

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
AUGUST 24, 2009

The Council of the City of Ruidoso Downs met in regular session on August 24, 2009. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Jim Burrow 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
Cleatus Richards, Public Works Director
A.C. Ortiz, Chief of Police
Justin Shaw, Fire Chief
Zach Cook, City Attorney

APPROVAL OF AGENDA

Mayor Armstrong stated next item on the agenda was approval of the agenda. He said two items to be pulled were Item J and Item K under New Business. On all of the New Business there is a correction in spelling and it should say "Officer" and not "Office" so if you would make that change.

Mayor Armstrong entertained a motion to approve the agenda with Item J and Item K pulled as well as the correction in spelling of "Office" to "Officer" under New Business.

Councilor Olivo 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. Mayor Armstrong entertained a motion to approve the Consent Agenda.

Councilor Williams moved to approve the Consent Agenda. Seconded by Councilor Hood.

Councilor Williams said there is a question I have on the meeting of August 10th and I wanted to know and I received a letter on it and I understand the terminology but I don't remember the council approving the title of Fire Chief as identified here. The question that I ask is to Justin Shaw in the paperwork from the Fire Chief. He said it was the second page and top part.

Mayor Armstrong said I believe Justin Shaw is the appointed Fire Chief at this time because he is the most highest rank person in the Fire Department.

Councilor Williams said the terminology again on your letter stated the role of Fire Chief. It doesn't state position, it doesn't state a title.

Councilor Holman said his question on that is does it have to be by council approval or can that be done administratively I guess is maybe what happened.

Councilor Hood said that should be right but by council approval.

Mayor Armstrong said I think the appointment is the difference in this here that I made the appointment of Justin without council approval.

Councilor Williams said again we're going back to that letter that you gave us as council that says "role." And the reason for that, and I'm not making a big deal out of this, but when someone else looks at the Fire Chief and the title that he has would infer that he has that position. We don't have that position. We don't have that position, it's not identified as a position because it hasn't been approved by council. You can appoint anyone you want to a position that is available but this is not an available position.

Mayor Armstrong said right but he's also the acting and he is doing the actions of this right now because there is no appointed position.

Councilor Williams said he was doing all that before when he was Lieutenant was he not?

Mayor Armstrong said I don't believe he was at the idea of him being sole person in charge of the Fire Department.

Councilor Williams said okay, not to continue saying any more about this because it's not getting us anywhere. It's difficult for me to approve that portion of that. Also, I have a question for the Public Works Director. In your statement in Other Business in the last meeting you said that under the FEMA projects that you had a meeting with Wilson and Company later that week with a task order to start the project. Did that meeting convene?

Cleatus Richards, Public Works Director said yes it was and they did start. They had their task order to start as indicated.

Councilor Williams asked if we do having the funding coming in for that?

Cleatus Richards, Public Works Director said there is funding and what we're going to determine is to what extent is going to be added.

Councilor Holman said I would like to address further that some things are approved administratively. Let me give you an example. I think generally people felt like that the council approval was needed for the separation of the Fire Department from the Department of Public Safety. Not really so, that is not the case. We pursued the situation where we did do that by council to be more open with the government and give the council the chance to express their views and vote their feelings on that. But, that was a change by a former city manager, John Waters, went down with a memo when the departments were separate and basically the memo said, "I, John Waters have decided to combine the Police Department and Fire Department." Now, that meant, and we got some criticism from the news editor on this, and we really didn't have to go there but we did in the interest of being open and did run that through council. But, you mayor as the administrative leader could have gone down to the Department of Public Safety and said, "I, as the mayor, am undoing what the former city manager did and the departments are separated." So, you wishing to do that could have done that but we elected instead to go through a more open process. My vote at that time seemed to be very important. It really could not have even gone there with my vote, it wasn't necessary but we did that and I do commend the mayor and clerk and the people involved that it was elected that we run it through council but it didn't have to be that way. It was combined by an administrator and it could have been undone by an administrator. I would think the council would appreciate the fact that they were allowed to vote their conscience on that .

Councilor Williams said the motion that was voted on was restructuring so at that time that was a separation of the department considering when you're saying restructuring that means you're changing something from this to that. So, to say that we had nothing to do with it is nonsense. The council has a lot to do with anything that happens within the city when you're talking about restructuring. We have that liability and to say we didn't and being an open government had nothing to do with it the option of what the city manager previously did, I don't care. The fact is that what we did to go through did go through and it was done according to how city government runs not because you think of something that should be done. You can recommend it to council but council ultimately has the final decision on what your recommendations are.

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

Carol Virden, City Clerk/Treasurer informed the mayor there was a tie vote.

Mayor Armstrong voted aye to break the tie vote. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF AUGUST 10, 2009.

Motion was made by Councilor Williams and seconded by Councilor Hood to approve the Minutes of the Regular Meeting of August 10, 2009 of the City of Ruidoso Downs.

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

COMMITTEE REPORTS

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

Mayor Armstrong said there was another item to discuss tonight.

Councilor Williams said the thing with Beautification is we continue to work with the Public Works to get that sidewalk project going on Highway 70, that's a big one for us. In October is our Trek for Trash and we will be getting information out to citizens for that event. I would like to thank the committee for the benches and tables they were able to purchase through the grant that was approved which we found out there were some complications with that but then we'll have to find a way to get around it at a later meeting.

There was no one to speak for the Economic Development Board.

There was no one to speak for the Parks & Recreation Committee.

There was no one to speak for the Planning & Zoning Commission.

Carol Virden, City Clerk/Treasurer said the Lodgers' Tax Committee is recommending to city council to amend Lodgers' Tax 8-3-12-B1 which is titled Composition of the Lodgers' Tax Committee Rules Governing the Operation of the Committee. The Lodgers' Tax Committee herein after called "committee" shall consist of five members. The members shall be appointed by the mayor with the advice and consent of the governing body. Members of the committee shall be registered voters of the Village of Ruidoso Downs and shall actually reside within the Village of Ruidoso Downs municipal limits. Two members of the committee shall represent the lodging industry, two shall be directly involved in a tourist related industry, and one shall represent the general public.

Carol Virden, City Clerk/Treasurer said that is the current ordinance and they would like the ordinance to read as follows:

8-3-12-B-A The Lodgers' Tax Committee shall consist of five members. The mayor with

the advice and consent of the governing body shall appoint the members. The members of the Lodgers' Tax Committee shall consist of two members who are owners or operators of lodging subject to the occupancy tax with the municipality. Two members who are owners or operators of industries located within the municipality that primarily provide services or products to tourists, and one member who is a resident of the municipality and represents the general public.

She said what I just read is the requirement under the NMSA 1978 Chapter 3, Section 38-22 Advisory Boards. Created and duties: the mayor of every municipality that imposes an occupancy tax pursuant to Lodgers' Tax Act 3-38-13 New Mexico State Statutes 1978 shall appoint a five member advisory board that consists of two members who are owners or operators of lodging subject to the occupancy tax within a municipality. Two members who are owners or operators of industries that are located with the municipality that primarily provide services or products to tourists, and one member who is a resident of the municipality and represents the general public.

She said the reason for it is that currently we only have two that are sitting at the Lodgers' Tax Committee and it's hard to get the other two industries involved and I guess we're kind of violating the ordinance itself because they are not registered voters of the Village of Ruidoso Downs. That is not a requirement under the New Mexico State Statutes 1978 3-38 – 22.

Mayor Armstrong asked what do we need to do with that?

Carol Virden, City Clerk/Treasurer said it's not a voting process. They are just requesting that we start the process to amend the Lodgers' Tax Committee ordinance itself on that particular section of the ordinance.

Mayor Armstrong asked if the members we have right now, do they fall into that category?

PUBLIC HEARING

Mayor Armstrong stated next item on the agenda was Public Hearing and the purpose of this Public Hearing will be to receive public input on needs and suggestions for 2011-2015 Infrastructure Capital Improvement Plan (ICIP) projects.

Mayor Armstrong said I hereby open the Public Hearing for comments and will be accepting 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.

Are there any persons here to speak in opposition of the action?

There were no persons to speak in opposition of the action?

Are there any persons here to speak in support of the action?

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

Mayor Armstrong stated he would hereby close the Public Hearing.

UNFINISHED BUSINESS

Mayor Armstrong stated next item on the agenda was to Unfinished Business and the first item was Consider Approving Agreement between the Humane Society and City of Ruidoso Downs to Provide Kennel Facilities and Humane Care for Animals.

Mayor Armstrong entertained a motion to approve agreement between the Humane Society and City of Ruidoso Downs to provide kennel facilities and humane care for animals.

Councilor Williams moved to approve the agreement between the Humane Society and City of Ruidoso Downs to provide kennel facilities and humane care for animals. Seconded by Councilor Hood.

Councilor Williams said for one thing I would like to have a change made in the first paragraph. It says this agreement dated the 30th day of July 2009, by and between the City of Ruidoso Downs councilors of the City of Ruidoso Downs. I would like that changed to governing body of the City of Ruidoso Downs.

Councilor Williams said I reviewed the recently approved contract the Village had with the Humane Society and it's basically verbatim it seems like except for the amount of money that is paid on this. The one thing that was missing out of there that is in ours states that the Humane Society shall only be obligated to accept additional dogs and the City shall pay the Humane Society \$125 per dog to provide services as described over the maximum of 300 dogs and cats. Councilor Williams said if this is passed and it forces Peggy to say well, I can't go over 300 pets because it's going to cost \$125 per pet over that 300 it's going to cramp her style of doing her job. I think that's a little overbearing when you're talking about us having to foot a bill for \$125 per dog. It didn't say cat or dog, it said per dog where the Village has no stipulation in their contract. He said he didn't know what the reasoning is behind it. I don't know if it's something we agreed upon or something we came up with but I disagree with the fact that I'm going to pay \$125 over 300 pets to take a cat or a dog in. If there is anyone from the Humane Society that can explain that I would appreciate it.

Zach Cook, City Attorney said he did review the contract but we also had a meeting with Ky Brown with the Humane Society. She says that she cannot lower her price below \$27,000. The Village has an agreement with the Humane Society for \$125 per dog. Where we are at 300 dogs or cats a year at \$27,000. That equals something like \$92 per animal. She says her budget won't allow her to go over that so in our meeting we agreed, subject to your approval, to keep the \$27,000 for 300 animals and then beyond 300 cats & dogs she would continue to take dogs but no more cats and you would have to pay full price of \$125. We get a break up to 300 animals and then we pay full price. In that meeting we agreed that would be the deal up to the end of the year. We have to make some adjustments to the way we are handling the animal control so that we bring our numbers down so we're not bringing in so many animals and it's more cost effective for the Humane Society. This is kind of just a patch to get us through the end of the year and we will have a better estimate on our numbers when we make some changes to our Animal Control procedures.

Councilor Hood asked what other municipalities are bringing dogs in? Is Lincoln County part of that?

Zach Cook, City Attorney said I don't know. All we discussed was the Village of Ruidoso.

Mayor Armstrong said I believe Councilor Williams had the first question of when it starts.

Councilor Williams said the \$27,000 which is pretty reasonable from our end. The Village is paying \$56,000 per annual and of course they have a larger area and they would have more or a pet problem than we would have. It's just the fact that we're going to have to be very cautious or Peggy is going to have to be very cautious as we get to that 300 mark. She'll have to say oh, I still have a couple more months in the year, what am I going to do, release them? Not knowing who the owner might be, where do I take them? He said I'm sorry the Humane Society has this issue with us and I know that we're not the only funding source that they have. I'm looking at the fact that people are responsible with their pets and there are some running around and will get caught but the \$125 per dog seems steep.

Mayor Armstrong said it is steep and that's why they are having problems with animals out there and this is why they have those organizations that are willing to take those animals. This was a fair agreement that we have looked at. The only way to do this is if we go over 300. We think that changing some of the ways that our Animal Control responds to some of these and not just take control of some of these animals will make a big difference down the road and we'll see if we have problems Peggy will not pick up something that's needed to be picked up. We will pay that extra amount of money but it's still cheaper than giving so much money and then she brings in whatever. We are working with Animal Control and our ordinances and the Humane Society to make it easier to swallow. These are the troubled animals and there are some other issues going on here that should make a difference and we won't know until we make it one year into this. We're aware of what's going on with that.

Councilor Williams said for one thing we have not passed an Animal Control ordinance yet so we don't know how we're going to figure out what we're going to do until we have an ordinance in place. We have a new one being revised and revised and revised. Until we get an agreement on that I don't know if this is going to be anything, it's like the cart before the horse. We don't even have anything for us as a city as a guideline to work with before we start giving this up to the Humane Society.

Mayor Armstrong said we still have our ordinance of what we're running on and have always been running on.

Chief Ortiz said as a point of clarification felt that the prorated fee was a reasonable rate. He said to keep in mind that we have been running without a contract since this one expired officially. We're making some changes and adjustments in the way we pick up animals, cats being one of the biggest population we turn in to the Humane Society. We're making some adjustments that will hopefully offset those numbers and keep that number right at or below 300 so we don't have to pay that prorated fee. We monitor this carefully weekly and monthly so that if we see ourselves get to that point we'll make some further adjustments to offset that. With the plan we have in place which is to change some of the procedures that we have been doing previously in years that we have become aware of we can offset that number keeping in mind that the Village of Ruidoso doesn't pick up near as many animals as we do here. Part of that was the procedure we had in

place at the time of picking up every single animal. I commend Peggy LuJane for that in trying to keep the pet population down but some of the adjustments that we are making now will keep that number under 300 and I hope that some of the ordinances we put in place in the future will offset that even more. We are continuing to work on those ordinances and are looking at spaying and neutering but for right now we need to get this passed so we don't incur anymore. If we lock this in for one year we'll be on safer ground.

Councilor Williams said another item was "Custody of Sheltered Animals" #7. It says "accept as otherwise provided herein all animal" and it should be animals "which are brought to the Animal Shelter by city employees or any person designated by the city to render such services" which would be Animal Control. He said he would like "city employees" changed to the police officers. I don't think a regular city employee would be the one to bring anything to the Animal Shelter other than the Animal Control Officer and maybe an officer in the Police Department. At the last it says, "addressed to the City of Ruidoso Downs attention City Administrator. We do not have a City Administrator so you may want to make a change on that.

Councilor Williams said he would like to modify his motion to read: Approval for the agreement between Ruidoso Downs and the Humane Society of Lincoln County to provide kennel services and humane care for animals with changes in the first paragraph from City of Ruidoso Downs council to governing body and #7 "Custody of Sheltered Animals" from city employees to police officers and the last one of striking city administrator from attention.

Councilor Hood moved to second the motion with those changes.

Councilor Holman asked Chief Ortiz if he felt okay with where we are at this point right now?

Chief Ortiz said yes I do.

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

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.

Councilor Williams said I want to clarify to make sure we all understand comments made last meeting concerning the Senior Center. The Agency on Aging has a program that is utilized in five county senior centers and Ruidoso Downs is one of those senior centers. This program provides a quality of life for seniors in meals served at the center for a donation, home-delivered meals for people that are incapacitated that are not able to go to the senior center for meals, transportation, opportunities for senior employment, homemaker services, plus all of the activities. These senior centers provide those activities also that are identified under the Agency for Aging. Ruidoso Senior Center is not in that program. They are a single entity identified through the Village and financed through the budget of the Village and grants that they receive. Comments made about how dumb we are, how egotistical we are, because we can come over here from our village and eat for free over here in Ruidoso Downs. That's what that service is there for. To provide for seniors not only in the Downs but also in the Village, Mescalero, Alto, a part of the county and the

comment is misstated and shouldn't have been stated. We do provide these because of this program and if you'll look at the budget, \$143,000 the Village of Ruidoso has for their senior center, for services they don't have that we have over here that we're budgeting \$10,000 for. If you hear comments about coming over here and taking advantage of us and using our center it's just complete bull. If this program wasn't here at the Downs then these seniors would probably have to go into one in the county senior centers to access this program. I just wanted to clear up that Ruidoso is not part of this program and that's why their seniors are coming over here to eat these low-cost meals and enjoying what we have to offer for them. This should be the last time we have to talk about it. We do have a great center here and it's a great program for everybody.

Councilor Olivo asked Councilor Williams if he was aware that the Senior Citizens Center in Ruidoso give a free meal to everyone on the second Wednesday of the month and the fourth Wednesday of the month? It's called a potluck and the seniors provide the food.

Councilor Williams said he was aware but it was not home cooked meals that are provided here. They come over here to eat our home cooked meals because it's cooked at the center.

Councilor Olivo said they pay for anybody that cannot pay for their home deliveries. He asked Councilor Hood if that was correct? If you deliver to Ruidoso people doesn't Ruidoso pay you for that?

Councilor Hood said no they don't. What they used to pay for was people under 60. When the Lincoln County and Aging Network went to people under 60 at \$12.50 per meal for somebody under 60, and I do not know how they arrived at that figure because I wasn't in those meetings at that time, and Ruidoso did help supplement that for people under 60. The last four or five years they have supplemented anything. The only thing Ruidoso does to help us now is they come and deliver meals on Monday's and Friday's. Right now at the current level we are servicing 22 people in Ruidoso Downs and we have about 23 in Ruidoso so we have quite a few people on Meals on Wheels and most of them are medically impaired and have some type of condition where they can't drive and can't get out. They are shut-ins. The way it's addressed inside the center is anyone 60 years of age or older is allowed to come in and make a suggested \$2 donation. That's the reason our donation box is sitting over there by itself because none of the employees in the center or myself are allowed to address that situation with anyone who is 60 years of age or older.

Councilor Holman said he agreed with Councilor Williams that there comes a time to let go of things and not just pursue, pursue, pursue. We do have individuals and it seems like just one or two that seem to still be causing problems over this separation over the Department of Public Safety. I think it needs to be let go. The council did make a decision on that. It should be accepted and let this take its process for an orderly transition. Councilor Williams just said in his assessment that as an administrator you cannot go down and make that change, that an administrator can't do that, then the for city manager John Waters could not do that then because he was an administrator. If he was not able to do that then I guess our Department of Public Safety has always been separate and not combined according to Councilor Williams. Was there a Fire Chief at that time? So in other words it has continued just as it is if we have a Fire Chief now. Another thing is just for the general information of the public; there was a tour of the Wastewater Treatment

Plant last Friday. Most of the officials of Ruidoso did attend. The mayor and I did attend. I was very impressed and I think everybody in attendance was very impressed with the enormity of the project. You can certainly see where that much money is going. It's very impressive that they have managed to keep that going while adding all of these improvements. By their own admission it's been very difficult to do. In the early part of the tour, about one-third through, and showing the old plant and what it was still doing and how they were integrating to keep the process going without any interruption were pointing out to us there was equipment that was purchased. Some of it so that this could be done. One of the elected officials from the Village made a statement, and you could tell that he was not happy, and wanted to know if the equipment that was just mentioned was the machinery, the equipment that Ruidoso Downs would not pay for. I would like to make a note that I do not fault the city councilors from the Village nor their administration for taking care of the Village. That's what they are elected to do. I would hope that every councilor for the City is doing the same thing here. We get agitated sometimes with the elected officials of the Village. In my opinion they have some very capable and honest councilors that they have elected and are doing a good job for the Village. I never fault them for the conflict they have with us sometimes. In response to that since it was an elected official I think we owe them the courtesy of responding. He asked Terri Mosley, Finance Director to look into that so we could respond to the elected officials of Ruidoso.

Terri Mosley, Finance Director said we pay in 15% for the operations monthly. We also pay in 15% of that 15% for Capital Reserve and so in essence we are helping to pay for the Capital equipment. She said she did a spreadsheet for 2001-2002 and 2008-2009. Our 15% if we were paying actual cap out for equipment would be \$43,264.07. What we've actually been paying into, as the Capital Reserve is \$138,372.44. So the reserve we pay quite a bit more than the cap out equipment would be. Terri said she had a meeting set up for tomorrow to hopefully get that resolved.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was Consider Approving Resolution No. 2009-17 Supporting the Filing of an Application to New Mexico Department of Transportation for funding Assistance for FY 2010-2011.

Mayor Armstrong entertained a motion to approve Resolution No. 2009-17 Supporting the Filing of an Application to New Mexico Department of Transportation for funding Assistance for FY 2010-2011.

Councilor Williams moved to approve Resolution No. 2009-17 Supporting the Filing of an Application to New Mexico Department of Transportation for funding Assistance for FY 2010-2011. Seconded by Councilor Olivo.

Councilor Williams said as information for the public he asked Mickie Compton to explain.

Mickie Compton said this is the time of year is when the 5311 Rule Public Transportation Programs grant is prepared and the grant application is due September 4th. It does require as part of the grant a resolution of support from the fiscal agent and other entities involved in providing match. I gave a brief definition of how the protocol works. Budget is submitted for estimated cost for fiscal year 2011 for transportation services. The budget is then submitted to the NMDOT and then usually in the fall a presentation is done to SERPO to justify each line item as far as cost incurred. There are now new criteria involved other than justification of the grant amount. There is ridership, percentages of operating budget versus administrative budget and things of that nature. Once SERPO receives the justification presentation we are graded on it and according to that grading system NMDOT determines the amount of funding for that fiscal year for each transit subgrantee. Last year we were fortunate enough to be graded first place in both areas and we were granted the largest majority of our budget that we requested. For this purpose it is just your support in saying yes we do support public transportation and the application and it will be sent in with the grant.

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 Presentation of PERA Changes-Mary Frederick-Deputy Director of Member Services PERA of New Mexico.

Mary Frederick introduced herself and said in their packet you have three spectra changes to plans you are looking at. PERA plans are you have your general members, police members, and now you're looking at moving two of your fire members out of your general plan so there's three separate resolutions.

Mary Frederick said the first change that you're looking at is you've got two fire members that are in your general plan right now and they want to move to a fire plan. In order to do that council has to pass a resolution. There has to be an election because the amount that your employees are paying now is 7% of their gross salary. To go into a fire plan that goes up to 8%. The fire and police plans are more expensive because of the actuary cost to be in those plans. Hazardous duty plans are more expensive than your general plans. In order to do that you need to pass a resolution saying that you are willing to accept the employer contribution which you are now paying 7% on behalf of the two firefighters and that would go up to 21.25% so it's a significant increase. The firefighters then have to vote if they want to go from the general plan into a fire plan. If you pass this resolution you are saying is that as a council agree to pay the employer portion because it's irrevocable and you can't go down to a lower plan. That's what you have to look at as a governing board. If you are willing to do that and then your employees at that point have to vote on whether they are willing to go from 7% to 8%. The benefit for that is the pension factor of PERA defines them as a plan and it's one of the best retirement plans in the country. You take your years of service credit time the multiplier, which is that pension factor, and you look at your final average salary so its just multiplication. The plan that they are in right now has a pension factor of 2% so they can maximize retirement at 60% of their final average salary. You look at their highest average salary they have made in 36 consecutive months. So, for your general employees now and your firefighters because they're in that plan can get a pension maximum of 60% higher salary but they have to work 30 years to do it. What your employees are paying for and then if your firefighters adopt this plan you are paying for that higher pension factor for the fire plan 3,

which is 2.5%. That allows them to work for 40 years if they want to and get 100% of their highest salary.

Mary Frederick said the next one is the same in that it moves from one plan to the next and that's for your general members from Plan 1 to Plan 2. They have to hold an election because they're moving from 7% of their salary to 9.5%. You as the council, the employer, are paying 7% now and will go to 9.5% as well. So it takes that multiplier from 2% to 2.5%. If you pass this resolution you are saying you authorize them to hold an election and then 50% of your eligible voters have to vote yes to adopt that.

Mary Frederick said the one that is different is your police plan. They don't have to vote if you change them from Plan 1 to Plan 3, which is what you're doing. You're moving them from the 25-year plan to the first plan where they're eligible to retire in 20 years. Their contribution doesn't change though it stays from Plan 1 to Plan 3. It stays at 7%. The employer contribution changes from 10% to 18 ½% so what you do because the employee portion isn't changing they don't need to hold an election because you are making the decision as the governing body if you want to move them up to a plan where they aren't paying an additional benefit to go from Plan 1 to Plan 3. The other two are elections because they are changing the amount that they pay.

Mayor Armstrong entertained a motion to approve Resolution No. 2009-18 authorizing an election for adoption of Municipal Fire Member Coverage Plan 3.

Councilor Olivo moved to approve Resolution No. 2009-18 authorizing an election for adoption of Municipal Fire Member Coverage Plan 3. Seconded by Councilor Williams.

Councilor Holman asked Terri Mosley, Finance Director if we were going to be okay on our part?

Terri Mosley, Finance Director said yes.

Councilor Holman asked Chief Ortiz if he had an opinion?

Chief Ortiz said looking at the plan we think it's a good plan and we hope council will approve it.

Mayor Armstrong said we would like to say that this is something that gives the incentive to employees to come here. I know these changes are costly but people think very seriously about their retirement.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Resolution No. 2009-19 Authorizing an Election for Adoption of Municipal General Member Coverage Plan 2.

Mayor Armstrong entertained a motion to approve Resolution No. 2009-19 authorizing an election of Municipal General Member Coverage Plan 2.

Councilor Olivo moved to approve Resolution No. 2009-19 authorizing an election of Municipal General Member Coverage Plan 2. 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 Consider Approving Resolution No. 2009-20 Approving Participation in Public Employees Retirement Association Municipal Police Member Coverage Plan 3.

Councilor Williams moved to approve Resolution No. 2009-20 Approving Participation in Public Employees Retirement Association Municipal Police Member Coverage Plan 3. Seconded by Councilor Olivo.

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

Councilor Williams asked Mayor Armstrong for a break due to the extended agenda.

Mayor Armstrong said he would allow a five-minute at 6:37 p.m. Break due to the extended agenda.

Mayor Armstrong stated next item on the agenda was Consider Approving Enhancement Helicopters to land at the Hubbard Museum of the American West on September 20, 2009 during the Golden Aspen Motorcycle Rally for Sight Seeing-Patric Pearson.

Councilor Hood moved to approve enhancement Helicopters to land at the Hubbard Museum of the American West on September 20, 2009 during the Golden Aspen Motorcycle Rally for Sight Seeing-Patric Pearson. Seconded by Councilor Williams.

Councilor Williams said they didn't have anything in their packet about this.

Patric Pearson said this is the insurance that is included but the Hubbard, the City, the Fire, and the Police as Hold Harmless in the policy from the helicopter company.

Patric Pearson said they were approached by a group and it's a company out of Arizona that does this for other events. They actually have a hard location in Arizona and this is a sister company in Albuquerque. They approached us about doing rides during the motorcycle rally. The first thing we did was we met with the Chief Shaw about the location. We were originally looking at a location at the rally site but because of the dirt in the area we didn't think it would work well. Then we looked at the track and felt like that was probably not the best location so we came back here to the Hubbard Museum. We met with the owner and the pilot and talked about their flight pattern so they're not flying over homes. What they let us know is that all the noise is directed down from the blade. It's more of a tourist type helicopter so it's not like the ones coming out of the hospital with the large jet engines but it's designed to do this very thing and trying to avoid the noise around the areas. I actually talked to Barbara with Champion's Run today and she had no problem with that. What we talked about is the pattern will be that the helicopter will fly out and around and not directly over the condos and then out over Goat Mountain and out that way and try to stay out of flying over residential. I believe they take three people up and it's a 20-minute

ride. We talked a little about possibly after the event maybe the flight will take video of the area of the City.

Mayor Armstrong asked if this was something that was going to be free?

Patric Pearson said no, they were going to charge. I think the price is \$40 a ride. It's really geared for the tourists to come in and they have an opportunity to go up toward the mountain. They're not going to have people get in and say let's go fly over Hale Lake.

Mayor Armstrong said I guess the flight pattern will not be going over the museum itself?

Patric Pearson said with the museum here it's actually in the grass area so it's going to go between the condos and the museum in the pattern that was approved.

Mayor Armstrong said he would like to ask our attorney about the insurance and Hold Harmless clause and if it was enough for us.

Zach Cook, City Attorney said he didn't know, we were just showing a million dollar insurance policy and the council can go ahead and approve it contingent upon our review of liability issues. He said he would like to do that because it seems like there is a lot of inter-liability on a deal like this. As long as there is plenty of insurance and they're willing to indemnify the City I don't see why you couldn't go ahead and approve it if you want to do it.

Patric Pearson said really they are coming to us so I can tell them the limits that are set from the City. The numbers are always the same, a million for the liability and three million for the individual. That's kind of a standard deal. The same thing if a biker crashes during the rally.

Zach Cook, City Attorney said this was his first helicopter show and said he would like a couple of days to do some research.

Mayor Armstrong said just because of the museum and the art that we have there he said he didn't see that a million dollars was enough to cover that. He asked Jay Smith to speak about that.

Jay Smith, Museum Director said having not really seen the policy I have no idea. I walked the area with Patric about a week ago and suggested that he contact Champion's Run. Based on what I was told about the manner in which the helicopter company operates it looked to me like there was plenty of space in the eastern half of the parking lot. In other words where some of the grass grows in the parking lot as you know we've never filled that whole parking lot with cars because frankly about 400 cars could park there. I was satisfied with the manner in which the operations and the flight plan would take place. My only concern that I expressed to Patric was that it was clear that this was not sponsored by the museum or the City of Ruidoso Downs and whatever insurance was covered by the helicopter company and that the museum and the City would be held harmless in the event of an accident, that we were only supplying an area not anything more than that. Beyond that from a legal perspective that's where I run out of expertise and I believe Zach begins. As far as how much the valuation of the museum is at approximately 8 1/2 million dollars. It just depends on what you want to require of this company in terms of property liability as opposed to casualty. Bottom line, operationally, I don't think it impacts the museum.

Mayor Armstrong asked if there was any other discussion?

Councilor Williams asked Steve Dunigan, Planning & Zoning Director if this would be considered a business and if so would it require a business license?

Steve Dunigan, Planning & Zoning Director said whether Seasonal or a Temporary vendor I'm not sure we've ever addressed something like this. This would be something like a carnival in my opinion. A Temporary Business License is somewhat like coming into town for three days could and we have an ordinance that covers that. I haven't really thought about it.

Councilor Williams said like anything if it's a business we're looking at the GRT for the City.

Steve Dunigan, Planning & Zoning Director said at this level of business we've asked others at far less revenues to take out a license so this is probably something we should look at and I would probably need to contact them as soon as possible.

Patric Pearson said if you would like I will get some information and call you tomorrow.

Mayor Armstrong said don't we have a special use permit?

Steve Dunigan, Planning & Zoning Director said not at this time to cover an event such as this. I think it falls under the Temporary vendors permit which calls for \$500 first day and \$300 each day thereafter up to 72 hours.

Councilor Williams said if we approve this we're going to have to put in a contingency on it until some of these questions are answered on the premise that we do approve this.

Mayor Armstrong asked who made the motion?

Carol Virden, City Clerk/Treasurer said Councilor Hood.

Councilor Hood said I will amend my motion until we find out the answers to these questions.

Carol Virden, City Clerk/Treasurer asked if he wanted to approve it with the contingencies.

Councilor Hood asked if they need to table it?

Zach Cook, City Attorney said you can approve it conditioned on legal review of the liability issues and special use.

Patric Pearson said just one question; the amount they're looking at is how much for the four days, \$1100?

Steve Dunigan, Planning & Zoning Director said I think this is an advantage to the City of Ruidoso Downs to have this type of exposure and perhaps we should look at a Special Use Permit and to

leave room for the council to make a decision on. This is a unique situation and I will need to contact them as soon as possible. I just need some guidance on where we're going with this.

Jay Smith, Museum Director said we also need to keep in mind from an economic impact perspective what the bringing some 40,000 people to the Downs over a four-day period is pretty big and maybe the economic impact is greater than the total of a Special Use Permit which would again be under the council's prerogative to waive that if that's the direction you want to go. Again, there's a huge economic impact to the motorcycle rally and this is just an added attraction for that purpose.

Councilor Williams asked how much time does that company need to get this organized because we have about a month before the rally.

Patric Pearson said I don't know because it was just contingent on us doing this tonight. I have to talk to them and find out what their time frame is. The helicopter will fly from Albuquerque to the airport on Wednesday and then they'll start on Thursday. We're roping things off and they are taking care of that area where they're walking people to the helicopter.

Councilor Williams said our next meeting is September 14th which is the Monday before the rally so if there is the ability to get it set up in a manner of days we can have an answer on this and make sure it's taken care of within the procedures.

Mayor Armstrong said a Special Events would help in this matter.

Councilor Williams asked Steve Dunigan, Planning & Zoning Director how we handled the Labor Day setup we're going to have?

Steve Dunigan, Planning & Zoning Director said the upcoming Labor Day has not been handled yet. That's going to be done as a seasonal; no it was a temporary and will be \$500, \$300, and \$300.

Councilor Williams said in this case we have the only helicopter in town and we may want to do what we can to entice them to come in here without contradicting ourselves when making decisions on other events.

Mayor Armstrong said I believe we have in our ordinance the opportunity to allow for this but we will look into it.

Patric Pearson said I will keep in touch with Carol. How long will it be?

Zach Cook, City Attorney said hopefully by the end of the week.

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 Selecting Project for Submittal of 2010 (CDBG) Community Development Block Grant.

Mayor Armstrong said I believe you all have your information of the ones that were selected by the citizens. He said this was the third Public Hearing that was held and these are the comments from those meetings.

Carol Virden, City Clerk/Treasurer said there were three scheduled Community Development Block Grant Public Hearings. The first one was July 27th, second one was August 10th, and the last one was August 24th. It is a requirement under the CDBG rules and regulations that we publicize in English and Spanish at least one Public Hearing prior to selecting a project to advise citizens of estimated CDBG funds available, types of projects available, obtain recommendations from citizens regarding community development and housing needs. We did hold three Public Hearings. Out of the three Public Hearings we did hear street and drainage improvements to North Central and Nevada Streets, completion of sidewalks/curb/and gutter on Highway 70, curb/gutter/drainage improvements to River Lane, sewer and water improvements to the Agua Fria Subdivision. Under the 2010 Community Development Block Grant Program we can't make application for one out of the seven categories. Number one being the Community Infrastructure which is water and sewer systems, street improvements, consisting of roads, streets, gutter, curbs, sidewalks, traffic control device, and municipal utilities, housing, real property acquisition, rehabilitation, clearance provision of public facilities to increase housing opportunities, Code Enforcement, historic preservation activities, a maximum of \$30,000 in CDBG funds per home can be used on rehab/repair activities. There is also Public Service Capital Outlay which is community centers, senior centers, community facilities designed to provide health, social, recreation, and other services to residents, economic development which assists communities in creating and retaining jobs for low to moderate income persons, creation or retention of businesses owned by community residents. Emergency addresses life-threatening situations resulting from disaster to health and safety. Must have appropriate state agency concurrence, local resources must be non-existent, or unavailable. Planning grants or assistance must be used for Comprehensive Plan if there has not been a current or updated plan within the last five years. Feasibility studies, mapping, aerial photography, GIS systems, development of code and ordinances, and that is a limit of \$50,000. Under the Colonias the communities must be within 150 miles of the US/Mexican border and be designated by the county or municipality where it is located. The criteria necessary to qualify are lack of potable water supply, inadequate sewage system, and lack of decent and safe housing. Applications are limited to \$500,000 and again Planning grants are \$50,000, and we can also submit a phased request if necessary.

Councilor Williams asked what was the Phase III of the WWTP?

Carol Virden, City Clerk/Treasurer said that was on the ICIP, that's the Wastewater Treatment Plant.

Mayor Armstrong said he was waiting for suggestions on different streets, different drainage problems and asked Cleatus Richards to speak.

Cleatus Richards, Public Works Director said the primary input of the three hearings that we had was for street and drainage issues. I looked at three different projects and we're limited to \$500,000. I costed out River Lane-curb, gutter, and drainage. North Central-curb, gutter, and drainage cost. River Lane would run around \$410,000 and North Central would run around \$74,000 to \$75,000. That's very close to the \$500,000 maximum. Those are projects that are primary

on our drainage program. We've done the Parker Road drainage diversion. We still have continuing problems of drainage issues every time we get heavy rains on North Central and also on River Lane. I would strongly recommend we look seriously at those projects.

Councilor Williams asked if there were any citizens who live on North Central or River Lane want to speak?

Cleatus Richards, Public Works Director said North Central was previously phased and no curb or gutter was placed. That paving is already starting to undermine. I think unless we do something in the very near future we're going to have to repave it again because of the erosion due to the under washing the existing pavement. I think we need to protect the investment we've made in the past and this would certainly be a good way to do it.

Carol Virden, City Clerk/Treasurer the CDBG application process is a competitive grant. The limit is \$500,000 and it's very seldom that a community gets the full funding of \$500,000. It's a possibility and I think they did ask if it could be a phased in project, that they would do a phased in project from year to year or every two years.

Councilor Hood said I think we should do the drainage on Central because when we do have heavy rains and on River Lane and Central really do have problems.

Councilor Olivo said it started when they redid Highway 70.

Councilor Hood said we never have had the money to take care of the drainage part of it. I know we have other projects in the city that need to be handled.

Mayor Armstrong said this also follows our Master Drainage Plan, which we did several years ago. The big ditch down here was the first phase of it and this is actually the second phase so that all of the water on the south side of the highway.

Councilor Williams said we've already tried to get funding to start on Nevada and are we going to add some to that drainage? You have it listed here and it's obviously a priority too.

Councilor Holman said when you start trying to find out what are most important and you have these issues listed here it's pretty tough to do. I would like to remind council one of the things listed here are the water and sewer improvements in Agua Fria Subdivision. We do have some deadlines from the time that was annexed to take some action on that. The Wastewater Treatment Plant and the people who have lawsuits on both the Village and the City, I'm sure they would like to see these people off the septic in the City. Plus the fact that there is currently a problem over there with the sewer being done so when you start looking at what is most important it's kind of tough.

Mayor Armstrong asked Cleatus Richards to explain where we're at with the Agua Fria.

Cleatus Richards, Public Works Director said that is currently in design. The Colonias funding cycle runs approximately from June to June. What we're planning is by next June we'll have the preliminary design done for the entire Agua Fria sewer system. We should have enough money

with the current grant to do a small first phase and we plan on applying under the Colonias, which also has about a \$500,000 limit to try to do additional phases in Agua Fria. At this point we don't have anything designed to build in the Agua Fria Subdivision.

Councilor Holman said there is no question that Nevada has had a problem for a very long time.

Mayor Armstrong said we need a selection.

Carol Virden, City Clerk/Treasurer told Councilor Holman that they don't have to go with what is on the list, these are comments received from the public that came out of those three hearings. It the mayor and council feel there is another project that is more significant then they can go that route.

Mayor Armstrong said we started out with plans of the drainage and I feel that we need to follow through with them. We are hurting on these areas and will lose money that we already put down.

Councilor Holman agreed.

Councilor Olivo moved that the following projects be placed on the 2010 CDBG application:

- Street/Drainage improvements on River Lane and North Central
- Street/Drainage projects on Nevada
- Water/Sewer improvements in Agua Fria Subdivision
- Curb/Sidewalks on Highway 70

Seconded by Councilor Williams.

Cleatus Richards, Public Works Director said there is another application in for stimulus funds for the Highway project.

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

Mayor Armstrong stated next item on the agenda was Consider Approving the Disposition of City Property and Authorize for Auction.

Terri Mosley, Finance Director said the list is in their packets and was created by the department directors for items in their departments that they are declaring non-usable or obsolete. We are recommending council approve this listing as such and to participate in the auction in the near future. After the approval of this list it will be sent to the State Auditor and there is a 30-day wait before we can move forward with this process. She noted there was one page that was duplicated and that happened when we were making copies and we will correct that before it is sent to the State Auditor.

Mayor Armstrong entertained a motion to approve the Disposition of City Property and Authorize for Auction.

Councilor Williams moved to approve the Disposition of City Property and Authorize for Auction. Seconded by Councilor Hood.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Safety, Security, and Emergency Preparedness Plan for Lincoln County Transit.

Mayor Armstrong said the emergency preparation does not change any of our emergency preparation actions that we would do. It is their own that they have to carry themselves.

Councilor Williams said I can see why the Senators are having a tough time meeting the health bill; it's the same thing with this one.

Mickie Compton said this is a mandatory document that is required to be compliant with the STA 5311 rural transit funding. It was originated from Homeland Security after September 11th and basically what this does is compliment the current emergency plan that municipalities have and counties have but it also goes into detail as far as how transit is involved and emergency preparedness. It goes from the capabilities assessment of what we're actually capable of doing, how it will be handled on a countywide level down to how it would be handled on a local level with our transit vehicles such as dangerous individuals on our transit vans. There is a list of protocols and how we are to handle them. In the back there is also phone numbers and action plans for each incident involved. We work very closely with the emergency preparedness group here. We have an audit with the Federal Transit Authority on Wednesday and they will review this plan and make sure it is in place. It does not change anything with the current policy that the Downs has as a municipality, it adds to it.

Chief Ortiz asked Mickie Compton if she had any plans to meet with the local jurisdictions to go over this plan?

Mickie Compton said absolutely. I will be providing a copy to all of the local jurisdictions that we have so that in case of emergency if it's countywide we will have an open line of communication. If it's local as far as an emergency who I would report to, who you would designate transit to report to so that we can provide our assistance.

Councilor Williams said we've talked about it, on page 8, the door-to-door.

Mickie Compton said in here it says we are a door-to-door service. Technically the vans response is considered curb-to-curb. We are required by ADA law to provide door-to-door service for those individuals that qualify under ADA but for most intents and purposes we are curb-to-curb.

Mayor Armstrong said so that needs to be changed.

Mickie Compton said that is a common term for demand response but it can be approved as is.

Mayor Armstrong entertained a motion to approve Safety, Security, and Emergency Preparedness Plan for Lincoln County Transit.

Councilor Williams moved to approve Safety, Security, and Emergency Preparedness Plan for Lincoln County Transit. Seconded by Councilor Hood.

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

Mayor Armstrong stated next item on the agenda was to Consider Approving Personnel Recommendation-Position-Project Manager-Public Works Department.

Mayor Armstrong entertained a motion to approve Personnel Recommendation-Position-Project Manager-Public Works Department.

Councilor Williams moved to approve the hiring of Richard Dale Graham as Project Manager-Public Works Department. Seconded by Councilor Holman.

Councilor Williams said I had talked to Carol earlier and she answered some of his questions. I need from the director to explain, and I've read the requirements and specifications, but tell me what you anticipate and what you believe this addition to your department is going to do for me as a citizen and also the citizens of this community in making our community a better place to live.

Cleatus Richards, Public Works Director said this is going to provide the Public Works Department with a person that can oversee day-to-day operations of the street, water, sewer, and parks divisions. Oversee additional construction projects and process and will be assisting me in preparing applications for projects and helping me in overseeing some of our existing projects which quite frankly I don't have the time to coordinate all of those efforts at this time. It will give the City a much better function at this time. The City in the past has had a Public Works department that was primarily responding to work orders. I have several in-house projects that I want to undertake and the Riverside Park is currently one of those projects and I would like to invite all of the council to go down and look at what we've accomplished this far. I think we've made some very good progress. The street and parks departments are responsible for the work efforts that you see there. There is a lot more to do on that project. There are other water projects that I have in mind that will improve our overall system. I want our department to not just be a work order type department. I want us to be proactive and go out undertaking projects and not have to hire contractors to do it. I think the Riverside Park is a good example. We have to spend some \$150,000 on that development under our settlement agreement. The way I have it structured the majority of that fund our money will be in house force account type work. There is water lines, sewer lines and other improvements that we're not going to hire contractors to do, we're going to do it in house. It's going to make much more effective use of our dollars and use our money to buy materials and we're going to get a much better park out of it using that type of approach. That's the kind of Public Works department I'm trying to structure and that's why I need this help.

Councilor Williams asked Cleatus Richards what his vision was for the Riverside Park and not what we were required to do.

Cleatus Richards, Public Works Director said we are not required to do anything down there. We have a park of some 9 acres that we're trying to develop that will be something that our community will be able to use and will be an attraction for this whole area. We're trying to create access into the river, large recreation areas hopefully work with the Game & Fish to stock that area and create habitat for fish and open it up for fishing.

Councilor Williams asked if this individual has worked for the city before?

Cleatus Richards, Public Works Director said yes he has.

Councilor Williams asked what his duties were?

Cleatus Richards, Public Works Director said he was basically foreman over water, sewer, and streets and did work also in parks. He handled the majority of purchasing and budgeting for the department. He was essentially a mini-Public Works Director back during his era.

Councilor Williams said since we're investing a lot of money in this one I just have one more question. I want to make sure the citizens understand the investment that we're making for something we may not need but we are pursuing at this time, that the tax dollars will be well spent and they will see results from this.

Cleatus Richards, Public Works Director said we will improve our water system to better serve a growing community in the future as well as sewer and street systems.

Councilor Hood asked Terri Mosley how much this salary averages out to per year?

Terri Mosley, Finance Director said about \$47,000 per year.

Councilor Hood said this individual is going to be an hourly employee right and would be called out for overtime?

Cleatus Richards, Public Works Director said yes if overtime is necessary.

Councilor Hood asked who was on the selection committee? He said we had the discussion a while back that we thought one of the councilors would be on it.

Cleatus Richards, Public Works Director said myself, Randy from Personnel, and Carol.

Councilor Hood said I would still like to see one of the councilors involved especially when we're going to spend this kind of money on an individual. Especially for the taxpayers. We used to in the past, at least one council member.

Councilor Olivo said yes that's true but remember now we have directors for these departments and we voted for these directors.

Councilor Hood said I understand that and I trust them but I would still like to have one of the councilmen involved.

Councilor Holman said one of the problems there is which one of the councilors is going to decide which councilor is going to be on the committee? What might be better is putting a member or two of the community on that committee since we're concerned about the citizens benefiting.

Councilor Olivo said the appointment of Mr. Graham needs approval by the council. We're picking one of the best men that ever worked for the city. That man is aware of all of the systems that we have in the city. In fact we have some water breaks where our water department didn't know where the water lines were and had to get in touch with him and he would tell where the lines were.

Councilor Hood said I'm not arguing with that I just think we need to have a better selection committee. I agree he was a good employee when he worked for us before.

Mayor Armstrong said I think it would be a hard decision on which councilor we could put on that committee. I felt it was a very good hiring committee.

Councilor Holman said we're not questioning the position we're questioning which employee was selected.

Mayor Armstrong said this was a needed employee to help the city grow. Public Works is a pretty good size department.

Councilor Holman said Cleatus was questioned on this but when we had the budget hearings and Councilor Williams and I were on those committees that was decided then that this position was going to be done. We were both concerned that maybe we could have two more workers for this amount of money.

Councilor Williams said between then and now questions have been asked so there's nothing wrong with what we're doing now even if it was approved in the budget.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Personnel Recommendation-Position-Street Maintenance Worker-Public Works Department.

Mayor Armstrong entertained a motion to approve the hiring of Raymond Lewis Montano as Street Maintenance Worker-Public Works Department.

Councilor Olivo moved to approve the hiring of Raymond Lewis Montano as Street Maintenance Worker-Public Works Department. Seconded by Councilor Williams.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Personnel Recommendation-Position-parks Maintenance Worker-Public Works Department.

Mayor Armstrong entertained a motion to approve Personnel recommendation for the position of Parks Maintenance Worker for the Public Works Department.

Councilor Hood moved to approve the hiring of Raymond Jess Ortega as Parks Maintenance Worker-Public Works Department. Seconded by Councilor Williams.

Councilor Williams said the addition of the new Parks Maintenance worker is a good choice because we now have three parks.

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

Councilor Williams asked if any of the individuals were here? Raymond Ortega was and introduced himself.

Mayor Armstrong asked that all of the new hires be at the next council meeting.

Mayor Armstrong stated next item on the agenda was Consider Approving Personnel Recommendation-Position-Police Officer-Ruidoso Downs Police Department.

Mayor Armstrong entertained a motion to approve Personnel Recommendation-Position-Police Officer-Ruidoso Downs Police Department.

Councilor Hood moved to approve the hiring of Carolee J. Jones as Police officer for the Ruidoso Downs police Department. Seconded by Councilor Williams.

Chief Ortiz said I am glad to announce our recommendation for the last position for police officer. Hopefully this will bring us for the first time since I've been here up to full staff. We hope this position will better allow us to serve the community with more coverage. She has come to us from Portales and is a Certified Police Officer and worked for the City of Portales for a year. She will be at the next council meeting.

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

Mayor Armstrong stated next item on the agenda was Consider Approving personnel Recommendation-Reclassification-FT Term Position Lincoln County Transit Driver to FT Clerk/Dispatcher.

Mayor Armstrong entertained a motion to approver Personnel recommendation for reclassification of FT Term Position for Lincoln County Transit to FT Clerk/Dispatcher.

Councilor Olivo moved to approve Personnel-Recommendation-Reclassification-FT Term Position Lincoln County Transit Driver to FT Clerk/Dispatcher. Seconded by Councilor Williams.

Mickie Compton said we hired a full-time clerk/dispatcher and a full-time driver and in the process of cross training both individuals for both positions the employees discovered a finesse for each other's job. They are both Ruidoso Downs residents and both know the area well. One has a more finesse with scheduling and handling office protocol and the other was more comfortable with driving. What this is in essence is that they would like to swap positions for more effective services with transit.

Councilor Holman said as I recall both of these positions are covered by grant and there will be no expense to the city.

Mickie Compton said one individual has a great amount of experience in scheduling, she works well with the driver simply because they are both familiar with the community and with the other drivers that are not as experienced with the area they can instruct them together.

Councilor Holman said originally we talked about Mickie Compton being on board for one year and that contract was coming up before too long. In the meantime you were going to train an individual. Are you training of these individuals for the position that you hold?

Mickie Compton said these two individuals will probably remain within the grant. I have brought in an administrative assistant to possibly try to cross train. This individual is working on a part-time basis and they are all trained in certain aspects. My contract does come up for renewal and I will be submitting that for consulting and operating the contract for another year. I haven't been able to find an individual that is ready to take the helm at this time.

Mayor Armstrong asked if the salaries were different for each of these positions. Do the employees know they might have a change in salary by changing positions?

Mickie Compton said when we first considered this it was to be the same hourly rate. I was not aware there was a cost of living adjustment given to the full-time clerk and I did not have a full-time driver at that time. I have been told that they will not approve the extra \$.27 an hour for the change. The employees do know that.

Carol Virden, City Clerk/Treasurer said the recommendation is for both to be at \$9.27 an hour.

Mayor Armstrong stated next item on the agenda was Consider Approving Personnel Recommendation-Reclassification-FT Lincoln County Transit Clerk/Dispatcher to FT Term Position Driver.

Mickie Compton said one thing I would like to consider in discussion in the next month is to formally put down how you handle grant employees. I think it would be of the best interest of the Downs to hire a grant employee, a term employee.

Mayor Armstrong said we'll handle that when it comes up.

Mickie Compton asked if both of these would be term employees?

Mayor Armstrong said I can't answer that.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Mayor Armstrong, 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 and her husband live in an area in Ruidoso Downs that was annexed 37 years ago and said I think that's about 30 years past the 7-year limit. We have no sewer and no water. I just wonder if there is such a thing as de-annexation?

Judy Beavers said I'm here to ask the City of Ruidoso Downs to consider putting up a fence around the new Riverside Park area to help control vandals, trespassing and damage to the neighbor's property. I will now be located between two of the city's parks, I have had problems for many years with trespassing almost on a daily basis. I hope this area will be regularly patrolled and we can expect prompt response to problems. I would also like to expect large area lighting. The lights in the existing park are often left on all night to deter vandals and damage. Judy Beavers said Mr. Mayor I believe you and I had the conversation of that deal running about \$3,000 a month for those lights. Also there should be a curfew on that park similar to the current park and if there is would you consider enforcing it? There is no current enforcement on the current park area.

ADJOURNMENT

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

Councilor Williams moved to adjourn at 8:00 p.m. Seconded by Councilor Olivo.

Tom E. Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer