

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
MAY 26, 2009

The Council of the City of Ruidoso Downs met in regular session on May 26, 2009. Mayor Armstrong called the meeting to order at 5:31 p.m. and asked Harold Oakes 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-via telephone
conference

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

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 Williams moved to approve 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 MINUTES OF REGULAR MEETING OF MAY 11, 2009.

Motion was made by Councilor Williams and seconded by Councilor Hood to approve the Minutes of the Regular Meeting of May 11, 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 Williams 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.

APPROVAL OF MONTHLY REPORTS

Motion was made by Councilor Williams and seconded by Councilor Hood 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 would like to mention some of the participants in the Great American Cleanup and would like to thank Wal-Mart, Thriftway, IGA, Zia Natural Gas, Great Water Company, and Subway that allowed them to have some giveaways and food and drinks for the participants. They also had some rakes, shovels, trees, and plants to give away as part of the Arbor Day/Beautification Cleanup. The Beautification Committee was notified from New Mexico Clean & Beautiful that we received a \$7,000 grant for 2009/2010. This is \$1,000 more than they received last year so it is a tribute to the members of the committee that worked hard in accessing the money that is available to them to help in beautifying the city. They are also going to have a recycling bin put in All American Park that Lincoln County Solid Waste is finishing up on for all recyclables such as paper, plastic, aluminum cans. It will have slots in it so you can throw in your recyclables and will be emptied when it becomes full. He said he would like to thank Debra Ingle at the Solid Waste and the Parks & Rec Department Director for allowing it to be out there.

Carol Virden, City Clerk/Treasurer said for the Economic Development Board there was no new business to discuss but that they continue to update the website under the City of Ruidoso Downs.

Cleatus Richards, Public Works Director said for the Parks & Recreation Committee that they continue to upgrade All American Park and have completed painted the poles and they are working on fencing the playground equipment. Fencing is complete on the basketball court. Work is continuing on the BMX track and is substantially complete but there is still some to do. There was a meeting on the 14th to discuss the Riverside Park area and the committee hoped they could put another field there but he said he laid that out for them and the dimensions weren't

right, the width wasn't sufficient for a playing field and even tried to lay out a little league field but that didn't work either. He said they do have a plan for the park development and hope to present it to the Riverside Restoration Committee this week for more passive recreation such as walking trails, fishing, some picnicking, and possibly camping areas. There will be about 1800 linear feet of walking path that will go along the river and through the park. He said they will see if they can get that project approved as their contribution to the river restoration project and at the same time develop a park that will be a great asset to the community.

Steve Dunigan said for the Planning & Zoning Committee they continue to update the Zoning & Land Use Articles.

PUBLIC HEARINGS

Mayor Armstrong stated next item on the agenda was Public Hearing for Ordinance No. 2009-04.

AN ORDINANCE AUTHORIZING THE CITY OF RUIDOSO DOWNS ("BORROWER") TO ENTER INTO A LOAN/GRANT AGREEMENT WITH THE NEW MEXICO ENVIRONMENT DEPARTMENT ("NMED") FOR THE PURPOSE OF OBTAINING WASTEWATER CONSTRUCTION LOAN AND GRANT FUNDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$3,000,000.00; DESIGNATING THE USE OF THE FUNDS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, MODIFYING AND OTHERWISE IMPROVING THE WASTEWATER FACILITIES OF THE BORROWER'S JOINT REGIONAL WASTEWATER TREATMENT SYSTEM; DECLARING THE NECESSITY FOR THE LOAN/GRANT; PROVIDING THAT THE LOAN WILL BE PAYABLE AND COLLECTIBLE SOLELY FROM THE 1/8th % MUNICIPAL INFRASTRUCTURE GROSS RECEIPTS TAX ("MIGRT"); PRESCRIBING OTHER DETAILS CONCERNING THE LOAN/GRANT AND THE SECURITY THEREFOR; AND *DECLARING AN EMERGENCY.

Carol Virden, City Clerk/Treasurer said this ordinance allows the City of Ruidoso Downs to draw down on \$3 million for the Wastewater Treatment Improvements Phase IB. She said \$2.9 million of that is grant and \$100,000 is a loan. The loan will be paid through the Municipal Infrastructure Gross Receipts Tax that was adopted September 10, 2002. The dedication for that is water and/or Wastewater Capital Improvements. As said at a prior meeting she said those funds were the gross receipts passed by public election and the staff recommended to earmark these funds so we could pay for our Wastewater Treatment Plant upgrade that we knew was coming. She said we are not getting into our residents pockets, this Infrastructure Gross Receipts has been in place since 2002 and has been accumulated and has also been used for other projects. We will be using a portion of that Municipal Infrastructure Gross Receipts Tax to pay for \$100,000 loan that we will be getting from the New Mexico Environment Department.

Mayor Armstrong said he hereby opened the Public Hearing and would be accepting comments in the following order: 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 asked if there were any persons present to speak in opposition of the action?

There were no persons present to speak in opposition of the action.

Mayor Armstrong asked if there were any persons present to speak in support of the action?

There were no persons present to speak in support of the action.

Mayor Armstrong entertained a motion to adopt Ordinance No. 2009-04.

Councilor Williams moved to adopt Ordinance No. 2009-04. 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 Public Hearing: Ordinance No. 2009-05.

AN ORDINANCE AMENDING CHAPTER 4 TITLED "DEPARTMENTS" ARTICLE 4 "SEWER DEPARTMENT" SECTION 1 DEFINITIONS AND SECTION 7 PROHIBITED DISCHARGE OF THE CITY OF RUIDOSO DOWNS CODE OF ORDINANCES.

Cleatus Richards, Public Works Director said they were amending the existing Sewer Ordinance to further define what is an illegal discharge within the sewer system and this is a further step in our overall compliance with the Settlement Agreement with the Environment Department and the EPA. Previously a Grease Trap Ordinance No. 2008-06 was adopted on November 24, 2008. This now further defines and restricts the type of discharge that can go into our sewer system and down to the Treatment Plant. We have substantially increased the definitions on prohibited discharges to try to eliminate discharges that would be both harmful to our sewer collection system and more importantly to our Wastewater Treatment Plant. There will be other ordinance amendments on discharge from development that will come later but this step is very important in clarifying what can and cannot be put within our sewer system. Cleatus said he and Mr. Martin met briefly on this ordinance before the meeting and he has a couple of recommended changes on Section E "Restrictive Discharges" that he would like Mr. Martin to discuss with the council.

W.T. Martin Jr., City Attorney said the proposed ordinance is a very technical ordinance and has a number of criteria that is technical that requires compliance. There are also conditions in this ordinance as to what can be discharged into the system. In the Section that is 4-4-7, Sub-Part E, Restricted Discharges, he said he has recommended that certain language be taken out. The language that needs to be taken out is language that created uncertainty as to when one might have violated the ordinance and when they might not have violated the ordinance. The original language that was here says that "no person shall discharge or cause to be discharged the following described substances: water and waste into the sewer system if it appears likely in the opinion of the water and sewer department that such waste will cause harm." He said later in the paragraph it talks about the department forming an opinion. One of the problems when you start to enforce ordinances, particularly where there can be any kind of fines or penalties of any nature, is you have to have certainty in the ordinance that gives notice to people that they understand what they might be violating and what their compliance requirements are. When you put into such an ordinance language that says "in the opinion of" somebody who violated it, there is no set criteria except in the eye of the beholder, you are asking for a lot of problems. Mr. Martin said

what he has recommended, and he said he would read it, is that they delete language that talks in terms of someone having an opinion and that the modified version would read as follows:

“No person shall discharge or cause to be discharged the following described substances: water or wastes into the system that can harm the Wastewater Treatment works that can have an adverse effect on the receiving stream or can otherwise endanger life, limb or public property or constitute a nuisance. The substances which must be considered include but are not limited to the following: (and then we have an extremely lengthy, detailed list of substances”

Mr. Martin said while deleting this language does not 100% take away some question about where it says “substances which must be considered” it does basically say “these are the substances that we have to look at” and if these items are being discharged into the system this is restricted. He said his recommendation to the council is if they adopt this particular ordinance then they should adopt the modified version of Sub Part E. He said otherwise it may be subject to challenge and he didn’t think the ordinance would withstand the challenge.

Cleatus Richards, Public Works Director said for the reasons he stated he totally agrees with his recommendations for the changes.

Mayor Armstrong said he hereby opened the Public Hearing and would be accepting comments in the following order: 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 asked if there were any persons present to speak in opposition of the action?

There was no one to speak in opposition of the action.

Mayor Armstrong asked if there were any persons present to speak in support of the action?

Susan Garrett said she was neither speaking for or against but asked if the notice had been published?

Carol Virden, City Clerk/Treasurer said the Notice of Intent was published.

Susan Garrett asked if the public has had the opportunity to read the actual ordinance?

Carol Virden, City Clerk/Treasurer said yes, it was in the front office.

Susan Garrett asked if it has been published in the paper?

Carol Virden, City Clerk/Treasurer said not for adoption. The Notice of Intent was published in the paper. She said we don’t have to publish the whole ordinance in its entirety, we can do a summary, but she said she does put a full copy of the ordinance at the front desk.

Susan Garrett asked if there was a summary published?

Carol Virden, City Clerk/Treasurer said yes, there was a summary.

There was no one else to speak in support of the action.

Mayor Armstrong stated he would hereby close the Public Hearing and entertained a motion to adopt Ordinance No. 2009-05 with the modified wording.

Councilor Williams moved to adopt Ordinance No. 2009-05. Seconded by Councilor Olivo.

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.

Councilor Holman said he would like to address an issue. The situation they had that he felt was unfortunate in the Budget Workshop where they had some conflict and people that were unhappy, this situation was not necessary. He said he had gotten some calls from concerned citizens, residents, voters, who wanted to know where he stood on the issue of the Senior Center. Because they had been lead to believe, which was untrue, that he was one of two councilors that was definitely going to try to close the Senior Center. The addressed the issues of another councilor and he himself did give an opinion. He informed those citizens that as far as he knew and any indication that he had ever gotten from the other councilor that they said was definitely going to try to close the Senior Center, that he had never gotten that impression, but he assured them that it was not his desire nor would he attempt to do that. He said he was sure the word got back that the two councilors that were accused of this that they did not intend to do this. This was known before the instigating of having citizens come to our workshop under the impression that we definitely going to do that. The person that was instigating this issue knew that, there's no question about it, but went ahead and pursued that anyway because not to pursue that issue was not going to give the desired results that they wanted. They did not want that issue settled and not come in here so therefore did not tell those citizens that did show up that not one councilor was for closing the center because there is not one councilor that wanted to do this. This individual did not get the word back because of self-serving, selfish interests, wanted to see the conflict and it shouldn't have happened. He said the sad part is they had people that are not citizens, not taxpayers, but those people are welcome and we do not want to indicate in any form or fashion that they are not welcome to our meetings but when you have people that are not citizens or taxpayers that are attacking our citizens that do live here and do pay taxes he said he really has a problem with that. There is no way that it can be right. One of our citizens had the floor and the mayor had asked him to express the questions that he had indicated he wanted to do and halfway through his questions he was attacked verbally by a non-resident, non-taxpaying person. Then the person that instigated this whole event emerged as the leader by saying "let's take a vote, all of you in favor of this" speaking to people that were not citizens or taxpayers, "how many of you want to vote on this put your hands up, now put them down. How many of you want to vote on this put your hands up, now put them down." Councilor Holman said he was under the impression the only group of people that are supposed to be voting in this council chamber is the city council. So, that was nothing more than an orchestrated joke in order for one person to get the

desired results that they wanted. He told the mayor that maybe that won't happen again and maybe they need to have some kind of rules for a workshop where only the residents can speak unless he calls on them to speak. Councilor Holman said they don't mind people attending and the people that attend that center are not all from Ruidoso Downs and in fact the majority are not from Ruidoso Downs so we want their opinions but we don't want them coming in here attacking our citizens and that's exactly what happened and it was an instigated, orchestrated event and we need to see that it doesn't happen again.

Councilor Olivo said they sent him on of their flyers at the hospital that they put out at the center stating just what Mr. Holman just said. They also included their phone numbers and that he and Dean were the ones that were trying to close the Senior Center. He said we need to make it clear that there is no way that they are trying to close the center and that will never happen as long as he is a councilor.

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 City of Ruidoso Downs Preliminary Budget FY 2009-2010.

Councilor Holman moved to approve the City of Ruidoso Downs Preliminary Budget FY 2009-2010. Seconded by Councilor Williams.

Councilor Hood said he would like to disqualify himself from voting because he has a possible interest in this as the manager of the Senior Center and also as a county employee.

Mayor Armstrong asked Councilor Olivo if he heard that and he said that he did hear that.

Councilor Holman said he would like to address three issues that have to do with the budget. He asked the councilors to refer to their budget information on page 17 of the General Fund. Of the three things he would like to consider is one, for modification and the other two for eliminating completely. The first issue has to do with the Department of Public Safety. He said he would like the council to consider separating the Fire Department from the Department of Public Safety. This in no way reflects on the job that the head of the Department of Public Safety is doing. He said he just feels like they have a situation where this would be an improvement. It is in no way a criticism or saying that they are not getting the job done the way it is being done. He said he thinks they can improve the situation, have better results, better outcomes if they would reorganize that. He said we are maybe one of only a couple of municipalities in the entire state that are doing it this way. We have had a lot of difficult times in our police department lately, it's a difficult job that Chief Ortiz does and he steps up to the plate. He said this might free him up to spend more time in a difficult situation and a difficult job. He said he was curious and would like to hear from Councilor Williams because he is a retired firefighter and an experienced firefighter

that understands these issues and during the budget hearings he had some very positive things to say. He said he values his opinion.

Councilor Williams said they had discussion about it. Being a public servant in the fire department for several years they had camaraderie amongst the people that work within the department and you took pride of being part of that organization. In the perspective of the Department of Public Safety in Alamogordo, at times the system works well and other times it doesn't. It's nothing against the people that run the system but the fire department had the opportunity to integrate itself into a department that would benefit the community in the long run because of its availability to additional funding including grants. Overall, he said people we have working in the fire department right now are very professional and dedicated to that aspect of their job. Separating would be an idea that we could consider, whether we do it this year or not, but they may want to look at it in the future in another budget year of the possibility of having our own fire department would be something we could reach out for and obtain. The community is large enough to support this and our department would be an asset to our city.

Councilor Holman said he was under the impression that they need to do that tonight because this affects the budget. That would be up to the council, mayor, and administration. He said Chief Ortiz has a lot to do and just keeping police officers alone can be quite difficult.

Councilor Williams said he was not sure we could work that in to our budget this year considering our preliminary budget is due in Santa Fe at the end of this week. He said they would probably have to discuss a complete budget overhaul for separating the Fire Department from the Department of Public Safety. They need to work up a plan for the future at maybe mid-budget to accomplish that.

Councilor Holman asked Carol Virden and Terri Mosley if this would be a problem with the budget to readjust this situation and if they were really affecting the budget that much or at all?

Carol Virden, City Clerk/Treasurer said currently the answer to that would be no. Unless the council felt that it was significant enough to hire additional staff in the Fire Department, then that would have an impact on the budget that will be submitted to Santa Fe. This is a preliminary budget only; we still have the final budget that will go through a Public Hearing process in July and in the office of the Department of Finance by July 31st.

Councilor Holman asked Carol Virden to clarify no.

Carol Virden said if you aren't going to hire additional employees in the Fire Department.

Councilor Holman asked if they could do what Councilor Williams suggested and put this off to a later date or did this have to be done tonight to be on schedule with the budget? Carol Virden, City Clerk/Treasurer said that would be a decision of the councilors because if you want to put the Department of Public Safety back the way it used to be, the Ruidoso Downs Police Department and the Ruidoso Downs Fire Department, there is no adverse affect in the budget presently. If they are thinking of adding additional employees to the Fire Department the answer would be yes. Councilor Holman said he was not thinking there would be addition, just reorganization. Carol

said then it would not affect any numbers in either department and all that would do is it would be switching responsibilities of authority on certain items and certain things in the Fire Department and leaving the DPS as the Police Department and the Chief has his authority and his rules and regs and procedures to follow as well. Councilor Holman said he was not ignoring and not going along with Councilor Williams suggestion and was making that motion then.

Councilor Olivo asked what they were discussing right now? Mayor Armstrong said they were discussing the separation of the Fire Department from the Police Department without any hiring of additional personnel. Councilor Holman said this is coming as a total surprise to all of the councilors and so Councilor Olivo may not know what is going on here. Councilor Olivo asked if they had to hire a new Fire Chief? Councilor Holman said no. Mayor Armstrong said the chain of command is already there. If they have to hire people that would be a budget matter that would have to be looked at. Councilor Holman said that will not have to happen, they are reorganizing, we are not adding to or taking away.

Carol Virden, City Clerk/Treasurer asked the mayor and members of the council if those were all of their issues on the preliminary budget before they take a vote? Councilor Holman said no and asked if he needed to do all three? Carol said yes.

