

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
RESCHEDULED REGULAR MEETING
OCTOBER 6, 2008

The Council of the City of Ruidoso Downs met in a rescheduled regular session on October 6, 2008. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Steve Dunigan, Planning & Zoning Director 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 & Zoning Director
Jay Smith, Museum Director
Alfred Ortiz, DPS Director
Terri Mosley, Finance Director
Cleatus Richards, Public Works Director
W.T. Martin Jr., City Attorney

APPROVAL OF AGENDA

Mayor Armstrong stated next item on the agenda was approval of the agenda.

Mayor Armstrong said he had changes to be made to the agenda.

Chief Ortiz, DPS Director requested that two items be tabled. He asked that Item B & Item C under Unfinished Business be tabled because these two items were still under review by the attorneys for the Village of Ruidoso and we have not received them back. Carol Virden, City Clerk/Treasurer said that would be to postpone.

Mayor Armstrong said he would also like to pull Item 10 G under New Business indefinitely.

Councilor Williams moved to approve the agenda with the changes asked for by Chief Ortiz and Mayor Armstrong. Seconded by Councilor Hood.

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

APPROVAL OF CONSENT AGENDA

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

Councilor Olivo moved to approve the Consent Agenda and to pull the Senior Citizens department on the payment made for refrigeration in the amount of \$393.47 on page 2 of Accounts Payables. Seconded by Councilor Holman.

Councilor Olivo said there is this bill for \$393.47. He said he came across a contract between the City of Ruidoso Downs and Lincoln County. In Article 12 of the contract states that the County is supposed to pay for all maintenance or equipment on the Senior Citizens building and his question was why do our citizens have to pay this? Terri Mosley, Finance Director said she thought that Public Works initiated the purchase and found that contract after they turned in the requisition. Councilor Olivo asked if there was a revision to that contract? Carol Virden, City Clerk/Treasurer said the contract calls for routine repairs and she didn't know if this would be considered a routine repair. Councilor Hood said this was a follow up from MSG because the air conditioning was originally approved before he was on the council and that was a follow up for the leakage that was in the building. It was leaking through the roof and the ceiling and was going to damage the Senior Center more. He said it was tearing the roof up and the floor and it was part of the original deal and they have had problems ever since it was put in. Carol Virden, City Clerk/Treasurer said the City of Ruidoso Downs has always budgeted funds for the Senior Citizens specifically for building maintenance and repairs as well. Councilor Olivo asked if the contract was valid? Carol Virden, City Clerk/Treasurer said the expense is a valid expense.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF SEPTEMBER 22, 2008.

Motion was made by Councilor Olivo and seconded by Councilor Holman to approve the Minutes of the Regular Meeting of September 22, 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 Holman to approve Accounts Payables.

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 Discussion of Billy the Kid National scenic Byway Visitor Center Operating Proposal.

Jay Smith, Museum Director said as follow up to the previous council meeting he was to do a study on this and make a recommendation of which they would find in their council package. To be brief, he said they discovered there was a contract for approximately \$5,000.00 in

services that was signed in 2001 and was in effect until 2004 for the operations and promotions of the Scenic Byway Center. He said the proposal that was presented two weeks ago was for approximately \$23,500.00. One of the things asked of them two weeks ago was what was the benefit to the museum for this? He said evidence does suggest that a good number of people go directly to the museum after stopping at the Byway Center. He said he would guess that it is more than \$5,000.00 in value. The other side of that equation is that they send a lot of people to the Byway Center as well. He said the \$5,000.00 that was requested was not specified to what account. One of the things they talked about was that if the council was to award this then it should come from the Lodgers' Tax Funds, which is not from the citizens of Ruidoso Downs or the General Fund but rather from the folks who come and stay at our hotels and cabins. Lodgers' Tax Funds are designed to support tourism related activities. As such, for the direct relationship between the Byway Center and the Museum that they are proposing for their consideration today is that they agree there should be more opportunity for cross training and that they need to bring the Byway Center staff over to the Museum when there is significant change in our floor, plans and exhibits or when there are programs coming up. He said the Museum frontline personnel would benefit from a tour from Byway personnel of the entire Byway so they would be promoting the entirety system. Jay said he wanted to get on to Economic Development because it is really the key for our citizens and the council as a whole. He said one thing the Byway does and that is getting people to stop, which have an impact on businesses. He said there is a greater economic impact than \$5,000.00 being advocated in this proposal. The figure that is typically used by tourism departments across the nation is \$160.00 per overnight visitor and he thought it might even have grown to \$185.00. Jay Smith said there is a significant impact from the Byway Center and at this point he feels the \$5,000.00 or more from the Lodgers' Tax would be justified.

Laura Doth said she would agree with Jay Smith. The Byway Center is funded from the Village of Ruidoso through the Lodgers' Tax Fund also. Councilor Williams said the consideration for the \$5,000.00 Lodgers' Tax is later on in the meeting and this item is for discussion of the operating proposal and that is the one with \$23,500.00. He said there would probably be no problem with the \$5,000.00 but the \$23,500.00 is half of their operating cost. Laura Doth said she could clarify where that number came from. During the original setup of the Byway Center the staffing was done on a break-even basis with an agreement with the Hubbard Museum of the American West split evenly with the Village of Ruidoso and the City of Ruidoso Downs. Taking the portion out of the equation of the Hubbard Museum of the American West they just took those revenues and split them 50/50 as was done before. Councilor Williams said we stepped out of the agreement in 2004 and that in the agreement itself there were no time requirements. Laura Doth said she was not in on the original agreement but it does say that it would be visited annually. Councilor Williams asked if she knew why the City stepped out of that? Laura Doth said she did not know but when she took over she did find out from Lori McKnight with the Village of Ruidoso that she had spoken to John Waters with the City and nothing ever became of that. Councilor Williams said in the current agreement it stipulates two areas, one is \$5,000.00 for operation of the Center and the \$5,000.00 for improvements of the Center, two separate items of that original agreement. He

asked if that was part of the agreement in cutting half of the chain of operating costs and if that was part of the \$23,500.00? Laura Doth said yes. Councilor Williams asked where that funding came from since 2004? Laura Doth said it all came from Lodgers' Tax from Ruidoso. Councilor Williams asked if they had gotten any assistance from the State? Laura Doth said no.

OTHER BUSINESS (items are for discussion only-no action will be taken)

Mayor Armstrong stated next item on the agenda was Other Business and items were for discussion only.

Councilor Williams said on October 18, 2008 is the Trek for Trash annual cleanup for the second half of the year. He said he would like to invite everyone to participate. He said it runs from 8:00 until noon in All American Park. He said they encourage anyone who wants to cleanup a neighborhood or the general Highway 70 corridor.

Chief Ortiz said on Labor Day the DPS staff and police officers as well as the Fire Department participated in the MDA Telethon for the Texas/New Mexico area. He said he was proud to report that they collected \$4,887.88, which is a record for this area. He said they got out there at intersections at Wal-Mart and other areas. They will be receiving a plaque for participating from MDA and have received a star for their participation.

Ron Andrews said this has been their 39th year of motorcycle events and everyone tells them it was huge. He said as far as our participation we were off 1% but the numbers in the area and in the county were 42,000 to 45,000. The rain Friday night messed up a few things at the Sports Theater and the Saturday crowd sitting and waiting to get in got rained on and hailed on so some turned around and left. He said all of the motels and restaurants said it was the biggest crowd they have ever seen and Wal-Mart told them it was astonishing how many people were in there. He said they wanted to thank the Chief and his staff and the rest of the City of Ruidoso Downs and everyone who helped. Patric Pearson handed out pins to the city council members.

Chief Ortiz asked if there could be a pre-meeting for next year's event to talk about some security issues because the numbers are going every year and they just don't have the numbers in security to handle a crowd of that magnitude so they would like to meet earlier in the year to have a Plan A and a Plan B. He said they are concerned about some of the damages and they had a fence over at the museum crashed into and several of their cones were missing. He asked Patric Pearson if any of his security staff had taken any, there were about 8 or 10 of the 24" cones missing. Patric Pearson said they did take some of those to the racetrack and they had the reflective tape on them. Chief Ortiz said they would look. Ron Andrews said a meeting would be no problem because they also had to meet with the racetrack because this is the last year of their six-year contract.

Mayor Armstrong said last year in December the citizens of Ruidoso Downs took a survey for the Official City Flower and the winner was the Desert Poppy. He said the Keep Ruidoso Downs Beautiful committee now has these seeds for planting this fall. If anyone is interested in getting some of these seeds they can contact City Hall or Judy Miller. Councilor Olivo said if anyone wants to see them they could go by his house and they open during the day and close at night and need hardly any water at all.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was Consider Allocating Lodgers' Tax Fund Ruidoso Oktoberfest \$1,500.00.

Laura Doth said she is a member of the Special Events Resource Group and responsible for putting on two events in the area. The special Events Resource Group was founded in 1959 for the purpose of giving back to the community. They have been able since then to donate over \$140,000.00 to Lincoln County charities and one of the big events is the Oktoberfest and they are celebrating their 27th year. She said it will be October 17th and 18th and there are a lot of volunteers from Ruidoso Downs that they rely on. She said they have surveyed the event and nearly 65% come from outside the area and she felt they help contribute to the Lodgers' Tax Funds in both Ruidoso and Ruidoso Downs.

Councilor Williams moved to provide \$1,500.00 to the Oktoberfest. 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 to Consider Approving Records for Destruction-Election, Finance, Payroll, Planning & Zoning and Utilities Departments.

Mayor Armstrong entertained a motion to approve Records for Destruction-Election, Finance, Payroll, Planning & Zoning and Utilities Departments.

Councilor Williams moved to approve Records for Destruction-Election, Finance, Payroll, Planning & Zoning and Utilities Departments. 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 Recommendation-Position-Maintenance/Mechanic-Public Works Department.

Carol Virden, City Clerk/Treasurer said that would be Terry Yarborough for the Vehicle Maintenance/Mechanic for the Public Works Department.

Mayor Armstrong entertained a motion to approve Personnel Recommendation-Position-Maintenance/Mechanic-Public Works Department.

Councilor Williams moved to approve Personnel Recommendation-Position-Maintenance/Mechanic-Public Works Department. Seconded by Councilor Olivo.

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

Terry Yarborough said he appreciated the opportunity and thanked them for their consideration. Mayor Armstrong said Terry has met all the requirements and welcomed him.

Mayor Armstrong stated next item on the agenda was Consider Approving Special Dispenser Permit Application-Ruidoso Downs Race Track-Benefit Concert Lincoln County Cowboy Symposium-October 10, 2008.

Councilor Olivo moved to approve Special Dispenser Permit Application-Ruidoso Downs Race Track-Benefit Concert Lincoln County Cowboy Symposium-October 10, 2008. 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 Approving Special Dispenser Permit Application-Ruidoso Downs Race Track-19th annual Lincoln County Cowboy Symposium-October 11-12, 2008.

Councilor Olivo moved to approve Special Dispenser Permit Application-Ruidoso Downs Race Track-19th annual Lincoln County Cowboy Symposium-October 11-12, 2008.

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 Billy the Kid National Scenic Byway Visitor Center Operating Proposal in the amount of \$5,000.00

Councilor Holman said this is the one Councilor Williams asked about on the \$5,000.00 Operating Costs. Laura Doth said she and Jay Smith discussed this and it basically goes for operations as well as promotions and that once they got together with both personnel they wanted to run some promotions for the Byway Center that benefits everyone here.

Councilor Williams said we were providing Lodgers' Tax toward the Billy the Kid and asked Laura Doth if she knew if Ruidoso was providing funds to the museum?

Jay Smith, Museum Director said twice in the last year they had approached in conjunction with the Spencer Theater for the Performing Arts some joint promotional efforts. The first year related to their Wyatt Earp exhibit and the second exhibit related to their mining exhibit. He said TKO also promotes the museum in its promotions of the Ruidoso Valley.

Mayor Armstrong entertained a motion to approve Billy the Kid National Scenic Byway Visitor Center Operating Proposal in the amount of \$5,000.00.

Councilor Olivo moved to approve Billy the Kid National Scenic Byway Visitor Center Operating Proposal in the amount of \$5,000.00. Seconded by Councilor Williams.

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

PUBLIC INPUT

Mayor Armstrong stated next item on the agenda was Public Input with a three-minute time limit.

Wayne Williams asked if there was a proper procedure for asking for Lodgers' Tax Funds? Doesn't it go before the committee and then the committee makes recommendations on it? Does the city council just bypass our committee? He said if you are going to do that then when even have a committee?

Carol Virden, City Clerk/Treasurer said he was correct in that in April all of the participants who are requesting money from Lodgers' Tax come before his committee. Once they make that recommendation during the preliminary budget process they take that recommendation that they have made to they city council and they make the decision. At that time the committee has a proposed dollar amount from the promotional department and are allocated \$26,000.00 to \$30,000.00. She said usually anything that comes after that will usually come before the city council. Wayne Williams said he was under the impression that all of the money that was allocated had been given out. Carol Virden, City Clerk/Treasurer said if he would recall, Jay and himself who sit on the Economic Development Board and C.F. "Pappy" Bell has already forfeited their \$2,000.00 from the Chamber of Commerce so that is the money used to allocate to this promotion.

Wayne Williams said he also agrees with Councilor Olivo on the contract with the Senior Citizens. He said the City, not only this time but every month, are paying for items they should not be paying for in the contract. He said if you read the contract it is pretty point blank that the City cannot do anything without the County's permission. He said we are still

paying for a driver that we don't have to and normal repairs. He said this will all come up later because he has letters of request in to the County and the State under the Freedom of Information Act for Accounts Payable and Accounts Receivable. He said there was some conflict of interest in some matters that they really need to address.

ADJOURNMENT

There being no further business to attend to Mayor Armstrong entertained a motion to adjourn.

Councilor Williams moved to adjourn at 6:14p.m. Seconded by Councilor Hood. All were in favor and motion passed.

Tom E. Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer