

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
MAY 11, 2009

The Council of the City of Ruidoso Downs met in regular session on May 11, 2009. Mayor Armstrong called the meeting to order at 5:31 p.m. and asked Jay Smith 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
Cleatus Richards, Public Works Director
Terri Mosley, Finance 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 entertained a motion to approve the agenda.

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

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 Hood 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 APRIL 27, 2009.

Motion was made by Councilor Hood and seconded by Councilor Williams to approve the Minutes of the Regular Meeting of April 27, 2009 of the City of Ruidoso Downs.

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 Hood 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.

UNFINISHED BUSINESS

Mayor Armstrong stated next item on the agenda was to 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 no action would be taken.

There was no Other Business to be discussed.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was Consider approving DWI Prevention Program Memorandum of Agreement Between the county of Lincoln, Village of Ruidoso, and City of Ruidoso Downs.

Chief Ortiz introduced Bill Hansen of the DWI Prevention Program.

Bill Hansen said this is a grant and is funds collected and reverted back to the community and from a \$75 fee imposed from convicted drunk drivers as allowed by Section 31-12-7B and Regulation 18.20.6 NMAC 2004. This grant has not been applied for by Lincoln County for the past 5 years. He said he is the DWI Coordinator for Lincoln County and on the program of the distribution of the funds through DFA for Lincoln County. Mr. Hansen said he applied for a grant through DFA. This money consists of is money the Ruidoso Downs court has collected of \$543, the Village of Ruidoso has collected \$896, and the rest of it was collected by the County and comes to \$10,978.74. He said he found out about this grant late and had to put in for an extension.

Chief Ortiz said they were very appreciative of this grant and it will pay for our DWI enforcement efforts and that they received their first installment last week for the month of March.

Councilor Holman asked if that was a matching grant?

Bill Hansen said no but that all three entities have to agree to sign this agreement in order to get these funds. He said because he has DWI Planning Council in place already he doesn't have to create new Planning Council to get this money. They have agreed to stand in as the council until they get another one formed for next year.

Councilor Williams asked how the \$10,000 grant would be distributed? Bill Hansen said it will all go to the State Police this year because he didn't get on it in time because he didn't know about this grant.

Councilor Williams asked Chief Ortiz how that would effect what we are trying to do? Chief Ortiz said it adds money to our overtime for the DWI enforcement otherwise it would have to be paid by the City. Bill Hansen said if he gets this money he doesn't have to give the State Police anything out of his distribution. Councilor Williams asked if we were the first community to be approached with this agreement tonight? Bill Hansen said yes. Councilor Williams said because Ruidoso is the fiscal agent and they would be responsible for allocating the funds. He asked if they shouldn't be the ones to initiate this first so we would know if that is in place before we decide to jump in? Bill Hansen said he is going before them tomorrow night. Councilor Williams said it just seems amazing to him that we seem to present something first and then Ruidoso follows us.

Carol Virden, City Clerk/Treasurer said she believes the reason that the Memorandum of Agreement is before them tonight is because our Council meetings are the 2nd and 4th of every month and Ruidoso meets the 2nd Tuesday and the last Tuesday of every month.

Councilor Williams asked Chief Ortiz if he was satisfied with the fact that this program when it comes into effect that we can step up our enhancement operations in the DWI field and if we had that chronic problem in the City? Chief Ortiz said he was confident that this agreement is a mutual agreement between all three entities and it would help the entire county. He said years back we used to have this program but because of dwindling participation by the City of Ruidoso Downs they took us off the program altogether. The former chief of Ruidoso, Lanny Maddox, was spear heading this program. Chief Ortiz said participation in this program will also lead to other grants being applied for when they see the City of Ruidoso Downs applying for and being a part of this DWI program and they will give us some recognition.

Councilor Holman said Governor Richardson seems to really be behind this type of program.

Mayor Armstrong entertained a motion to approve DWI Prevention Program Memorandum of Agreement between the County of Lincoln, Village of Ruidoso, and the City of Ruidoso Downs.

Councilor Olivo moved to approve DWI Prevention Program memorandum of Agreement between the County of Lincoln, Village of Ruidoso, and the City of Ruidoso Downs. 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 the Humane Society Budget Request FY 2009-2010.

Kai Brown with the Humane Society said she was here to talk about the funding situation and the cost of the animal control and animal shelter. She said in 2008 was the first year she was sorry to say that they had really good days at the Humane Society on the number of animals that came in from public stray, from animal control, from owner relinquish. The preponderances of the animals brought in from animal control were from Ruidoso Downs and that is because Peggy is doing an exceptional job for the citizens of the community. The problem that they have is that for every animal that is brought in, cat and dog, to adopt them out means that they spay and neuter them, they are up-to-date on vaccinations, they are provided with food and housing until they are adopted and they have rabies shots so that when they are adopted they are fully ready to go into a home. She said that costs them a little over \$200 per animal. The adoption fee is \$75 per animal. There is a huge gap and what the Humane Society is funding versus what they are getting back. The Village of Ruidoso of all the animals that they had last year from animal control, 58% of them were from the City of Ruidoso Downs. The City of Ruidoso Downs funds them the least amount every year. They had almost 400 animals come to them from the City of Ruidoso Downs last year. They also service the county and the Sheriff's Department brings them animals. They service Capitan, Carrizozo, and the Village of Ruidoso and still in all of those municipalities Ruidoso Downs brought in the most animals. She said the funding that Ruidoso Downs gave them last year was \$27,000 and that averages out to be less than \$70 per animal and it's costing them \$200. She said they can't afford to do it anymore. With all of the municipalities they serve, if you add up all of the fees annually it amounts to about 27% of the funding required to operate the Humane Society. That means that the Humane Society as a non-profit organization is responsible for going out and doing fundraising for the additional 73% that is required for the operations. She said she has spoken to the Mayor and the Chief, and to be equitable, instead of \$27,000 a year for 400 animals, it should be \$60,000 a year. That is a big jump to absorb in the budget for the City of Ruidoso Downs and there are some options. She said everybody is strapped right now for money and their donations are down and so it is even more imperative that they make sure there is equitable distribution for the animal control services. Some options would be that they limit the number of animals that come from Ruidoso Downs or they would find a way to perhaps make a top limit say instead of \$27,000 we gave them \$40,000 and they could house and accommodate 300 animals. She said then assume its 300 animals are brought in from then on it will cost us on a per animal basis. Another option would be for Ruidoso Downs to have their own facility. She said it is costing the Humane Society more than they can afford and the Village of Ruidoso pays them a little over \$200 per animal and the City of Ruidoso Downs paid them \$69 per animal last year.

Councilor Holman asked if the Village of Ruidoso pays a flat fee? Kai Brown said no, they pay close to \$60,000 a year and they pay quarterly.

Mayor Armstrong asked Kai Brown what the cost would be per animal if the City of Ruidoso Downs was not taking the animals there? Kai Brown said it is based on what it takes to operate. If the City of Ruidoso Downs didn't bring in any animals at all it would reduce the population at the shelter by 400 animals and they can only accommodate 85 animals in an old facility. Anything they can do to reduce the number of animals coming in would be a good thing for them. The fact of the matter is they still need to operate and have a shelter available for public stray.

Mayor Armstrong said he visited with Peggy today about different options and she is working on that and they are looking for ways to lower what we have to pay and would work for the Humane Society also. He said they would have to look at these numbers and what they are going through right now before they can give her an answer.

Councilor Hood asked if Peggy brings in 90% of these animals right now? Mayor Armstrong said no but their accounting of them is pretty accurate. Kai Brown asked if they wanted to get into a discussion about impound fees? Mayor Armstrong said they would get into that later.

Councilor Holman said they are here to solve our problem and not so to worry about other people. He said it's difficult for him to see because our population is about a third of Ruidoso and said he wonders what they are doing. At 58% here, we still have animals running loose, we still have people complaining about it, and with the population of the Village being three times ours he said he didn't understand, if they aren't picking up more animals and if not they are inundated with complaints. It should reason out that there should be more animals up there. He said if we have to raise our fees it may cause our people not to go to the shelter and pick up their animals.

Kai Brown said they have the second highest adoption rate in the State of New Mexico and one of the lowest euthanasia rates in the state.

Councilor Holman said they would want to do their share.

Mayor Armstrong stated next item on the agenda was Lincoln County Transit Budget Request FY 2009-2010.

Mickie Compton said she included in their packet the budget request. When the original packet was made they had not received their actual budget award for 2009/2010 from the state. Now they have exact figures. She asked them to look at the first column where it says "Amount Requested" and the following column is "Amount Awarded." In the column with the federal portion there is an error on the 5317 portion. The federal portion would be \$50,000 and the local amount would be \$50,000. She said she also gave them some information describing the 5317 program and is designed to shadow the 5311 program. It allows them to use more funds to provide service to individuals on disability and ADA issues. The services are to be provided to individuals outside of city limits. She said she divided it out to the three-way match and said she has already made the presentation to the county and they have approved the \$44,974, which included both programs.

Mayor Armstrong asked Mickie Compton to explain that because he wasn't aware that she was going to do that. Mickie Compton said the 5317 program was optional and if they want to utilize that program it is an additional \$150,000, \$45,000, and is a new program for those who are already operating the 5311 program. They are trying to encourage transportation outside of city limits service area for individuals with disabilities and there is a separate pocket of money for that.

Carol Virden, City Clerk/Treasurer so this is in the county and asked how she figured the Ruidoso and Ruidoso Downs match should be \$44,000? Mickie Compton said it is a third match. She said

once they are here they will be using the 5311 program. The 5317 program goes out and gets them and returns them but while they are in the city they will utilize the other program. Carol Virden said if she would recall on April 13th Councilor Holman asked if the other communities had committed themselves to the \$25,000 per year and that she had said yes. He then said he wanted it in writing. Carol Virden then asked how it jumped from \$25,000 to \$44,000? Mickie said what she interpreted from the statement was if the City of Ruidoso Downs agreed to be the fiscal agent it would be a consensus that the three governments would continue to share the match. Carol said at the match of \$25,000 per entity. Mickie said \$25,000 or the amount that was granted. She said they were granting more money to operate because the first year was the bare bones budget and they weren't sure of the actual cost to operate the system. The actual cost to operate the system is extremely inexpensive and she asked them to turn to the next page. At the bottom of the page it said October, November, December, January, February, and March and showed the federal cost per month, total match cost per month, and total cost per matching government. She said for example in February the total federal cost to run public transportation in its entirety for that match was \$4,270.75 and that is what the federal government pays. Match cost was \$2,135.78 and if you divide that by three the amount is \$711.79 to keep public transportation on the road for that month. That includes salaries, benefits, fuel and any costs incurred. Mickie said if they don't get a consensus from all three entities they aren't required to take the 5317 and can send the money back. The total is \$145,000 and will provide \$45,000 for one vehicle and \$100,000 in operating money.

Carol Virden, City Clerk/Treasurer repeated that the 5311 program was \$28,307.92 per government entity and the 5317 program was \$16,666.67 for the total of \$44,974.59. Mickie said that would add a third round trip to Capitan and they would start to incorporate two round trips to Carrizozo and Corona is asking for at least one round trip a week.

Mayor Armstrong clarified that the new van has nothing to do with the 5317 and that we do not have a backup van. Mickie said we do not and that the three new vans were essential.

Carol Virden, City Clerk/Treasurer asked what would happen if Ruidoso turned her down for the \$44,974? She said according to the County Manager's letter it has to be a consensus. Mickie said Plan B would be to return the money.

Mayor Armstrong said he was hoping they would run at least a year without running out but it didn't look like that was going to happen. He said a new van would help them stay at the numbers they are running right now but he didn't understand the new part, the 5317. Mickie said they could continue to run as they are now under the 5311. This new program and these matching amounts are for the next fiscal year that begins in October. Carol Virden asked if we were running under the 5311 and 5317 this fiscal year? Mickie said they haven't had to use the 5317 money because they don't have enough vehicles and can't cover that service area.

Councilor Holman asked when she would need a decision on this? Mickie said they have already approved her amount for the two programs. Councilor Holman said what would help the council members would be to have a workshop or when they come to these decision areas that she provide the information to Carol and Terri a week or two ahead of time.

Mayor Armstrong asked Mickie if she had visited with the college yet? Mickie said they are checking into it and would follow up on that and have an answer for him by the end of the week.

Carol Virden, City Clerk/Treasurer said they would be scheduling some budget workshops for next week sometime.

Mayor Armstrong stated next item on the agenda was to Consider Approving Full-Time Position Driver-Lincoln County Transit FY2009-2010.

Councilor Holman said he would like to refer back to the Justification for Funding in the third paragraph and that would be for the fiscal year 2009-2010. It says that the transit system will employ one full-time manager and one full-time clerk, which they did. One full-time dispatcher and one full-time driver, which they did. Three part-time on-call drivers and one janitor and that will be the staff. Mickie said that is what she budgeted for in the budget request and have received funding for that request. Councilor Holman said on the full-time clerk, that if this didn't work the full-time clerk would become a full-time employee of the City of Ruidoso Downs. He asked if the full-time driver would become the same situation? Mickie said she spoke to the personnel person here and that employee would be eligible for unemployment benefits but the part-time on-call drivers would not receive any benefits. Mickie said it would be the same responsibility to the Downs as the full-time clerk. Councilor Holman asked if there could be a contract for the full-time driver and written so the City of Ruidoso Downs would not be responsible in the event the transit did not succeed? Mickie said that would be something she would have to talk with Mr. Martin on and the personnel person. Mr. Martin said that could be done and there is no rule that says that the City as an employer couldn't do a reduction in force for lack of work. If an employee's job is gone and you have no place to put them you always retain the right of reduction in force.

Mayor Armstrong said he was looking at the match for a transit driver and it's a 50/50 match. He asked Mickie to explain that. Mickie said the feds pay 50% and the other 50% is the match money. Out of that 50% it will be divided three ways. Mayor Armstrong asked her what was wrong with staying with the part-time on-call and why we wouldn't just have more part-time on-call people? Mickie said a lot of the people that have applied for that position cannot pass the minimum job requirements. Councilor Holman said he would like to see them pursue that with more part-time employees.

Mayor Armstrong interrupted and said he did not ask for a motion and a second before discussion and therefore needed a motion.

Councilor Williams moved to approve the position of a full-time driver for Lincoln County Transit FY 2009-2010. Seconded by Councilor Hood.

Mayor Armstrong said he is not ready to give up on the part-timers and that they could advertise better but still had faith that we could fill those jobs within our city.

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

Councilor Olivo asked if the '93 Dodge ran into something? Mickie Compton said they had an individual collide with them in transit and it is currently being handled. She said nobody was hurt and there were no injuries and thank goodness that '93 Dodge was all metal, it is still running.

Mayor Armstrong stated next item on the agenda was Consider Approving Graphics for Lincoln County Transit Vans.

Councilor Williams moved to approve Graphics for Lincoln County Transit Vans. Seconded by Councilor Hood.

Mayor Armstrong said he had looked at several of these graphics and kind of liked the idea of the wood or the rope. He said he saw what looked like a taxi cab and that several people liked it but that Mickie was gracious enough to keep on looking for a sign that would fit.

Councilor Holman asked if this is what they were proposing here on the second page with the little bus on it? Mickie said the bus was just an example of what they would like to do. She said the Lincoln County Transit could be a logo and they had that discussion with another department within the City about changing logos. What they can do is put this logo at the back of the van, it can go anywhere, it doesn't have to be on the door. Councilor Holman said his feeling was the LC with the horseshoe was excellent and reminded him of the old Lincoln County cattle brand and the wording on the left is necessary because it says Lincoln County Transit. He said what still bothers him is they could have somewhere the operating entity of the City of Ruidoso Downs. We still have an identity crisis and he said he runs into that daily and that they have a moving billboard reinforcing and said if they could just put something saying 'operated by the City of Ruidoso Downs.' Councilor Holman said they don't want to get too much on there where it looks cluttered.

Carol Virden, City Clerk/Treasurer said they need to realize that the City of Ruidoso Downs is just the fiscal agent for Lincoln County Transit and that includes rural and non-rural areas, Ruidoso, Ruidoso Downs, and the surrounding communities. Councilor Holman said that is a good point and so then let's change it to 'fiscal agent' instead of 'operating.' Mickie said as long as they approve the log and the rope lettering she could put something together and email it to all of them. She said since the City of Ruidoso Downs is purchasing these vehicles there would be nothing wrong with putting something like 'funded by' and then a list of the entities who provide the matching funds.

Carol Virden, City Clerk/Treasurer said what they need to concentrate on is that public transit is being provided and if we were going to put Ruidoso Downs we also need to list the County and Ruidoso. She said she thought they need to simplify it and not make it so busy. She said this was just her input.

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

The next item on the agenda was Consider Approving Resolution No. 2009-04 Extension of Fire Restrictions.

Councilor Hood moved to approve Resolution No. 2009-04 Extension of Fire Restrictions.
Seconded by Councilor Williams.

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 Scheduling of Budget Workshop(s) for FY 2009-2010.

Carol Virden, City Clerk/Treasurer said she was thinking they could hold their Budget Workshops on May 18th & 19th to commence at 4:30 p.m. Councilor Olivo said he would not be available for these workshops because he will be having his surgery and would be out of the hospital on the 16th. Mayor Armstrong asked if he would be available by phone? Carol said they could do a telephone conference.

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

Mayor Armstrong stated next item on the agenda was Public Input.

Wayne Williams said he would like to renew his request for a full packet for the concerned citizens and would like it put on the agenda for the next council meeting so he can see which council members don't think they are deserving enough to get a full packet. He said they are only looking at the audience that they are only looking at very few packets. He said he requests to be put on the next agenda for the next meeting for the council members to either approve them getting the packet or not approving, he would like to see which members don't vote for it. Second, he said he would like to withdraw his name from all of the committees he serves on right now so he can have more time to be a watchdog on the City's what he considers wasteful spending. Third, he said he sat here and listened to these people talk and thought he was watching an old time movie with Elmer Gantry and was not so sure they had gotten the message from the dissertation but said that he did. What they were getting was junk that she was putting up.

Mickie Compton said this was in reference to the Humane Society budget request. She said she was looking at the numbers and as an advocate and participating advocate of the Humane Society and rescuing animals, she could understand their request and was in fact a fairly low cost for boarding animals, if you have ever had to do that. However, she was taking into consideration the possibility of additional revenue that they could create for themselves. She said she noticed they have this new spay & neuter facility. Her understanding is that the spay and neuter facility that they have is only being used for the animals they are adopting out from their facility and they don't spay and neuter except for those individuals. They also have a veterinarian on staff to provide this service. She said she had gotten this information from a presentation they provided at the commission with a slide show. She said she started doing the math and when she takes their rescue animals in for a spay and neuter it's over \$200 for one spay and neuter, shots, and all of that. She said they mentioned \$75 that they charge. Mickie said if they can open that facility two days a week and provide spay and neuter to the general public at the same \$75 charge that would generate a revenue of \$600 per day at eight hours a day. At twice a week time fifty two weeks they

would generate \$124,800 a year. She said she didn't know if there was a stipulation for not using the facility for that but it was certainly something worth looking at.

Joyce Gustafson said her question was about the Lincoln County Transit. A driver working over twenty hours is considered qualified for unemployment if they were to quit or get fired, is that right? Mickie Compton said to her knowledge yes. Joyce asked who they would be filing unemployment with, the City of Ruidoso Downs? Mickie said that was correct. Joyce said then any part-time driver that drives and works over twenty hours a week then he qualifies to file for unemployment if he quits or gets fired. Mr. Martin said if he voluntarily quits he is not qualified. Joyce asked if he could still try to file? Mr. Martin said everybody files but you are disqualified from unemployment compensation if you are a voluntary quit or if you are discharged for insubordination. If you are discharged for reduction in force or discharged without cause you can file for unemployment compensation. It isn't a direct dollar for dollar, it is a thing called a modifier. Joyce said then the City of Ruidoso Downs would be the fiscal agent, not Ruidoso or the County. Mr. Martin said that was correct. Joyce said the other question was about full-time employees. She said they have a full-time clerk already that is a city employee and a full-time driver that would also be a city employee. She asked when they hire a full-time dispatcher would they also be a city employee? Mickie said that would have to be decided at that time. Joyce asked if that would be a possibility? Mickie said they have the funding for a full-time dispatcher.

ADJOURNMENT

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

Councilor Holman moved to adjourn at 7:26 p.m. Seconded by Councilor Olivo.

All were in favor and motion passed.

Tom E. Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer