

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
NOVEMBER 24, 2008

The Council of the City of Ruidoso Downs met in regular session on November 24, 2008. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Steve Dunigan, Planning and 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
Terri Mosley, Finance Director
Alfred Ortiz, DPS 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.

Councilor Williams moved to approve the 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 stated next item on the agenda was approval of the Consent Agenda.

Councilor Olivo moved to approve consent agenda. Seconded by Councilor Williams.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF NOVEMBER 10, 2008.

Motion was made by Councilor Olivo and seconded by Councilor Williams to approve the Minutes of the Regular Meeting of November 10, 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 Williams to approve Accounts Payables.

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

APPROVAL OF MONTHLY REPORTS

Motion was made by Councilor Olivo and seconded by Councilor Williams to approve Monthly Reports.

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

COMMITTEE REPORTS

Mayor Armstrong stated next item on the agenda was Committee Reports.

Councilor Williams said he was a member of the Beautification Committee and would speak on that report. He said the committee is considering taking over the "Adopt -a-Highway" program that was initially held by the Ruidoso Downs Auxiliary and that we were going to be in touch with the State to adopt that part of the highway. He said it was something we take care of anyway but we want the word out anyway so everybody could see that the Beautification Committee was performing their functions of New Mexico Clean & Beautiful. He said we recently purchased five trees to be planted at All American Park and came through the grant for \$6,000.00 from New Mexico Clean & Beautiful.

Paul van Gulick said we had a visit from Myra Pancrazio of the Estancia Valley Economic Development Association last Thursday. He said it was a great meeting and there were a lot who attended and that we pretty much had someone from every board. They do things differently and they run things as a private non-profit organization, which allows them to be regional. Everyone is a board member who is a member of their organization and it ranges from people who give \$250.00 a year up to some amount. It is driven by the businesses. He said it was a real eye-opener and he hoped within the next month he would have a lot more information. It is a very different model they use and apparently has been very successful. He said it turns things around from the way we have it and that

they were a vital and active group. The idea of non-profit and centering around the businesses so the whole idea of business retention and business expansion and the group of people being a part of this Economic Development Board, people who are members get information first. That is a lot of incentive to become a part of it and there is a lot of information sharing. It would have a lot of potential around here and particularly in our area. It seems to provide a way for us to cooperate with outlying cities like Capitan, Carrizozo, and Lincoln. He said Ruidoso is kind of a powerhouse around here but if we pursue the outliers and make it something regional and work with Ruidoso it would make a lot of sense.

Bonnie Richardson spoke for the Parks and Recreation Committee. She said they have met twice within the last two weeks and have picked out playground equipment they would like to see at the All American Park. They looked at some ground protection for underneath the equipment for safety. Between the two pieces of equipment they picked out there was one for ages 6-12 years and one for 5 years old and under. They ran out of money for the ground cover for what they want. She said they were stuck on how to maximize their requests so they can spend all of the money and not go over. Right now they were waiting on revised figures from A & K Sales in Roswell because they had put some shipping and assembly costs on and they needed to pare that down and be able to spend all of their money.

Steve Dunigan said the Planning and Zoning Commission were continuing to review the Land Use Articles and just finished the final review of Division III which is Districts and that will be forwarded to the process for Ordinance revision and then they will continue on as they have been for quite some time with review of Division V which is Signs and will go on with the remaining Divisions within the Zoning Land Use Articles and continue to work on these through regular and workshop meetings. They hope to be through all of the Divisions by June of 2009 and he said their meetings are held on the first Tuesday of each month and invited anyone who wishes to attend that they meetings are 5:30 p.m.

PUBLIC HEARINGS

Mayor Armstrong stated the next item on the agenda was Ordinance No. 2008-05, an Ordinance Amending Chapter 9 Building and Zoning: Article 9 Titled "Mobile Home Regulations" Sections 1 through 3 of the City of Ruidoso Downs Code of Ordinances.

Steve Dunigan, Planning and Zoning Director said one of the things they try to do on a regular basis is look at our existing ordinances. Sometimes over a period of time the words become maybe not obsolete but perhaps things have changed in the actual intent of the ordinance and need to be modernized, some language needs to be changed and some are too wordy. In an effort to streamline and clean up this pre-existing ordinance they have spent some time and made some recommendations to eliminate useless language and outdated language to strengthen a few areas. Manufactured homes,

mobile homes, and modulars are a very vital part of our housing industry and he thought if we were going to be able to talk to people you need to have an ordinance that is easy to read and understand. He said they did have a situation where someone didn't think a modular pertained to our application process. One of the things that was very important was that if anything was going to be moved and set on our properties you need to have an application with a site plan to help determine the set backs and whether it was going to sit on an easement or right-of-way and these type things. They have eliminated and added some language such as there will be no outdoor type toilets or clotheslines erected and some of those situations are caught through code enforcement. As a Code Enforcement issue they do not describe site-built homes or other homes with that language and they would assume we feel the same about manufactured homes.

Councilor Holman said what he is hearing is that this is not affecting existing properties. Steve Dunigan said that was correct.

Mayor Armstrong stated the next item on the agenda was the Public Hearing on Ordinance 2008-05 and said he hereby opened the Public Hearing for comments and will be accepted in the following order: Interested persons may approach the podium one at a time and state their name and present their testimony. A limit of three minutes will be allowed per person.

Mayor Armstrong asked if there were any persons here to speak in opposition of this action? There were no persons to speak in opposition.

Mayor Armstrong asked if there were any persons here to speak in support of this action? There were no persons to speak in support.

Mayor Armstrong said he would therefore close the Public Hearing entertain a motion for the adoption of Ordinance 2008-05.

Councilor Williams moved to adopt Ordinance No. 2008-05, an Ordinance Amending Chapter 9 Building and Zoning: Article 9 Titled "Mobile Home Regulations" Sections 1 through 3 of the City of Ruidoso Downs Code of Ordinances. Seconded by Councilor Hood.

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

Mayor Armstrong stated the next item on the agenda was Ordinance No. 2008-06, an Ordinance amending Chapter 4 Sewer Department: Section 8: Titled "Grease, Oil and Sand Interceptors" of the City of Ruidoso Downs Code of Ordinances.

Cleatus Richards, Public Works Director said amendment to our current ordinance is necessary as a part of our overall compliance effort on our Regional Wastewater Treatment Plant. The last Environment Department visit to our Treatment Plant again disclosed unacceptable amounts of grease oil coming into the Wastewater Treatment Plant and we are mandated to adopt programs that will reduce those products from coming into the Treatment Plant. Both the Village of Ruidoso and the City of Ruidoso Downs are mandated to adopt proper ordinance and institute programs of inspection. Ruidoso has already instituted similar regulations and they do have an ongoing program of inspection. We have made a list of all the establishments within the City that need to have grease traps. He said he is working with the Village of Ruidoso inspection department to work out an inspection program. Basically, most grease traps should be inspected on a monthly basis depending on the intensity of use. On the average we will be setting up an inspection program on all grease traps on about a monthly basis in the future. Once this ordinance is in effect we will be putting everyone on notice that has an establishment that is contributing grease and oil into the system that they will have to have an operating grease trap. We will be doing inspections and will be working with the property owners to try to properly size and equip their establishments in order to meet the code requirements. This is another step in the overall compliance process in the Regional Wastewater Treatment Plant effort.

Mayor Armstrong stated the next item on the agenda was the Public Hearing on Ordinance 2008-06 and said he hereby opened the Public Hearing for comments and will be accepted in the following order: Interested persons may approach the podium one at a time and state their name and present their testimony. A limit of three minutes will be allowed per person.

Mayor Armstrong asked if there were any persons here to speak in opposition of this action? There were no persons to speak in opposition.

Mayor Armstrong asked if there were any persons here to speak in support of this action? There were no persons to speak in support.

Mayor Armstrong said he would therefore close the Public Hearing entertain a motion for the adoption of Ordinance 2008-06.

Councilor Olivo moved to adopt Ordinance 2008-06 an Ordinance amending Chapter 4 Departments: Article 4, Sewer Department: Section 8: Title "Grease, Oil and Sand Interceptors" of the City of Ruidoso Downs Code of Ordinances. Seconded by Councilor Williams.

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.

There was no Unfinished Business to be discussed.

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

Mayor Armstrong stated next item on the agenda was Other Business and that items are for discussion only and no action will be taken.

There was no Other Business to be discussed.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was consider approving Service Agreement "Between the City of Ruidoso Downs and the Village of Ruidoso" funding Lincoln County Transit 2008-2009.

Mayor Armstrong entertained a motion to approve Service Agreement "Between the City of Ruidoso Downs and the Village of Ruidoso" funding Lincoln County Transit 2008-2009.

Councilor Williams moved to approve Service Agreement "Between the City of Ruidoso Downs and the village of Ruidoso" funding Lincoln County Transit 2008-2009. Seconded by Councilor Holman.

Councilor Holman said he wanted to run this by our attorney and be sure he concurs and recommends it as written to be beneficial to the City.

W.T. Martin Jr., City Attorney said he did and that it was identical to the one that was approved last meeting with Lincoln County and this was follow up with the Village of Ruidoso. This agreement states that we will provide service to the Village and in return we will receive \$25,000 for our operating budget. If the Village agrees to this we will get \$25,000 from the Village and \$25,000 from the County and we contribute \$25,000 and that is the \$75,000 budget that we have worked off for the first year operating budget.

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 approval of Creating New Position Lincoln County Transit Clerk/Dispatcher.

Mickie Compton said we need to add one employee and she in their discussions that the driver, which would be part-time on call that there wouldn't be any benefits and like that

required for them. If something were to happen to Transit they just wouldn't be called in. The drivers that are intended for this position would be the perfect scenario when you are considering retired persons, housewives, and people who really don't want to work all the time and just want a little extra income. The one full-time position they will need for Clerk/Dispatcher. She said the reason she would like that to be a full-time position with the City of Ruidoso Downs is because that person will receive extensive training. They will know how to operate and have the responsibilities similar to the manager. They will be doing the intake, dispatching, handling a lot of the incidentals, keeping up with the drug and alcohol. They would work directly with her and more than likely be cross-trained for her position in case of emergency. She said they need to make this type of position to motivate someone to stay. She said if anything were to happen to transit this person would be a very valuable asset and this person would be fluent in all office procedures, computer programs, and work strictly with Excel. If it were a part-time position there would be rapid turnover.

Councilor Olivo asked if this would be a city employee? Mickie Compton said yes because this would be considered a department within the Downs.

Councilor Hood asked if there was money in the Transit for this position? Mickie Compton said yes and that the entire salary and benefits were reimbursable up to 80%. Ruidoso Downs would only be paying 20% of the benefits and pay. Carol Virden, City Clerk/Treasurer said this would be an employee of Lincoln County Transit and if the Transit folded for some reason we would have to pick her up at that point and it would seem to her that she would be an employee of Lincoln County Transit because Ruidoso Downs is just the physical agent. Mickie Compton said they could do it like that but it would be better if she were an employee of the Downs and would be the only employee of the Downs with full benefits. Carol Virden said she would have full benefits under the operating expenses of Transit. Mickie Compton asked if it would be the Downs benefits? W.T. Martin Jr., City Attorney said either way you are going to wind up with 80% of the salary being reimbursed through the grant and the only cost to the Downs is 20% of the salary and benefit package. Mickie Compton said that is included in the match. W.T. Martin Jr. said it is also in the budget proposals. Mickie Compton said every month she would submit an invoice to the State for the salary and benefit amount and they would send back 80% of it.

Councilor Holman said he recalled that it was their agreement that it would be a City employee and in the event the Transit was no more that they would become a City employee. He said one of the concerns he has in terms of economics is that gas prices are going down and this is affecting the legislature and their thinking. He said he fears as far as the Ruidoso Downs Racetrack about how solid we are going to be with some of the entities that are going to join us at this time. Our State Senators are already balking on cutting the Ruidoso Downs Racetrack so slack. He said he feared that they may be more

reluctant now because of the gasoline, the revenue, whether the racetrack is here or somewhere else they are looking at the revenue. He said yes, this employee is going to get an 80% grant funding. If they are no longer a Transit employee then they become a City employee and he said he would hope that we would be very cautious with the hourly rate, certainly for a year. He said he would like to see this employee more at an entry level, a staff salary and a provision to change that later. He said we may not have a position available in that upper level and may have to create one. If we could keep that at a bare minimum entry level we would stand a lot better chance of integrating that individual into our work staff.

Carol Virden, City Clerk/Treasurer said should the Transit be unsuccessful and we have an employee that has worked at Lincoln County Transit and we're classifying her as a City employee, if the City does not have a position available for Clerk/Dispatcher and funds as well for that position then she would have to file unemployment, is that correct?

Mickie Compton said yes, that would be the protocol. She said the part she doesn't like is the negativity. She said at this point she didn't think three vans was going to be enough and that her phone has been ringing off the wall and she has reservations. Right now she has a full van of reservations in San Patricio. She said she spoke to a lady that Bonnie gave her the name to and she could keep a van here with the Baptist Church running because they work with so many people who need to get to work and have no transportation. In addition to that the Income Support Office has contacted her and are ready to start sending her people. They have a work plan when people receive cash assistance they will have to work and volunteer their services and they have no way to get there. She said she has numerous people in the County, Cedar Creek Road that have called her. She has Capitan. Dennis has a parking spot in Carrizozo and a full van ready to go and the same with Capitan. She said she is not concerned for the success of the transit system. She said we don't have to fill this position immediately but would like the position created. When it gets to the point that she has too much or in the beginning she would like to have someone to train but said she understands the budget limitations and doesn't want to overextend. She said she will not only do her duties but also the Clerk's duties and will probably also drive if needed but she would like to fill that position when the time comes. Carol Virden, City Clerk said if approved now they would have the job description and position approved to be filled when needed. Mickie Compton said the hiring process take some time with doing the extensive background checks that you have to do and the drug and alcohol testing.

Councilor Holman said he knows we are going to be okay for a year because we have the grant money in place. He wondered if the economic situation got worse next year how the grant money would be then. Mickie Compton said the grant money is Federal money that is given to the State and said she was already confirmed and approved for 2009-2010.

Mickie Compton said one question was entry level and said she had worked out one for

\$9.00 and one for \$10.00 and asked Councilor Holman if he had something else in mind? Councilor Holman said he didn't have anything in mind but some of the other councilors or Carol or the Mayor or Terri Mosley might. They might have more insight into our budget.

Mayor Armstrong entertained a motion to approve creating new position Lincoln County Transit Clerk/Dispatcher.

Councilor Williams moved to approve creating new position Lincoln County Transit Clerk/Dispatcher. 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 Hourly Rate for Lincoln County Transit Clerk/Dispatcher Position.

Mayor Armstrong entertained a motion to approve hourly rate for Lincoln County Transit Clerk/Dispatcher position.

Councilor Williams moved to approve hourly rate of \$9.00 for Lincoln County Transit Clerk/Dispatcher position. Seconded by Councilor Hood.

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

Mickie Compton gave update on Lincoln County Transit and gave the telephone numbers to the office as 378-1188 and 378-1189.

Mayor Armstrong stated the next item on the agenda was Consider Approving Mayor's Appointment Recommendation-Planning and Zoning Committee-Beth Miller.

Mayor Armstrong entertained a motion to approve Mayor's appointment recommendation-Planning and Zoning Committee-Beth Miller.

Councilor Williams moved to approve Mayor's appointment recommendation-Planning and Zoning Committee-Beth Miller. Seconded by Councilor Hood.

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

PUBLIC INPUT (All concerns to be addressed only to the Governing Body as a whole with a 3-minute time limit)

There was no Public Input.

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: Yon Rue and Corena Baca: Real Property and Water Rights Pursuant to Open Meetings Act Section 10-15-1 (H) 8 and Limited Personnel Matters Pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 2.

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: Yon Rue and Corena Baca: Real Property and Water Rights Pursuant to Open Meetings Act Section 10-15-1 (H) 8 and Limited Personnel Matters Pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 2.

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: Wastewater Treatment: Yon Rue and Corena Baca: Real Property and Water Rights Pursuant to Open Meetings Act Section 10-15-1 (H) 8 and Limited Personnel Matters Pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 2. 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 6:40 p.m. and invited W.T. Martin, Jr., City Attorney, Carol Virden, City Clerk/Treasurer, Cleatus Richards, Public Works Director, into the Council Chambers after a five-minute recess.

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

Councilor Holman moved to go back into regular session. Seconded by Councilor Williams.

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 7:23 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Executive Session were that of Discussion of Threatening and/or Pending litigation pursuant to the Open Meetings Act Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant: Yon Rue and Corena Baca: Water Rights Pursuant to Open Meetings Act Section 10-15-1 (H) 8 and Limited Personnel Matters Pursuant to Open Meetings Act: Section 10-15-1 Subparagraph (H) 2.

Councilor Williams attested to the fact that the only items discussed in executive sessions were that of discussion of threatened and/or pending litigation Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant: Yon Rue and Corena Baca: Water Rights Pursuant to Open Meetings Act Section 10-15-1 (H) 8 and Limited Personnel Matters Pursuant to Open Meetings Act: Section 101-5-1 subparagraph (H) 2 and no action was taken.

ADJOURNMENT

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

Councilor Williams moved to adjourn at 7:27 p.m. Seconded by Councilor Hood. All were in favor and motion passed.

Tom E. Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer