thrown out there by a judgmental approach if you really don't know a lot about what you are rating a lot of times. Carol Virden said the Mayor was given the requirements of the RFP to base the ranking and rating on each of the four categories.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong said next item on the agenda was consider awarding RFP No. 08-05 Water System Improvements.

Mayor Armstrong entertained a motion to award RFP No. 08-05 Water System Improvements.

Councilor Hood moved to award RFP No. 08-05 Water System Improvements to Huitt-Zollars. Seconded by Councilor Holman.

Councilor Williams said he was reading down here that it says, "the staff will enter into a contract continued upon successful negotiations, the annual contract option will be to renew annually, not to exceed four years." He asked if that was once when we completed our approval of these agencies and the City goes into negotiations with these companies? Carol Virden, City Clerk/Treasurer said yes. Councilor Williams asked how that works if they've already been approved to do the information on these particular systems that we have? She said Terri Mosley was here and would explain that process to him.

Terri Mosley, Procurement/Asset Control Manager said she was able to contact and negotiate with the highest rank and she would bring it back to them and ask them to go with the second highest rank. Councilor said he was talking about the contract and what does the contract outline as their responsibilities? Terri Mosley said it's the base rate and because these are on call engineering firms would be a pass porter type base. For example, if we have a project we will give them our description and then we will ask them to give us a lump sum dollar amount. Councilor Williams asked if that wouldn't be for any particular project or was that for a whole water system improvement project? Specifically there's nothing out there that outlines like okay, we're going to put a water system in on Wood? Terri Mosley the RFP has to be specific and some of them are more intense than others. Councilor Williams said in the past we've had contracts with some of these and asked if we've had problems with any that she knew of? Terri Mosley said we have not had any with on call engineering firms like this but where she worked previously it worked fine. Councilor Williams asked if this was the first time like this for Ruidoso Downs? Terri Mosley said yes and it was common and a lot of places do that. Councilor Williams asked why now? Terri Mosley said we have a lot of projects in the works and if we didn't do it like this we would have to do an individual RFP each time we did a project. Councilor Williams said say the second highest was lower say in this particular instance, this one has 256 points and the second one had 230 points or say the second one had 203 points, quite a difference of points if you're rating them in the categories that we talked about. Does that give you any comfort zone he asked to think that they are reputable enough to award the contract? Terri Mosley said if there was any problem like that they always have the option of going out again and publishing a separate RFP. Councilor Williams said looking at the numbers in this particular instance we had ten bidders. He said he was just curious and did not know we were going in this direction. Terri Mosley said this was published before the election. Councilor Williams said as a newly elected council member he understood some of the responsibilities within the management force but to give them a better understanding of what we have here he would like to have a little more detailed information that way he could comprehend what they were doing here and why they were doing it. He said they just got the information here in the packet and he was reading through it but not knowing why it was happening now this hadn't happened in the past among these projects we have available. He said he needs a concept of what we're doing here which is obviously pretty important to the City and needed to be more aware of it so the decision he makes being yes or whatever would be acceptable not only to himself but to everybody who is here. He said he would have liked to have had more information and didn't know if that was the normal way or proceeding with this but that

was just his take on this because he needs to know a lot about what he is doing to make a decision that may be important to the City financially down the road and be able to understand how it works and how it was developing. Mayor Armstrong said he understood what he was saying but was not sure if the councilors want to know too much if you have to vote on it in here, it might change some things. Councilor Williams asked what it would change? Mayor Armstrong said we wouldn't want to be put in that position but about being aware of the process we'll be there. Councilor Williams said just to want to be included and he realizes whatever comes out of the office in there out of the management portion that they decide on it in a voting quorum. The information is very vital in anything they decide on and that's something he felt was lacking in this one.

Mayor Armstrong asked if there were any other questions?

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was consider awarding RFP No. 08-05 Wastewater System Improvement.

Mayor Armstrong entertained a motion to award RFP No. 08-05 Wastewater System Improvement.

Councilor Williams moved to award RFP No. 08-05 Wastewater System Improvement to Dennis Engineering. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was discussion and approval of position of Payroll/Personnel. He said this was a position that we had before and said he believed he had explained to all of the councilor members on this.

Mayor Armstrong entertained a motion to approve position of Payroll/Personnel.

Councilor Olivo moved to approve position of Payroll/Personnel. Seconded by Councilor Holman.

Councilor Williams said first of all he would like to ask, this position for Payroll/Personnel, and he's read the job description on it, and there's a couple of areas he was concerned about. He asked in that reference to personnel, what is it taking away from the office that we have right now that deals with personnel? What is going from one to the other? Mayor Armstrong said it takes it from our present department and puts one person in charge of this. We have a split department, we have two departments doing the very same thing and what he was trying to do was put both together, they do fall hand-in-hand. The way we had it before you had a disconnect if you don't have it together. He said we've had some problems here with different things going on and we do have other plans for the other personnel doing this in other fields. If an employee needed to come in they would have to either wait so it creates a real problem for that and also it could be handled in more of a private nature. The person now does a very good job with it but he is limited to his spaces and it just loses its privacy of this action here. Councilor Williams said when you talk about privacy obviously the office is a walk-through but if he had to have privacy the chambers here is

one option and he could do his interview or discussion with the personnel in this facility right here and have that privacy factor taken care of. What we're talking about is adding another position for "x" amount of dollars. Do we have an annual salary for this position? Carol Virden said it was in his packet. Councilor Williams said yes but he wanted to be assessed of what it would cost to have this individual. He said right now is not the time to be adding positions during the end of the budget year as we are. He said he knew it would be prorated for the next couple of months, that's fine, but that's still funding coming out of the budget right now for a position that we really don't need to have right at this moment. He said he thought we had adequate people, we have three people that deal with the budget and that would be Annette Wallace, Terri Mosley, and the City Clerk. To add another position and add the money that goes with it, the timing is not there. He said he disagrees with the fact that they want this position now yeah, obviously there's a lot that can be accomplished in what the qualifications are but he was skittish about wanting to throw money out right now in a position that he would rather wait until we've got everything that we need to have accomplished. Then we can consolidate whichever direction you want to go. There's a lot more going on that we need to take care of than to have this. Mayor Armstrong said he thought very hard about this but this position was needed to helping the changing of two other departments. Each department will work separate of itself not have one person over all of these departments. It also did not tie in both of these payroll and personnel, it did not tie them together and it should be. He said he understood the timing but it worked well before and he felt it was needed. Councilor Williams said it also says here, "reports to Finance/Procurement and Asset Control Manager." He said he understands that is Terri's position, now she doesn't deal with personnel does she, she deals with particular issues in her office and what her job description identifies. How can it be "reports to her" be asked to deal with any personnel issues? Wouldn't that go to either the personnel officer or the City Clerk because right now we don't have an administrator so we have a void in that for reporting in the personnel part of it? Mayor Armstrong said they have to report to someone but the restructuring is creating different people they have to report to because we have a break. We have one department doing one thing and another department doing another and they're dealing with a lot of issues with the same person of that personnel. He's not sure as to why it would bother him of who they should report to. Councilor Williams said it was important because he didn't know what Terri's expertise was in personnel and when you read this there's some decisions that she may have to make to deal with whatever may come up concerning some of the inquiries that may be made. He just wasn't sure if she had the knowledge, skills, and characteristics needed here. Mayor Armstrong said there were rules and state laws that govern any of these positions for that. Councilor Williams said he was opposed to it. Councilor Holman said they sure didn't want to overload Steve Dunigan and said tonight sure did show how thorough he was. He said he's watched him for some time and does a great job doing the job he's done and tonight was a good example of how he handles his projects and with the zoning. He's very thorough he said but he has a lot to do. With Code Enforcement and some of the things he has to deal with it's a tough job. He said he understands what Councilor Williams was saying and there has been some thought to reorganization. Councilor Williams said we also don't want to take away some of the expertise that is vital for us at this time. He asked Steve Dunigan if he has addressed having too many responsibilities? Steve Dunigan said no. Mayor Armstrong said even if you put everything on top of Steve he wouldn't say he was overworked. Councilor Williams said it shows what kind of man he is and he does a good job. Mayor Armstrong said they were trying to do this so the City can move forward. Councilor Holman said he had one more question and asked if there were plans to add to Steve's job description? Mayor Armstrong said there were no plans to add to but to relieve some of the pressures so he could

perform better with less overload. He said Steve would be asked to do Planning & Zoning, Code Enforcement and supervisor over the Building Department.

Roll call votes: Councilor Hood, Nay; Councilor Williams, Nay; Councilor Holman, Aye; Councilor Olivo, Aye. Tie vote. Mayor Armstrong voted Aye; Motion carried.

Mayor Armstrong stated next item on the agenda was discussion of adopting a Severance Pay Plan.

W.T. Martin, Jr. said at the last meeting he was instructed to present positional data in reference to a proposed Severance Pay Plan. He said they would find a spreadsheet in their packages reflecting costs for at will employees. The department heads are included in a Severance Pay Package. He said he was also instructed to include a two-month calculation. You can see in the spreadsheet it was based on salary, clothing, and attendance for two months, the 7% PERA contribution. Then they had a choice on how to deal with health and hospitalization and in this example he including not only what the City would pay but if they went through a cobra pay. In front of this spreadsheet there were totals based on two months of severance pay and the cost would be for the City Clerk, Public Safety, Planning & Zoning, and Public Works. He said it was important to note that the likelihood of ever having to pay the Severance Pay Package all at one time was virtually nil. He said he felt the City should certainly consider a package and would put them in a more competitive position and is fair to the at will department heads. Councilor Williams asked when he figured the City Clerk at \$26,300.00 did it take in the salary and 7% employers pension in the cobra? W.T. Martin, Jr. said yes. Councilor Williams said his figure for Public Works came out to \$27, 321.00. Also, the museum was part of that severance plan. W.T. Martin, Jr. said he probably hit the wrong number and that Jay was on the second page of the spreadsheet and he didn't bring it up. He said it gives them an idea of what would happen if things happened all at the same time. Councilor Hood asked if we were to do this and say if we had to pay the City Clerk would the sick leave and everything that is accumulated go to nil or would we have to pay that? W.T. Martin, Jr. said sick leave was not part of the Severance Pay Package. Councilor Williams asked if it was the two-month package they were to consider tonight? He asked at this moment what at will employee could qualify? W.T. Martin, Jr. said any employee with a five-year tenure. After discussion it was noted that currently Carol Virden and Steve Dunigan would qualify. W.T. Martin, Jr. said this should be budgeted for in the budget process.

#### OTHER BUSINESS

Mayor Armstrong stated next item on the agenda was Other Business and items are for discussion only-no action will be taken. The next item was Certificate of Destruction-Marked Paper Ballots March 4, 2008 Municipal Elections. (Information Only)

Councilor Williams asked for explanation. Carol Virden, City Clerk/Treasurer said under the Municipal Election Code No. 3-8-62 of the New Mexico State Statute 1978, after the issuance of the Certificate of Elections to the newly elected officers, thirty days from that date we destroy all of these marked paper ballots. She said the thirty days was on April 6th and she chose to destroy on April 10th. She said these were all of the paper ballots for the March 4th election.

## NEW BUSINESS

Mayor Armstrong stated next item on the agenda was Phyllis Reed-Ruidoso Public Library-FY 08-09 Budget Request.

Phyllis Reed said she was here tonight with two of their Advisory Board members, Scott Roser, President and Dr. Howard Tate. She said she was here to thank the Ruidoso Downs citizens for making the Ruidoso Public Library successful. She said the Ruidoso Downs citizens have been a great part of that. Last year there were 124,000 people visit the library and over 150,000 items were checked out. Phyllis Reed said she brought with her some statistics and put them before the council. She said as a quick run-down they are in a building that was built ten years ago at 1.6 million dollars. They have computer labs for children and adults, an art room, a toddler's room, and a meeting room for non-profit groups. They have a "Friends of the Library" bookstore where they sell used books. She said many Ruidoso Downs citizens volunteer in that bookstore. She said a lot of our citizens come and use the library. Included was a list of all the services provided by an incredible staff and one of their staff is actually a Ruidoso Downs citizen. The library collection is forty thousand and they are open 2,476 hours a year. Saturday hours have been extended for the kids from 9:00 a.m. to 4:00 p.m. rather than 9:00 a.m. to 1:00 p.m. They serve all of Lincoln County with Ruidoso Downs being an important part of that. In blue at the bottom of the second page it shows 7% of the 15, 550 people who have a library card are from Ruidoso Downs which is 1,130. Last year 576 used their card and checked out 2,103 items and 688 were kids. Public access computers were used 4,000 times last year by Ruidoso Downs citizens. Two Ruidoso Downs citizens are on the Advisory Board, Connie Chisholm and Ellen Roberts. She wanted to share a vision that she and the library board has. They are seeing that the library will soon need to be a city/county library as they are serving the entire county. They may need branch libraries in the future in Ruidoso Downs, Hondo, and Corona. To do this they are going to have to ask for our help.

Scott Roser said he would like to appeal to us on a level of local government. This is an opportunity for Ruidoso Downs to be pro-active. He said Phyllis Reed has been the best thing to happen to them since they got the books really. He said they would ask that Ruidoso Downs could match that the Village of Ruidoso puts up \$444,000.00 per year and they ask that we match 1% which is \$45,000.00 and he promised that it would go to good use.

Councilor Williams said he visited and had a tour of the library. He said he was very impressed with the opportunities available and felt it was vital to share within the community for kids and adults.

Mayor Armstrong thanked them and said it would be passed along to the budget committee.

Mayor Armstrong stated next item on the agenda was consider restructuring position of City Clerk to City Clerk/Administrator with salary increase. He said he felt this was a position that needs to be made or moved into where one department could handle with other issues from the vacated manager.

Councilor Williams said again we are creating another position that will have to be funded. He said he understands that we have the vacant City Manager position and right now we're not in a crisis for hiring one or even going in that direction. As he reads the job description for City

Administrator, the duties and responsibilities that would be vacated over to the City Clerk, he would obviously ask what they had in mind on that? He said at the time and with the kind of money they're talking about of having this position, although it is not a new position, the money that is added to it could be for a new position. It is funding on salary-wise and he said he was not comfortable with spending the money although it is prorated. We need to make due and fund it next year. Until he finds more positions that would be transferred over into that and justify it he needed to be assured they weren't going out there making position and throwing money out there and not being able to say, "okay, we can hire a city administrator in the future and go with that until that happens." He said he looked at the numbers and it was a lot of money. The budget is coming up and they have to consider having the money, possibly, for employees and maybe giving them a raise. This would not strike them very well as a well-managed city and how they take care of their employees. He said he was going to go the same way on the next one. He said he knows they were considering it and were not going to vote it. Councilor Hood asked if they were voting on this tonight? Carol Virden, City Clerk/Treasurer said it was "Consider Restructuring." Mayor Armstrong said the reason for this is it has added work to the City Clerk for things that we need to move forward on. Councilor Williams said moving forward was fine but he needed to know what was being transferred to her and see what those responsibilities were going to be. What is going to justify the raise? Do we know what is going to come out of the administrator's portfolio identifying his jobs and responsibilities and what's going to go into hers? Mayor Armstrong asked if he was saying administrator or manager? Councilor Williams said administrator and was looking at it: provide professional advice to the mayor, issues written and oral instructions, maintains harmony among workers, manages and supervises all departments. The knowledge and skill level that's required to have the justification of doing these tasks is outlined here but he doesn't see it outlined in the City Clerk's job description. How can we move some of these into her position and not take anything away from her when we should hire a city administrator and let do according to what we have? Councilor Hood said he would like to have back a city administrator like we did in the past. Councilor Williams said we have a mayor and city clerk so there's a lot of vacuum of what's not being done because of that vacuum possibly that if a city administrator came in and said, "this is what you're supposed to do, this is what you're supposed to do, that's all you're supposed to do." That way we could then maybe throw a little more on her side. Right now he has nothing written down that says to him, "this will go over to her, this will go over to her." He said he was using the term "her" but means the position. He said all he was asking for was information. If they want to vote on this restructuring then information is vital not only for him to understand it but to make a decision financially that could possibly burden the City in the future. Mayor Armstrong said the City is involved with a lot of grants and this would be extra work put on the clerk at this time in which she has the knowledge and experience to do this. Councilor Williams said all he wants to know is what will be transferred over because she will be / Administrator so what will be over there as part of the administrator job that will be hers? He said all he got was the job description for Carol but didn't know what was going to be given from here into here to justify the restructuring. If he made a decision it would be in black and white to justify.

Mayor Armstrong entertained a motion for restructuring position of City Clerk to City Clerk/Administrator with salary increase.

Councilor Williams moved to table restructuring position of City Clerk to City Clerk/Administrator with salary increase. Seconded by Councilor Hood. Roll call votes:

Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Nay.  
Motion carried.

Mayor Armstrong stated next item on the agenda was consider restructuring position of Procurement/Asset Control Manager to Finance/Procurement/Asset Control Director with salary increase.

Mayor Armstrong entertained a motion for restructuring position of Procurement/Asset Control Manager to Finance/Procurement/Asset Control Director with salary increase.

Councilor Holman said he did have a question about the salary increase and said of course they would discuss this since it may be tabled. He said he and Councilor Williams were on the budget committee but had not yet sat on that to know where they were but that was something they did need to look at on both of those positions as to how much of an increase.

Councilor Williams moved to table restructuring position of Procurement/Asset Control Manager to Finance/Procurement/Asset Control Director with salary increase. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong said next item on the agenda was to consider approving annual agreement between City of Ruidoso Downs and Martin Law Firm.

Mayor Armstrong entertained a motion to approve annual agreement between City of Ruidoso Downs and Martin Law Firm.

Councilor Hood moved to approve annual agreement between City of Ruidoso Downs and Martin Law Firm. Seconded by Councilor Williams.

Councilor Williams said this agreement was made in May of last year. He asked if this agreement carried over into this year in what we have and what the services were outlined to be? He asked if there were any changes? W.T. Martin, Jr. said it was a four-year contract with an annual renewal. Carol Virden, City Clerk/Treasurer said this agreement prior to Mr. Martin coming on board was also put out in an RFP. They did go through ranking and rating and Mr. Martin was ranked appropriately. The RFP was issued way prior to April 2007. Councilor Williams asked if this was just a carryover? Mr. Martin said yes. Carol Virden said it was renewed annually for up to four years. Councilor Williams asked if they were to entertain another application for attorney would that be done before the original RFP with Mr. Martin? Carol Virden said they would have to do the RFP process and give Mr. Martin the opportunity to respond to the RFP and keeping Mr. Martin under a monthly contract. Councilor Williams said the communication has been great and Councilor Hood said he has done a very good job.

Councilor Holman said this just came up on the agenda today and he too agreed that Mr. Martin has done a good job and kept them informed. He said they should look and see if they want to open it up see whether or not they want to have RFP's and get applications. He said he would like to table it.

Councilor Hood said he certainly didn't want to go out for RFP's when we have an excellent attorney on staff.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Nay; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong said next item on the agenda was discussion on Escondido Hills-Cliff Rowe.

W.T. Martin, Jr. said in the last two weeks there has been a lot of activity in relation to Mr. Cliff Rowe and Escondido Hills project. Since discussion at the last meeting Mr. Rowe has had a number of demands placed on him by the City. Certain deadlines and criteria were placed upon him that he had to meet or the City would rescind authorization that had been given. The first problem was that there was not a required Performance Bond in place. It had been approved on April 1, 2007. The Performance Bond has now been posted. Other demands were that a set of plans was to be submitted to the City and tentatively approved. The plans have been submitted and have been tentatively approved. Steve Dunigan, Planning & Personnel Services Director, acknowledged this. Another issue was the condition of the property and a demand put upon Mr. Rowe for cleanup and repair. He said Steve Dunigan has looked at the property and the first part of this has been met. He said the position the City is taking is that there has been an obligation entered into with Mr. Rowe. Mr. Rowe is going to have to meet his obligation and performs within the deadlines and criteria established by the City. He said it has been made clear that there will not be ongoing extensions or delays.

Steve Dunigan he didn't have much to add except that the cleanup will be ongoing and not just a one-time thing. W.T. Martin, Jr. said this is a large project and the City will monitor it closely.

Mayor Armstrong said the next item on the agenda was consider approving WWTP Operational Billing-February 2008.

Mayor Armstrong entertained a motion to approve WWTP Operational Billing-February 2008.

Councilor Williams moved to approve WWTP Operational Billing-February 2008. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was consider approving submission of Colonias Initiative Grant-WWTP State of New Mexico Department of Finance and Administration.

Motion was made by Councilor Olivo to approve submission of Colonias Initiative Grant-WWTP State of New Mexico Department of Finance and Administration. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was consider approving Personnel Action-Promotion-Museum-Patricia Valdez.

Mayor Armstrong entertained a motion to approve Personnel Action-Promotion-Museum-Patricia Valdez.

Jay Smith, Museum Director said Patricia Valdez has been an employee of the museum prior to the facility being donated to the City of Ruidoso Downs. She is an excellent worker and has advanced from being a seasonal position to a part-time position and he said he was hereby recommending her for a full-time position. He said he would like to bring to their attention was that we've always tried to look for efficiency for the operations of the City and department heads talk. One of the discussions was that they needed some additional help in taking care of the monument area at the museum and that City Hall could use someone who cleans up here everyday to free up another person to spend more time with Public Works. We talked to each facility about this and the recommendation was that Patricia move to full-time at the museum under the museum payroll. She would then come to City Hall in the mornings each day and on occasion when special duties were needed especially by the Police Department. In return Public Works would provide a worker to come to the museum once a week to assist them with grounds keeping and control of the monument area. He said they felt this was a win, win, win situation all the way around.

Councilor Williams moved to approve Personnel Action-Promotion-Museum-Patricia Valdez. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was consider approving Resolution No. 2008-07 Fire Restrictions.

Chief Ortiz said this resolution is in light of the extreme fire danger in Lincoln County. In recent weeks there have been several fires spring up throughout the county and surrounding area. This resolution will hopefully provide some standards of consistency for the entire Lincoln County. He introduced Tom Gavin, Chief of the Ruidoso Fire Department to go over how important it is to have this resolution and to let the community know we want consistency throughout the county.

Chief Gavin said the Village of Ruidoso adopted this year a three-step ordinance of fire restrictions. He said they have restrictions in place all year round. The Village of Ruidoso does not allow fires during the course of the year nor do they allow fireworks, which is different than the counties around us. This week they are proposing no smoking outside and no open fires or charcoal and wood briquettes. The third tier, the worst-case scenario would be no outside flame at all. He said we're not there yet. The difference between the plan that Ruidoso and Ruidoso Downs are proposing together is a quantitative assessment of fire danger. This is totally different than what has ever been done before. The proposed plan is to put restrictions in place when we get a certain level of fire danger based on fire weather. He said they download data from the fire weather library in Colorado everyday. The tier they are proposing to go into now is the top ten fire danger times in Ruidoso/Ruidoso Downs. The Village of Ruidoso has done that and he said he hoped Ruidoso Downs follows suit to make it clear to the public. He said if we don't work together then we have a confused public. He said they don't do it light-heartedly because it does cause hardship to people but they feel it is a bad fire year this year. What he wanted the Council to know was that it was quantitative and not based on someone's opinion. Chief Gavin said we are in the second tier and were still allowing gas grills.

Mayor Armstrong entertained a motion to approve Resolution No. 2008-07 Fire Restrictions.

Councilor Williams moved to approve Resolution No. 2008-07 Fire Restrictions. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was consider approving use of All American Park-Ruidoso Downs Auxiliary-Labor Day Weekend.

Councilor Olivo moved to approve use of All American Park-Ruidoso Downs Auxiliary-Labor Day Weekend. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was consider adopting a Severance Pay Plan.

Mayor Armstrong entertained a motion to adopt Severance Pay Plan.

Councilor Olivo asked if they hadn't already approved the Severance Pay Plan? Carol Virden, City Clerk/Treasurer said they needed to choose two months, three months etc.

Councilor Olivo moved to approve Severance Pay Plan for two months. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was Ruidoso Downs Chamber of Commerce-Presentation-C.E. "Pappy" Bell.

C.E. "Pappy" Bell said he has recently been appointed the President of the Ruidoso Downs Chamber of Commerce. He said they hoped to move forward very quickly. Mr. Bell said Jay Smith was also on their board and they had a very good meeting recently. Another meeting is scheduled within the next two weeks. They are working on a membership drive to get as many businesses as possible connected to their chamber. He said he was here tonight to ask the mayor and council to move forward on their building. He said he understood there was \$100,000.00 set aside for a Visitor's Center at the Cigarette Alley location. However there has been talk in recent weeks for a different location for this building. He said they asked to be placed on the agenda tonight to let them know they were trying to move forward.

Mayor Armstrong stated next item on the agenda was discussion of Proposal Request-Certain Properties to the existing City of Ruidoso Downs Sewer Line from Palo Verde Slopes to Highway 70-Weldon and Sharla Ganaway-Bob and Shelly Layher-Floyd and Deanna Ganaway-Tony and Toni Bolden.

Deanna Ganaway said this is a request for the residents of Palo Verde Slopes. They are close to the highway and it would help promote the water quality if everyone was connected to the existing lines. Councilor Williams asked if they have problems with contaminated wells? She said yes. He asked how many residents in Palo Verde Slopes and she said about one hundred, that it was quite a large subdivision. There are small lots and a number of large ranchettes. She said the water

quality has been tested by the state and there are a lot of wells that do not have good health conditions. Councilor Williams asked if they were not hooked up to sewer lines would the health issue continue and get worse? She said yes, geological formation in that area is not conducive for proper filtration for a septic tank to filter down like it should back into the water supply. Councilor Williams asked if Palo Verde Slopes was in the City? She said no but that it was adjacent to the annexation that was just done. Councilor Williams said knowing the situation with the wastewater he asked Steve Dunigan if they tapped into our sewer system would it affect or alter or create any problems? Steve Dunigan said a couple of issues were at hand and one being there hasn't been any bar level set in bringing new customers on board. There haven't been any restrictions that he knew of. At a level of 100+ customers he was not in a position to say yes or no. He said that would have to be studied. Any hookups outside of the City, and he referred to Article 4 of the Sewer Ordinance, that it would not be permitted without prior approval of the Council. He said this is an issue the City needs to take under advisement and to study. Councilor Williams said the issue of contamination was definitely a big item for him and he would be for doing it if we had the chance to. Councilor Hood asked if the whole subdivision would have to be annexed to be in agreement with the JUAB and if we did what kind of money were we looking at? Mayor Armstrong said this item is for discussion only and this should be considered. Steve Dunigan said he provided the Sewer Ordinance Article 4 and Section 910-40 for annexation. The first paragraph says, "annexation of land shall not impose an economic burden on the village or result in a indirect subsidy of services by the village." It also states, "evidence shall be provided by the petitioner about the structure not limited to streets, sewer and water lines, public facilities including fire stations, parks and operating services including such as fire and garbage collection and to accommodate any potential development within the area annexed." He said this is something that needs to be looked at in detail and we don't have enough information tonight. He said any contamination of the river is of concern. Deanna Ganaway said she would be willing to provide copies of any reports. She thought at one time residents in Agua Fria were able to hookup without being annexed and that is what brought this idea to mind. Mayor Armstrong said Agua Fria was not on our sewer system at this time but that we were in the process of this happening.

#### PUBLIC INPUT (3 minute time limit)

Mayor Armstrong asked if there was any public input?

Joe Blaney said he was glad a few of these things were tabled this evening. Anytime you're talking about an 18% increase in salary or a 32% increase in salary they need to look across the board. There are a bunch of employees around here that haven't seen a 2% in a long time. He said he knows the workload on these people would be increased but he would like to see what would be transferred over as Mr. Williams would. He said he would like to see the justification for this pay increase. Other than that he would like to see Ruidoso get something in place that shows we have 15% of this flow and said he didn't believe they can guarantee us 15%. The amount of people we have hooked up is less than the amount of flow from the Travel Center, Inn of the Mountain Gods, and the other subdivisions over there. There is no way they can convince of that.

Sharon Paul said she was a resident of Agua Fria. She said she was glad to hear they got some money from Cliff Rowe. She said she belongs to a Wildland Urban Interstate group coalition including the Forest Service, BLM, State Forestry, Village of Ruidoso, and Mescalero Apache Tribe. She would like to see Ruidoso Downs have a representative there. She said they meet every other month and it would be good to talk to everyone there about fire restrictions, grant money, acres

treated. It is time to be prepared and to be proactive not reactive and Ruidoso Downs needs someone to go to these county meetings to have the information to prepare for wildfire prevention for the community.

Jim Burrow said he has been a resident for a long time and that we've had a payroll system that has worked real good. We've had a personnel department with checks and balances that has worked very well. He said his opinion was, "why do we repair something that isn't broken?" He said we need to go into a city manager deal and leave everything else the way it is. He said he was glad to see they approved Mr. Martin. He thanked Mr. Williams for all of his comments and said he was going to make a good councilor as long as he keeps making these comments. He wished the mayor a very successful four years and he would like to see the mayor talk to his people before making decisions. He said Steve Dunigan has done a very good job in Code Enforcement and in the Personnel Department.

#### EXECUTIVE SESSION

Mayor Armstrong stated next item on the agenda was Executive Session: Discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7: Wastewater Treatment Plant: Escondido Hills and CV-2006-0337

Mayor Armstrong entertained a motion to go into Executive Session for the discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7: Wastewater Treatment Plant: Escondido Hills and CV-2006-0337

Councilor Hood moved to go into Executive Session for the discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7. Seconded by Councilor Williams. Roll call votes: Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong closed the regular meeting at 7:27 p.m. and invited W.T. Martin, Jr., City Attorney, and Carol Virden, City Clerk, into the Council Chambers after a five-minute recess.

Mayor Armstrong entertained a motion to go back into open session.

Councilor Hood moved to go back into regular session. Seconded by Councilor Williams. Roll call votes: Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong called the regular session back to order at 7:53 p.m. and Councilor Holman attested to the fact that the only items discussed in Executive Session were that of threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7. and no actions were taken.

ADJOURNMENT

Mayor Armstrong entertained a motion to adjourn.

Councilor Hood moved to adjourn at 7:54 p.m. Motion seconded by Councilor Holman. Motion passed unanimously.

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Tom E. Armstrong, Mayor

ATTEST:

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Carol Virden, City Clerk/Treasurer