Councilor Holman asked if they were going to be voted on separately because they were separate issues. Carol Virden, City Clerk/Treasurer said the mayor could call for a vote to approve the preliminary budget as is or with exclusions or additions. She asked Councilor Holman if he would like to have a vote on all of the issues one at a time? He said he would prefer this one separate from the other two. The other two have to do with the Senior Center.

Carol Virden, City Clerk/Treasurer said the motion was from Councilor Holman to approve the preliminary budget FY 2009-2010 and was seconded by Councilor Williams. The discussion is Councilor Holman wants to address three issues on the budget and for councilors to refer to page 17 in the General Fund and the first modification and the two were elimination of line items. Councilor Holman said the elimination referred to the Senior Center. He said the modification referred to the Department of Public Safety. They are two totally different topics. Carol said under the preliminary budget, so if you were to bring those two issues up, because this is open for discussion, and legal counsel could correct her if she was wrong, she told Councilor Holman she would certainly bring up his two other issues and the council takes the total vote on the modification and elimination of line items.

Councilor Holman said under account #10-61-47170 funds for a van driver in the amount of \$32,944.00. He said he would like to eliminate that item. Then he said the account #10-61-47070 Activities in the amount of \$5,000.00 he would like to eliminate that item. He said he makes a motion that they do that.

Councilor Williams said he would second that for discussion.

Carol Virden, City Clerk/Treasurer told the mayor and council that they were in discussion for the preliminary budget.

Councilor Williams asked Councilor Holman to explain.

Councilor Holman said what he was trying to do, and believe it or not it may not sound like it, but he was trying to get some things cleared up that has caused them a lot of agony, misery, conflict, discussion, misunderstanding, for a long time. He said some time ago he called Santa Fe and talked to a Dolores Gonzales about the Senior Citizen building because he had heard so many conflicting stories, some completely falsehoods, some half-truths, and no one really having a clue of what the situation really was. According to this lady, and he has a reply from her in writing which he said he would turn over to the City Clerk in case anyone wants to check this out. This lady said this was a grant given in 1990 for that building in the amount of \$132,500.00. For ten years the grant specified that the building was not to be used for anything except for a Senior Citizens Center. That was the general information that was out there for a long time and no one knew any better. The situation is after ten years that grant is not in effect and that that building became the property of the City of Ruidoso Downs. He said he asked her more than once if that building could be used for other purposes and she replied more than once that the building belongs to Ruidoso Downs and could be used for any purpose we want to and that it is our property. Councilor Holman said what complicates that somewhat is that there has been a lease with the County. He said item #6 in the agreement and lease of that building to the County and it states "the City shall be responsible for paying water, sewer, and garbage service provided to the premises" and we do, which is no little item for people that would say that we need to cooperate with the County, we need to do our part. He said we are doing our part; the City is paying the utilities. It goes on the further state "in addition the City shall provide the use of a van for transporting senior citizens." It does not say provide \$32,944.00 for a van driver. For those people who would say, and he said he could already hear the instigators, are you going to do this to seniors, how mean can you be? He said he found out very recently there are other avenues to take care of this problem and one of them he recently found, or it was assured to him, that any senior can pick up that phone and call the taxi and they will transport any senior in this city anywhere inside the boundaries of the State of New Mexico, not outside, and this will be reimbursed by Medicare/Medicaid. There are others, there are things called Safe-Ride. We have what is called Lincoln County Transit for a dollar and go see the doctor. He said his understanding is that he has been assured that there are other avenues out there so why would we pay \$32,944? It isn't something according to the lease agreement that we are supposed to be doing anyway. So, he said he is requesting that they eliminate that item for a van driver and he is also requesting that they eliminate the amount of \$5,000 for the Activity Fund. Those are funds that the federal government will subsidize private enterprise to take care of. If nothing else this will free up over \$40,000 and we could probably expand that to \$50,000 to use over in Agua Fria, we are years behind getting projects started over there that they are in need of. He said some of them are on septic and we need to get in there and get the sewers running to the Agua Fria Subdivision, we need to work on those water lines, we could use this money to start engineering studies and projects and get the thing going. He said this is monies that, and he said he hates to use the term "wasteful spending", but that he's got to think that's what it is when this can be done by other agencies and is being done by other agencies.

Terri Mosley, Finance Director said she would like to make one correction. She said when the Senior Center made the recommendation for the request it was for a cook/van driver.

Councilor Holman said he would like to remind the council that it is a county-run project just like the people that were in here jumping on our citizens the other night and they probably really should have been going and addressing that with the County Commission. That is a county-run facility, we own the building.

Councilor Williams said as a Budget Committee member they discussed over and over what they should do with the funding they have available, the dollars that were projected to come in and the dollars that they would end up spending over the year. They went over the whole process of this and at no time was there any question raised about the Senior Center during the committee meetings. He said there was no inquiring about the funding, there was no mention of the where the monies was being allocated towards these particular line items and to bring it up now is kind of callous to bring it up in a public forum in this respect. If you look about what we did, and Director Jay Smith will attest to it, we cut \$65,000 from the museum budget. We are looking at an increase of about \$10,000, well actually if you include the Activities which was part of the budget last year, we're only asking for a \$5,816 increase in the Senior Center budget. That's just for the cook aide/driver/administrative duties. He said if you are looking for money for other projects in the city, the money that they put back into the General Fund, and they cut 20% of the museum's General Fund allocation and put that back into the General Fund, that's \$20,000 right there. The museum took the bulk of the cuts and he said he doesn't see the need to eliminate a program that's asking for \$5,816 more. If you cut that from the \$20,000 we still have a \$15,000 profit margin that we have back in the General Fund to add to the projects that we have available which we will have available with the agreement we made tonight with the loan/grant. To sit here and arbitrarily say we aren't going to close the center, we know that and that was mentioned by the mayor during the workshop, but to cut these two line items cuts the throat of the program. The County will cut the program off. He said if that's what you want then that's fine. The Senior Center will become just a regular hang out for people with nothing to do. It's unfortunate that we are going this direction he said but he disagrees with Councilor Holman. If you look at the overall budget and what we have back in our pocket and what we are putting out he said you will see that the Senior Center is not affecting how we operate.

Councilor Olivo said the Senior Center will not just be a place for people to hang out. All of the other Senior Centers in Lincoln County get no funds from the city so why would the city have to put funds in for a van driver/cook aid? The request that the County sent him said they were requesting funding for a full-time position in the amount of \$32,944.00 and asked if it was fair for our citizens to pay for a full-time employee for the County when our citizens are getting no benefit out of it for the van driver? We have the transit; do they transport three people a month? If it's anyone that transports the people per month it's the manager that transports the people not the van driver, she's there answering the phone. It's not fair to use the public funding for that.

Councilor Williams said they are not thinking about Meals on Wheels and they aren't thinking about transportation that some of these seniors use to get to appointments and some of them cannot afford the dollar per ride each way. They need a ride that we can provide with no cost to them. The fact that having only two or three riders a month is misinterpreting the program and discrediting the program for those numbers and he would like to see those numbers.

Councilor Olivo said the State funds for Meals on Wheels are for one person who can deliver and could be done by volunteers so the van driver barely does that.

Councilor Holman said again there is transportation that is not even going to cost a dollar. The cab company has informed him that they will come and pick up a senior citizen and they don't have to be 65 years old and they will be reimbursed with federal funds. He said this is not going to affect their transportation in state.

Councilor Williams asked if this would terminate our agreement with the County? Mayor Armstrong said our agreement is utilities and maintenance and furnishing a van. He said the van has been returned to the county for the use of the transit.

Carol Virden, City Clerk/Treasurer said she would like to remind the mayor and councilors that Councilor Hood voluntarily disqualified himself from voting on the preliminary budget. She said if the council wishes to act and take a vote on each of the three items presented by Councilor Holman for the record they could go that way. If they would like to amend their motion to reflect what they like or don't like and if you get a second then you can take a vote on all three.

Councilor Holman said he would like to vote on these items separately and not as one issue together.

Mayor Armstrong entertained a motion for the restructuring of the Fire Department.

Councilor Holman moved to approve the restructuring of the Department of Public Safety to make the Fire Department separate. Seconded by Councilor Williams.

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

Mayor Armstrong said the next item would be the Senior Citizens Department-deleting line item #10-61-47070 Activities of \$5,000.00 and entertained a motion.

Councilor Olivo moved to approve deleting line item #10-61-47070 Activities of \$5,000.00. Seconded by Councilor Holman.

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

Mayor Armstrong said the next item would be the Senior citizens Department-deleting line item #10-61-47170 funds for a van driver.

Carol Virden, City Clerk/Treasurer said the position is for a cook/van driver.

Mayor Armstrong said it is noted with that correction and it is for \$32,944.00.

Mayor Armstrong entertained a motion.

Councilor Olivo moved to approve deleting line item #10-61-470170 for the Senior Center Department in the amount of \$32,944.00. Seconded by Councilor Williams.

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

Mayor Armstrong said with these items taken care of he would entertain a motion to approve the Preliminary Budget FY 2009-2010.

Councilor Williams moved to approve. Seconded by Councilor Holman.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Resolution No. 2009-06 A Resolution Authorizing the Assignment of Official Representation and Signatory Authorities.

Carol Virden, City Clerk/Treasurer said this resolution gives the authority to Mayor Tom Armstrong to sign the agreement for the project which is the Wastewater Treatment Plant and also gives the City Clerk/Treasurer and Finance Director to submit any documents pertaining to the project and to act as a single point of contact and also to sign reimbursement requests and other documents requiring a signature for submittal to the New Mexico Environment Department.

Councilor Olivo moved to approve Resolution No. 2009-06 A Resolution Authorizing the Assignment of Official Representation and Signatory Authorities. 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 to Consider Approving Special Dispenser Permit Application-LeRoy Neiman Art Opening.

Councilor Williams moved to approve Special Dispenser Permit Application-LeRoy Neiman Art Opening. Seconded by Councilor Hood.

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

Mayor Armstrong entertained a motion to postpone a Personnel Recommendation for the DPS position for the Certified Police Officer.

Councilor Hood moved to postpone a personnel recommendation for the DPS position for the Certified Police Officer. 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 to Consider Approving Personnel Recommendation-DPS-Position Communication Detention Officer and entertained a motion to approve.

Councilor Hood moved to approve Personnel Recommendation-DPS-Position Communication Detention Officer. Seconded by Councilor Olivo.

Chief Ortiz they currently have a vacant position that is being filled by part-time dispatcher/ detention officer and would like to make the recommendation to move her into a full-time position.

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 Wastewater Treatment Plant Operating Invoice for April 2009.

Terri Mosley, Finance Director said she received this invoice on May 18th and that no corrections need to be made. Payment is \$13,072.06.

Councilor Hood moved to approve Wastewater Treatment Plant Operating Invoice for April 2009. Seconded by Councilor Williams.

Councilor Holman said the recent rumor is that the Village is making comments that the City must be in real financial trouble because we are not paying the bills in a timely manner. He said we just heard Councilor Williams say that we are not in financial trouble. He said he wanted to commend Terri Mosley for looking at those bills and not just paying them. One of the issues that surfaced was that we were billed by the Village for services that had to do with the Ruidoso Airport. He said we don't need to be paying bills just because they come in without checking them out. He said Terri Mosley caught this.

Councilor Olivo asked Terri Mosley if this would bring us up-to-date on our account with the Village? Terri Mosley, Finance Director said this is the most current bill they have submitted.

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)

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

Betty Beaver said she is a resident and knows they are trying but that she just needs to voice an opinion. She said cutting the \$5,000 from the Senior Center is probably one of the biggest mistakes that they have made. She said she that everything that goes on at the Senior Center is done with senior volunteers that work and contribute to get things done. Even though they are not residents of our town they are residents of our area and it was embarrassing to her and others the way they were treated the other night at the meeting.

Windsor Lacewell said he was here the other night and the man sitting next to him tonight asked how many of them lived in the Downs and the question was totally ignored. He said the general opinion that he gets is that the Senior Citizen Center and the museum is a great asset to the area. He said he is of the opinion they should close them both. If it is as great of an asset to the area as some people seem to think, if they were closed immediately, Ruidoso and the County and perhaps even the State would jump right in and reopen it. Wouldn't you say that if it is as important to the area? That would free up \$80,000 that goes to the museum that we could use in this area to pave the streets, to run water lines that need to be replaced or do whatever needs to be done. Mr. Lacewell said he doesn't know who to address on this and doesn't want to address the wrong people but that \$80,000 and unspent \$20,000 less than last year so it was \$100,000 that could be used right here. If we improve the water system or the sewer system that would be used everyday, all the time, by our citizens. With this thing that happened the other night our mayor said to these people "we're glad you are here and we want you to come back, we welcome you with open arms, and we will do anything to make you happy and pay the bills."

Wayne Williams said he would like to state the same message as he did at the last meeting. He said he would read it so it is not misunderstood:

Wayne Williams said he would like to renew his request for a full packet for the concerned citizens who would like it put on agenda for the next council meeting so he can see which council members don't think they are deserving enough to get the full packet.

Wayne Williams said he would like to renew that request. He said he understands there are other ways to get the packet where it's not costing anything if you have the Internet or whatever. There may be some folks out here just like one of your council members was talking about that can't afford a dollar, maybe there's some folks out here that can't afford the Internet that would like to know what's going on with our City. Some of these budget items, he said he sat out in the pews because he hadn't been able to read it yet but this is something they need to do. He said there are very, very few people and a little cost for those that come to every meeting and there are six to eight people that come to every meeting so you're not looking at a huge cost to the City. It's principle more so than cost of 200 sheets of paper.

Jim Burrow said he thinks it was a mistake for them to cancel and take away the money to the Senior Center. It will hurt the City of Ruidoso Downs and reason one and it will hurt the Meals on Wheels project, not directly but indirectly. As far as the van goes and the help that will be missed and it will hurt. If you want to cut expenses and you think that \$5,000 will help put sewer in Agua Fria, he said he understands why they want sewer in Agua Fria because some people here live in Agua Fria. If you want to cut expenses he said he didn't hear a thing about cutting expenses for the City Council that they get on a monthly basis for attending service, there was no word said

about that. He said he thinks the Council should cut their expenses. He told Tommy he feels sorry for him.

Terry Garrett said the question is at the last meeting were the people from Ruidoso Downs, were they citizens? The answer is that most of them were and they are voting and very interested in the government of this City.

Joyce Gustafson said she appreciates all of the governing body that are trying to watch out after our tax dollars as our city does desperately need streets improved and sewer. She said she realizes the Senior Center has received this money for a number of years and they have gotten used to it, the County has, and if it was a fair, across the board, throughout Lincoln County that was giving money to the Senior Center, that would be one thing but it seems our citizens have been the only ones expected to give, and that's quite unfair. She said the citizens that were here last week at the workshop from Ruidoso, yes they had a right to speak up as far as concerning their needs and wants, but not when it comes to the cost of what it costs our taxpayers because we don't go over there and make demands on their tax dollars. It's a give and take situation and she said she hates that it's come down to this but it's one of those things that we have to look for what's best for the entire community and not a handful. She said she understands from the council member to her right that the city has ample money, if that's the case we should see a lot of our streets paved, a lot of the water and sewer lines replaced, a lot of the city's cleanup done that the city has not had enough money to go in and demolish some of these old buildings that need to be demolished. She said she appreciates all of their hard work.

Chief Ortiz said for a point of clarification the vote that they took earlier to reorganize the Department of Public Safety to separate police and fire services, asked if this is to mean that they are no long the Department of Public Safety but just Police Department?

Mayor Armstrong said he believed that is what the vote means.

Chief Ortiz asked if that was effective tonight?

Mayor Armstrong said he didn't think so and didn't know how that could be.

Chief Ortiz said that was his question and simply because by doing so they would revert back to just a Police Department. For the FY 2009-2010 Fire Protection Fund he said he would like to remove his name as the administrator for the fire Protection Fund since he had already made that application if they are to go ahead with that decision to separate the agencies altogether.

Carol Virden, City Clerk/Treasurer said this is just the preliminary budget and they still have the final to go through and they do have to have a Public Hearing. That will be scheduled for probably sometime during the first meeting in July. It does need to be submitted to the Department of Finance & Administration by July 31st. She said once they get their final approval, which will probably be in the latter part of September then that would go into effect at that time. Even at the final budget it is just for operating purposes and that's all it is. There is no capital to be spent, there is no capital but we don't like to actually spend any money unless we have to until we get that final approval from DFA.

Chief Ortiz thanked her for that clarification and he said he would just ask the council to think that reorganization over very carefully from the standpoint of supervision and organization and thanked them for their support. He said it was a hard decision to make but at the same time wanted to thank Councilor Holman for making the suggestion to lighten his load and it's been a pleasure carrying the entire Fire Department, Police Department, and Animal Control. He said he has enjoyed it and tried to keep the budgets in the black.

ADJOURNMENT

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

Councilor Williams moved to adjourn at 7:35 p.m. Seconded by Councilor Hood.

All were in favor and motion passed.

Tom E. Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer