

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
OCTOBER 11, 2016  
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on October 11, 2016. Mayor Williams called the meeting to order at 5:30 p.m. and asked Dakota Crouch to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Miller  
Councilor Romero

Councilor Morales  
Councilor Walker

Carol Virden, City Clerk/Treasurer informed Mayor Williams there was a quorum.

Also present:

Alexandra Bobbit, City Attorney  
Steve Dunigan, P & Z Director  
Darrell Chavez, Lieutenant - Police Department  
Dale Graham, Public Works Director  
Dakota Crouch - HMAW Director  
Harrold Mansell, Municipal Judge  
Virginia Armstrong, Court Administrator  
Mary Castaneda, Finance Director

APPROVAL OF AGENDA

Mayor Williams stated the next item on the agenda was - Approval of the Agenda.

Mayor Williams entertained a motion.

Councilor Miller moved to approve the agenda. Seconded by Councilor Romero.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker; Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Williams stated the next item on the agenda was Approval of the Consent Agenda.

Mayor Williams entertained a motion.

Councilor Morales moved to approve the Consent Agenda. Seconded by Councilor Walker.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker; Aye. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF SEPTEMBER 26, 2016.

Councilor Morales moved to approve minutes of Regular Meeting of September 26, 2016. Seconded by Councilor Walker.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker; Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLES

Councilor Morales moved to approve Accounts Payables. Seconded by Councilor Walker.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker; Aye. Motion carried.

PUBLIC HEARING

Ordinance No. 2016-02

An Ordinance authorizing the Execution and Delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement by and Among the New Mexico Colonias Infrastructure Board ("CIB") and the New Mexico Finance authority ("Finance Authority,") and Collectively with the CIB, the "Lenders/Grantors") and the City of Ruidoso Downs ("The "Borrower/Grantee") in the Total Amount of \$1,294,486, Evidencing an Obligation of the Borrower/Grantee to Utilize the Loan/Grant Amount solely for the Purpose of Financing the Costs of Making Certain Wastewater System Improvements, and Solely in the Manner Described in the Loan/Grant Agreement; Providing for the Pledge and Payment of the Loan Amount of \$129,449 and Acceptance of a Grant Amount of \$1,165,037 Solely From Net Revenues; Certifying That the Loan/Grant Amount, Together With Other Funds Available to the Borrower/Grantee, is Sufficient to Complete the Project; Approving the Form of and Other Details

Concerning the Loan/Grant Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent With This Ordinance; and Authorizing the Taking of Other Actions in Connection With the Execution and Delivery of the Loan/Grant Agreement.

Dale Graham, Public Works Director said what we did about a year ago is we applied to the Infrastructure Board for our grant. In April we were awarded \$1,294,486 which 10% of that had to be turned into a 30 year loan so that's where the \$129,449 comes in. We've been working on the Agua Fria Sewer System for the past two years and this money is for Phase III of that system. We will go to bid and hopefully in Phase III we can get that project finished. This was a four phase project but each time we have been able to get more money so we should be able to get it done in Phase III.

Mayor Williams opened the Public Hearing.

There were no comments from the public.

Mayor Williams closed the Public Hearing.

The next item under Public Hearing was – Request for a M-PUD Overlay Development of five RV Spaces at the current business identified as Tract 1SE/4NE/4 Section 29 T11S, R14E and 26326 US Highway 70, Ruidoso Downs.

Alexandra Bobbit, City Attorney said because of a hearing that may possibly be appealed to District Court I am going to swear anyone in that wishes to speak on the subject. She asked anyone who would be speaking to stand.

Joe Dearing stood. He introduced his wife Jackie and said she was from Jackie's This & That.

Alexandra Bobbit, City Attorney swore him in.

Joe Dearing said we've been on the property a couple of years but we recently purchased it and we have some ideas. Our property is at the corner of 70 and Second in Ruidoso Downs. These RV spaces are in accordance with City regulations. The property is 9/10 of an acre and zoned C-2 and M-PUD. Our plan is to use this property as multi-use retail and retail sales from our existing building known as Jackie's This & That. We will be adding a line of RV related accessories to complement our existing tourist related products. Five RV sites where customers can stay in their RV's while visiting Ruidoso Downs. These types will be assigned a mini-storage unit for their stay. This is a convenience that is not available anywhere else and it should generate more sales of larger items in the area. I had a lot of feedback from customers in the store who asked us to keep their stuff until they renewed their account. They can't live in their RV

with all of their things. They are all very positive about this thing. Jackie's Mini Storage will supply all the storage units at no extra charge to the customers. We plan to expand the mini storage at a later date. We would add another 20 ft. x 100 ft. building on the Harris Lane part of the property. We also intend to improve the overall appearance of the building. The southwest side of the existing building is going to be refinished to appear as a western style of plaster and exposed brick. He said there is a picture in the packet that we took of a location and we're going to try to copy them. This work and additional landscaping would enhance the appearance to the side of Highway 70 and Second Street. All the sites on the access road will be crushed rock. The entry and access to RV parking will allow everybody to clear Second Street during registration. We will have nobody standing and waiting to get into the lot. There will be plenty of room to back in, pull out, park and clear Second Street and be totally off of the roadway. Contour is going to be graded to pretty much match the firehouse property next door of approximately 3%. We will have 900 sq. ft. reserved for a recreation area to allow for outside table, chairs, pet area, and lighting. This end of the existing storage building fortunately has bars on that side and those large units have access from the other side so that's all available for use. Landscaping is going to include planting more trees. We are going to put in a solid 6 ft. cedar wood fence between us and the fire station on that boundary. In conclusion to stay, shop, and store in one location is going to be a convenience to travelers in the area. I also think that with this facing Highway 70 it will make this part of the Downs look a lot better coming in. The people from the racetrack are going to love this.

Wayne Williams wanted to speak.

Alexandra Bobbit, City Attorney swore him in.

Wayne Williams said I don't really have a problem with this one way or another but I do have a concern that you would be opening up one hell of a can of worms if you do this. Remember the problem you had with the horse property a while back? So, what happens now when you put in a variance to put in an RV spots. Is that going to open up the flood gates for other people to say I want an RV spot too? You need to think about it pretty good before you just vote. Is it going to create a problem for City Council? I don't think City Council cares if they have problems or not.

Alexandra Bobbit, City Attorney asked him to state his name.

Wayne Williams stated his name.

Alexandra Bobbit, City Attorney asked him to state whether he lives within the two hundred mile radius of this area.

Wayne Williams said yes.

Alexandra Bobbit, City Attorney said I mean two hundred feet.

Someone corrected her and there was laughter so his answer could not be determined.

There were no other comments.

Mayor Williams closed the Public Hearing.

#### UNFINISHED BUSINESS

There was no Unfinished Business.

#### NEW BUSINESS

Mayor Williams stated the next item on the agenda was – Mayor’s Comments.

Mayor Williams said we got through the Cowboy Symposium and it was very successful. A lot of people attended. I would like to commend the Public Works people for what they are doing up on Griffith. It’s a learning experience and they are getting better at it. What we’re doing is saving the City money by doing this project and getting the whole thing done instead of doing it as a partial. By using the crews that we have with their experience would allow us to spend that money and have more money on top of that.

Mayor Williams stated the next item on the agenda was – Councilor’s Comments.

There were no Councilor’s Comments.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Adoption of Ordinance No. 2016-02.

Mayor Williams entertained a motion.

Councilor Miller moved to adopt Ordinance No. 2016-02. Seconded by Councilor Romero.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker; Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Judge Mansell – Requesting Additional Part-Time Position – Municipal Courts.

Harrold Mansell, Municipal Judge said I am here with my Court Administrator Ms. Armstrong. I just got through doing a three hour deposition for you all and I'm sure you will have it pretty quick. One thing I do want to change under Item D is you have part-time position and I want to change that to full-time position bailiff/clerk.

Mayor Williams said your Interdepartmental Memorandum, and I'm going to refer to legal on that, it stated another part-time position for the court and it is identified specifically on the agenda like that.

Alexandra Bobbit, City Attorney specifically the matter that can be brought before Council is what is on the memorandum. It does state that he wants to add another part-time position for the court. It does not state anything referring to a full-time position and/or bailiff. There does have to be notice given to the public and the Council to have the opportunity to review that position and whether financially it would be doable to prep for the meeting. From this standpoint it would have to be properly presented to this Council through a memorandum and also provide the public with proper notice of what is being discussed.

Mayor Williams said if you would like to continue with this that's fine or if you prefer to another time and re-present yourself with that request we can do that too.

Harrold Mansell, Municipal Judge said another time and right now I'm going to turn my mic over to Virginia.

Virginia Armstrong, Court Administrator said I prepared something I wanted to say. I did prepare this for a part-time helper. That is what we initially asked for and then the judge came in today and said he wanted to request a full-time bailiff. I'm going to go ahead and present this request for a part-time position. The judge and I are here today to request more help for the municipal court. There are fifteen full-time employees in the Police Department. Eight police officers. Four full-time employees and two serving criminal complaints. The reason I'm bringing this up is there are a total of ten police officers working for the City of Ruidoso Downs. There are a total of one full-time employee and a total of one part-time employee in the court and we have to process all of those officers criminal complaints and traffic citations. I will explain some of the work that has been generated in the municipal court in the last six months. This is just since May. A total of 1,241 citations were entered. 148 warrants were issued. 75 warrants were cleared and 70 drivers licenses were also cleared. 300 court arraignments. 350 show causes and around 12 trials. I'm also responsible for setting trials by setting the date, correcting information for the defendant, processing summonses, mailing, and contacting the defendants. There are time that an attorney will send a defendant and there I will refer to our City Attorney and move forward with the directions of our City Attorney. I also have to contact Lincoln County Detention

Center to make arrangements for defendants that have been arrested which some have been served with several other agencies with warrants. The warrants as well as municipal courtroom business, there are times when the court will have to decide what to do with those defendants. Release and set them out on their own recognizance and hope that they will show up. At time the paperwork has to be processed to have a defendant sent down to Ruidoso Downs for court. This is only a sample of what is done when defendants are in Lincoln County Detention Center. The court receives numerous phone calls from defendants informed about their citations and court dates. There are times we get phone calls asking about other agencies. We get citizens asking all kinds of strange and unusual questions. We do the best to answer and refer to other agencies that might be able to help. A monthly report is processed each and every month that states what is collected every month. The report that you all get each month is a summary broken down by each category for the General Fund. As of May 1, 2016 this court has collected \$49,385.00 in monies for the General Fund and \$29,391.00 in surcharges. A report is generated for the Automation Fund that will be reimbursement for the City. Money saved for the court to pay for certain items for the court. I have a list of these items in my court if you all ever want to look at them. A deposit is generated at the end of each day of court revenues. There are a number of other duties but we will not go into those. There are a number of things that need to be done in the court that are not on the priority list that I get done when I have the time. A concern of mine as the Court Administrator is that I do need more help in the court. When I had a full-time bailiff the other person would help with the work but now I have been left with the extra work load as well as stepping in as bailiff of which I am nowhere qualified to do. I do what I can but I am only one full-time in this court. If I take vacation or training the court has to be closed for half a day and that is providing the part-time clerk is not sick or has an out-of-town appointment. It is a great inconvenience for the customers and Police Department if there is something they need help with pertaining to the court. I have no one who can do my job without any training. I feel that it is important that the court have at least three people to be employed for the court. We have not had a bailiff for over a year and when the PD can they will bailiff for the court arraignments or trials. Officers are not always available to help in the court. They too have their own jobs to tend to. I did inquire with Donna about the monies we are talking about. We came up with some figures at \$13.10 an hour which would be something to start with. A full-time with bailiff with 1 on benefits and a full-time employee with benefits and insurance would be \$41,845.14. A full-time with two on insurance would be \$48,503.94. A full-time with a family on insurance would be \$54,442.62 and a part-time which would be less than or at least 20 hours with no benefits would be \$14,959.67. We are requesting for at least a part-time clerk at this time even though our hope was that we could get a full-time bailiff to cross train as a clerk that would be willing and trained to take over when I retire.

Councilor Morales said this about the part-time clerk, we've gone through this before. My understanding is that when you are gone nobody can do what you do. Is this part-time person going to be able to do everything you do?

Virginia Armstrong said the part-time person I am hoping to hire I am hoping to train that person to take over even though there aren't enough hours in a day to teach them everything I do but I do want to train this person to be able to do what I have to do when I'm not there.

Councilor Morales said that answers my question because we've been through this before with the part-time help that could not help when you were gone. I think if you're going to have part-time help it's going to be very important that they be able to step into your shoes and fill in when you're gone to a doctor's appointment, sick, or whatever that we don't have to say the court is closed because Virginia is not here to do what you are doing.

Virginia Armstrong said that's what my plan is but there again, when I have to be gone and my part-time clerk that I do have and say she has a doctor's appointment or sick that day then we have to close the court.

Councilor Morales said I have expressed to you this before that if I hire a part-time person at my job I want them to be able to fill in for just about everything I do. I understand there are some things they can't do. But, I would like to see that you hire somebody that can fill in your shoes and we've gone through this before. My other question is not to you but to Mary about the budget. Is there money to hire at this point?

Mary Castaneda, Finance Director said the information that I have for you is well, let me just read what I have written down. The court fee revenues were increased from last year by \$18,865.00. They were at \$61,935.00. They were increased to \$80,800.00 for this year's budget which is current now. We are at 25% of the budget and the revenues are at 29% which is approximately \$3,200.00 above where they should be. I put that \$80,800.00 in there to show the increase in revenues that she is referring to. It's already in the budget. The revenues were already in the current year and I wanted to remind you there were health insurance increases that increased the General Fund by \$74,338.00 in expenditures. So, the revenue she's referring to on the Administration courts where they reimburse her for her expenditures and she has a list where she applies for reimbursements quarterly, those revenues are already in the current budget. The court fees she is referring to are also already accounted for. There is not any new income source.

Councilor Miller said we talked a lot about this during our budget workshop that the court needs extra help and we did talk to her about if it was feasible we would give her at least a part-time. The \$74,338.00 is for the whole City and wouldn't just come out of their department.

Mary Castaneda, Finance Director said it would come out of the General Fund if she was to hire a part-time person.

Councilor Miller asked am I understanding you that their revenues did come up quite a bit and there is \$3,200.00?

Mary Castaneda, Finance Director said yes.

Virginia Armstrong said and that is only for six months.

Mary Castaneda, Finance Director said well, I'm showing the first quarter because last year was closed. This is the new budget we are talking about.

Councilor Miller asked am I understanding you that there is not enough money for a part-time?

Mary Castaneda, Finance Director said the new budget, it's already, I mean there's not any huge revenue source that's coming in that would offset those expenditures if that's what you are asking me. No there is not. There hasn't been a huge increase in the GRT's. We're right on budget. We're at 25%.

Councilor Miller said their budget. I'm not talking about the whole City budget.

Mary Castaneda, Finance Director said right but we're talking about the General Fund which is where those expenditures come out of so they are all part of the General Fund. So, the General Fund in whole covers those expenditures.

Councilor Miller said but on their budget. Are they up to the max on their budget, on the courts budget is what I'm talking about.

Mary Castaneda, Finance Director said are you asking about their expenditures or their revenues?

Councilor Miller said no, what they are actually budgeted for.

Mary Castaneda, Finance Director said they are incorporated into the General Fund and so the General Fund is already, the revenues are already less than the expenditures if that's what you're asking me. Yes they are. The expenditures are higher.

Councilor Miller asked well, what would we have to do in order to get it for the court?

Mary Castaneda, Finance Director said the revenues would have to come up \$15,000.00 or more for the position that she's asking for to cover that expenditure.

Virginia Armstrong said I talked to Donna and she made a sheet and she told me that a part-time person with no insurance for about 20 hours a week would be \$14,959.67. If I had another person in there to help me we could probably generate more revenue because there is a lot more work that I try to do and just on warrants alone were way up there. Then I have to generate the show causes to get people to send in their money. Sometimes they forget or they lost their ticket. She said from May to now there was \$7,877.72 and that's just the warrants we collected. The total that goes into the General Fund is \$49,385.00. The surcharges is what comes out of our \$29.00 court cost and \$20.00 goes directly into a Correction Fund. Is there not a new law that went in that if you need the money can you take it out of the Correction Fund and move to the General Fund?

Harrold Mansell, Municipal Judge asked are you all doing that now?

Mary Castaneda, Finance Director said we haven't touched that money that was done that one time. I'll let Carol. On the police vehicles that was done before I came. But that money is sitting in there and hasn't been moved.

Virginia Armstrong said for six months alone we generated \$20,121.00 in Correction funds and I know there was a law that came out that if it wasn't use that some of that money could be transferred to the General Fund.

Mayor Williams asked Mary if it would be more for Council to consider this funding aspect of it at mid-budget hearing because the revenues could raise themselves in the two to three months and we're in the fourth month and maybe the next two months could help? Would it be a little easier for Council to digest these numbers? What process would be easiest for us?

Mary Castaneda, Finance Director said that's up to the Council.

Mayor Williams said I understand that but I'm saying when we go mid-budget that's when Council decides if there needs to be some alterations on budgets and that would be prime time to look at revenues for the consideration of that position.

Councilor Walker said I believe in a way that Virginia is right because if they had another part-time person they wouldn't have to close the court. They would be bringing in more revenues. I feel we should find the money to have another part-time person.

Harrold Mansell, Municipal Judge said that's without benefits and that's going to be hard to find too.

Councilor Walker said especially if we diverted most of the tickets we give out, if they are diverted to our court and not the Ruidoso court as much as possible then I think the fund would go up.

Councilor Morales said I don't disagree that Virginia probably needs a part-time employee. I'm not in the position to tell them how to run their court but I say again I strongly suggest that they be able to fill in when she's not there. My other question is did we not discuss the bailiff? Correct me if I'm wrong Carol after the budget or when we were doing the budget workshops did we not have a hiring freeze in place until mid-year?

Carol Virden, City Clerk/Treasurer said the hiring freeze that you're speaking of came from a recommendation from the Department of Finance and Administration during the budget committee meetings. Councilor Romero was one of the committee members as well as Councilor Miller. During that discussion there was never a discussion of freezing any vacant positions at this point. During the budget work sessions there was a discussion of a bailiff as well as another part-time court employee and guessing it was a court clerk but also during that it was just discussion. When it came to approving the interim budget for the fiscal year for 2016-2017 there was never a motion to freeze any vacant positions. There was no motion to allow the court to hire a part-time court clerk.

Councilor Walker said I think we are also looking at a liability without a court bailiff. If somebody gets hurt in the court during one of these hearings we could be in big trouble so we need to look at the liability.

Councilor Miller said I don't know that much about the court but I'm listening and they need help. We told them during the budget meetings that we would look out for them moneywise. She just told us that revenues are up quite a bit in the last six months. How much are they up?

Carol Virden, City Clerk/Treasurer said there also was discussion during the requests of the court that they cancel and look at the availability from primary municipal courts during the mid-year budget adjustments. We all know when Mary does, and we will

have budget adjustments at mid-year where you have to kind of equal the departments so that one line item doesn't exceed the actual approved budget. Each department is responsible for that. It's not the responsibility of the Finance Director to do that. The Finance Director does provide each of the Department Heads with those budget adjustments that are to be turned in on a timely fashion to her request in a memo so that she can do those mid-year adjustments that will come before the Council and they should be available in January. That will give you an opportunity in January to see if the courts or any department are exceeding what they requested and what was approved by the Governing Body as far as expenses. The only one it's not going to affect in the General Fund is those Enterprise Funds. The General Fund is for departments for general purposes only.

Harrold Mansell, Municipal Judge asked what are you saying? She gave you everything in the world.

Mayor Williams said there is nothing against what the presentation was. What we are trying to explain is funding. If we dip into the General Fund which is our operating fund which allows us to provide services to our citizens. If we take money out and not replenish it we will be depleting the fund. It would take funds from Public Works, Public Safety, Planning services, Finance & Administration and we can't do that. We are obligated to maintain a certain amount of funding to ensure that if any catastrophe occurred that would take away funding for services like if we had a flood or freezes that we couldn't operate if we didn't have that money available. What we are trying to say is to have the option of waiting until mid-year budget adjustments and have Council review every department to see where funding is and how we could adjust it then. We're not sitting here saying no but we are trying to tell you that right now we may not be able to afford it. The museum takes money out of the General Fund and repays it. We have to put the money back in. I think it's important that you have an employee and Virginia could use one and the concerns of liability without a bailiff. We're not going to sit here and say no you can't.

Harrold Mansell, Municipal Judge said well you have for two years. I just got through giving a deposition this afternoon and I know what I'm talking about and she knows what she's talking about.

Carol Virden, City Clerk/Treasurer said I would like to answer the Judge's question and Virginia's question on the Correction Fee. There was a Senate bill that was passed a few years back where it does state that the Correction Fund has excessive funds available they can be transferred to the General Fund for general purposes. That's how the Ruidoso Downs Police Department bought those seven units and also an Animal Control truck I believe. I'm not sure and it's not difficult to explain but the Correction Fund fees you project that you are going to bring in say \$10,000.00 it comes in and goes

out so it zeros out at the end of the year. I could send the funds to the Administrative office of the courts.

Virginia Armstrong said no actually it's not the Correction Fund. Now the Automation Fund zeros out and the Judicial Education Fund.

Carol Virden, City Clerk/Treasurer said the Correction Fund fees says in there that you can enter into a contract with like the Lincoln County Detention Center and we have done that before. The last time they came up the Chief at the time said the fees had escalated so much that it wasn't feasible to bring the prisoners down here. If you have excess funds you can transfer to the General Fund but I am not sure that it would include any type of salaries.

Virginia Armstrong said I'm not sure either but when you have a Correction Fund that is set up for prisoners. When that bill came out and I'm not real sure but what they do is transfer money from the Correction Fund to the General Fund. I don't know if the funds have to be stipulated for what.

Mary Castaneda, Finance Director said I can get a copy of that and it is stipulated that you can't just use it for whatever you want. There are requirement for how to use that money.

Alexandra Bobbit, City Attorney said just to follow up we can get that for Council to review. The issue is that there isn't a set amount of money that is guaranteed. For salaries there has to be a set amount for salaries up front. My understanding as to why it cannot be applied to salaries is because there isn't a guaranteed amount that is going to be transferred over every year.

Carol Virden, City Clerk/Treasurer said at the time that Council approved the transfer from the Correction Fund to the General Fund was because the Correction Fund fees had an excess of well over \$100,000.00 that wasn't budgeted for. That's the only reason.

Alexandra Bobbit, City Attorney said if that's an issue and if that's something the Council would like to consider then that is something we can get to all of you so you have a better idea of how that Correction Fund works.

Councilor Miller said yes I would like that to be clarified so we know exactly what we can use that for and if it's not in the budget we will have to wait until mid-year.

Mary Castaneda, Finance Director said Councilor Miller you wanted to know if the revenues were higher and that's what I was trying to tell you. We are at 25% and the revenues they are referring to are at 29% which is \$3,200.00 higher than estimated. The

issue with that is that it can be higher this month and lower next month. If I'm looking at it and analyzing it then it's spot on because a lot can happen in three months. It can go up or it can go down. If I see it 10% or 20% higher than you have an influx of revenue but it's spot on.

Virginia Armstrong said today I had fifteen citations.

Harrold Mansell, Municipal Judge said so it's 15 time \$20.00 just for today.

Councilor Romero said Virginia needs help but it all comes back to the budget and we need to look at the information we asked for and then we should put some numbers in. I think that's where we are at now.

Councilor Miller said it's money we don't have.

Alexandra Bobbit, City Attorney said the memo on the Correction Fund do you want that done in the next couple of weeks?

Carol Virden, City Clerk/Treasurer said we can provide a copy of the Senate bill and I have a copy and so does Mary. We could make a copy and put it in the Councilor's box or they can come to pick it up tomorrow. We can scan it or email it too so you can study it and make a suggestion for the next Council meeting on October 24<sup>th</sup>. Not to say that Council is going to approve a part-time but we can put it on the agenda specifically to address the Senate bill Correction Fund excess fund because they are available in any community and what the specific expenditures would be. You will then have a better picture when it comes back for mid-year budget and the courts could place another item on the agenda for this and table this until January so it doesn't exceed three months for postponement.

Mayor Williams entertained a motion.

Councilor Miller said I would just suggest that we wait until mid-year budget to see what we can do and then you can suggest unless something comes up on this Correction Fund.

Virginia Armstrong said okay.

Mayor Williams asked how we were going to proceed with this?

Carol Virden, City Clerk/Treasurer said you would certainly have to take action on Item D.

Councilor Morales moved to deny the request from Municipal Court for a part-time employee and request that we put an agenda item for the next Council meeting regarding the Senate bill so we can review it and see what we can do with that money from the Court Automation fund. Seconded by Councilor Miller.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker; Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Planning Commission Recommendation for a Mixed Planned Used Development to Add 5 RV Spaces to Current Commercial Property.

Joe Dearing said I would be glad to answer any questions.

Councilor Romero asked what the time frame is for completion?

Joe Dearing said I would like to get it done before winter but that's not going to happen so I would say mid-spring.

Councilor Romero said so you would like to have this in place for the skiers?

Joe Dearing said it would be available for the ski crowd but probably not this winter. I'm putting the cosmetics of the front of the building in front of the RV development.

Councilor Romero asked if there are limitations on how long somebody can rent the space?

Joe Dearing said that is the City statutes of 150 days.

Mayor Williams entertained a motion.

Councilor Miller moved to approve. Seconded by Councilor Walker.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker; Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Waive Sign Permit for LED Messaging Sign located at the Billy the Kid Scenic Byways Center and City of Ruidoso Downs City Hall.

Carol Virden, City Clerk/Treasurer said Jim Miller has been very forcefully and very strong through PNM not only got an LED messaging sign to remove the old marquee

sign in front of City Hall. We believe both signs are within the dimensions per Planning & Zoning Rules and Regs. We did get approval from the State Highway Department and got permission for an application for what is called a landscape. That's a long story in itself. We are here to request waiving of the sign permit for both the Billy the Kid Byway Center and City Hall so we can get those installed by the end of the month.

Councilor Morales asked if this was the one we've been waiting for? Where will the one be put at Billy the Kid?

Carol Virden, City Clerk/Treasurer said it will be right up on Highway 70.

Mayor Williams entertained a motion.

Councilor Morales moved to approve. Seconded by Councilor Romero.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker; Aye. Motion carried.

Mayor Williams stated the next item on the agenda was - Presentation of Updates to 911 Addressing - Lori Carpenter, Village of Ruidoso, Planning & Zoning, Geographic Information System and Steve Dunigan, Planning & Zoning, City of Ruidoso Downs.

Lori Carpenter, GIS Technician, Village of Ruidoso said I've been helping with the 911 addressing. The GIS is a very important component of the addressing. We need to start going toward the next generation and going to a spacial database more so than a tabular database. The calls you're receiving right now come from a tabular which is like an Excel. We are moving away from land lines and more toward cell phone. We've made a lot of progress and Steve has done an excellent job. We had a little get together last week on address changes and they are already updated in the system.

Steve Dunigan, Planning & Zoning Director said we want everyone to understand the importance of having your address posted not only on your structures and your homes and that they be corrected. We've been working on this quite a while. Lori has offered to come over and train us on this GIS. We've made a lot of strides and have a bit more to go and there are some corrections to make. Lately we have been assessing of how many properties are still not addressed and we want to make sure that the response can find the property owners.

Councilor Walker asked what the overall goal and roughly how many people right now that do not have the correct addressing?

Steve Dunigan, Planning & Zoning Director said about 5%.

Councilor Walker asked how long it would take to get all of that corrected?

Steve Dunigan, Planning & Zoning Director said we do want to give out a sense of a deadline and then do another assessment. We do have numbers to give out and I would think 30 days right now.

Councilor Romero said I want everyone to know that I came down today to talk to Steve and I was invited in and I guess Lori had just come from a training and everyone was getting along great. I guess you're going to get more of your employees involved. How do Fire and Police get involved with correcting addresses? At one time there were issues with the address so do they come in here and tell you about that if that happens.

Lori Carpenter said I do and I don't and I do have people call me all the time.

Councilor Romero said but it is a doable thing for emergency services because if it's all designed on GIS right?

Lori Carpenter said GIS stands for Geographic Information System and we're not 100% accurate and we will find some that aren't correct. Some of the issues come from the tabular data and we're going to the global positioning. It's more than just a number on a house and we all want to be on the same page. The final goal is public safety.

Councilor Romero said I want to thank both of you and for working so well together as I saw the other day.

Councilor Miller asked Steve if he saw a residence without numbers, as I have, what is your procedure to get them to put numbers up there.

Steve Dunigan, Planning & Zoning Director said the first thing we do is identify a property that should have a number but doesn't. We come back to the office and verify what the address should be and then do an initial letter. We give them a copy of the ordinance and ask for their support. At the end of that time we may go to court for \$1.00 a day fine for getting the numbers on the house. That list of the 5% will get smaller and smaller. If someone has a problem finding a place they usually bring it to my attention right away.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Approval and Support for a Strategic Plan - Hubbard Museum of the American West.

Dakota Crouch, HMAW Director said there are two parts to this. The first is under the guidance of the legal department and the finance department with the replacement of

page 10 where the term 'General Fund' was used instead of 'Lodger's Tax.' I brought a hand out for everyone that highlights what is in this plan. Some of the highlights are some priorities, some needs, options to solve those needs, benefits for pursuing those solutions and concerns. Top priorities over the seven year course of this plan is to increase our staff size and improve the museum's programming. Programming would be to connect subjects such as art and history or engineering and economics so that we have a more complete look at our collections. We also would like our programming more interactive with the audience. Another priority is to address the facility concerns. We were fortunate to get Capital Outlay money this year for the roof but we are entirely out of storage space for our collections and cannot take on any new collections. We have environmental control concerns. This all lends itself to the marketability of the museum. We are going to have to find ways to improve our funding by using such things as grants or endowments. I've been unsuccessful in finding grants that support operations because they typically support projects. We can create strategic partnerships with corporations and other non-profits or pursue the possibility of a quality-of-life tax. We all have concerns about money. We've all heard that the State is far in a deficit and concerned about the oil industry but my viewpoint on that is that we've seen a nice turnabout on the tourism industry. What benefit would the City get by fulfilling the needs of the museum? The public has said they want new programming and new collections. Somewhere down the road we could be competitive for the resources. The museum would be an economic driver to bring people to the area. Tonight what I'm asking for is your commitment to stand alongside the museum staff and volunteers to fulfill these needs so that it can be what it can be.

Councilor Miller said I did enjoy reading your plan and I think it is a good plan. If agree that if we can in any way find money to get more staff for you then we should and pursue these options that you have. Hopefully the quality-of-life tax would help several of the entities around here.

Mayor Williams entertained a motion.

Councilor Morales moved to approve. Seconded by Councilor Miller.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker; Aye. Motion carried.

The next item was from the Consent Agenda -- Discussion and Possible Action -- Wastewater Treatment Plant -- Invoice -- August 2016.

Councilor Morales moved to approve. Seconded by Councilor Walker.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker; Aye. Motion carried.

### OTHER BUSINESS

Mayor Williams stated the next item on the agenda was – Updated Financial Status Report – Hubbard Museum of the American West and Lincoln County Transit.

Mary Castaneda, Finance Director said the beginning cash balance for transit was \$6,004.69. Revenues \$6,858.57. Expenditures \$15,008.37. Transfers in \$3,583.00. Ending cash balance \$1,437.89. The museum had a negative cash balance of \$83.32. Revenues \$10,477.47. Expenditures \$24,705.33. Transfers in \$17,667.00. Ending cash balance \$3,355.82.

### PUBLIC INPUT

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

Wayne Williams said at the last meeting I said that someone had reached out to me about the Chief. Since then I have reached out to people. At the last meeting there were 25 to 30 people and some of them who put their jobs on the line by speaking out to tell you what they think because they were Police Officers. I had one person be negative of the Chief. One. All those people up here just makes me believe it's just sour grapes. So I'm ashamed and embarrassed of what the City has done because it's so hard right now to get people to step up and put their lives on the line to protect us, especially in the Downs. If you recall in the last 10 to 12 years we have gone 4 Chief of Police and how many Police Officers? The way things are right now finding someone that will put their lives on the line what you've done is put the citizens of this town in jeopardy because someone on this Council had a personal problem with the Chief. So, we have a problem. The problem is do we sit back and let the City Council rule on their personal issues or what's good for the City? I think you made a big mistake. The other item I have with Ms. Armstrong if you remember went through this not too long ago. In research I think one of the Councilor's did her benefits alone was over \$20,000.00 a year. Just her insurance and benefits. I don't know how many she's got on the plan but that is a lot of money. So, you need to take that into consideration before you start allowing for more and more people on there. Personally I think she should go part-time and get two more part-times. The other thing I have is on the proposal for the museum. I like the new Museum Director and it seems like he's hard-working and conscientious from all I've been able to see. I like everything on his plan except for one item and that is the quality-of-life tax. That's wrong. We have enough taxes on our citizens especially in a poor community like this. A tax in the hands of government is like a cancer. It just keeps getting bigger and bigger and you can't shut it down. Just like the hospital fund that's coming up. It won't raise your taxes because the grant is already there. If we

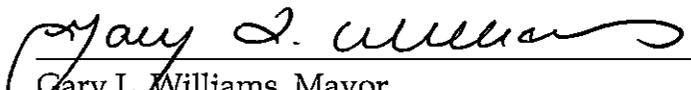
vote it down are they going to lower our taxes? No. The same thing applies to this quality-of-life tax. I get totally upset with it. And, I'm willing to listen. If anyone wants to tell me why I'm wrong about the Chief please do. If you can convince me I'll be willing to get up here and say I'm wrong. But, right now all I've found out and all I've discovered is a few people on this City Council let their personal dislikes for the Chief get involved on the decision of whether or not he did a good job. Remember at the last meeting I said if he didn't do a good job then fire him but if he did a good job then stop this. There were 25 to 30 people that got up and talked about him who now are probably worried about whether or not they have a job. They got up and defended him. Not one single person got up and said he was no good and not from the City Councilors either. If you're going to make that kind of decision be ready to answer for your decision. I think once you voted against him you made a big mistake. When it comes time for re-election I pray that all those people in that audience will get out and campaign against every one of you because I don't think you took the people into consideration.

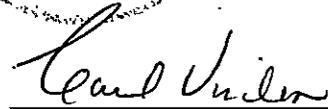
Michael Brillante said I'm here to do just the opposite of this gentleman. I'm here to compliment you and tell you that you have more of a perfect department in Public Works. They have done an excellent job that is above and beyond their responsibility. Their road crew is out there if you need help. So, Dale, congratulations to you and your crew.

ADJOURNMENT

There being no further business to attend to Councilor Morales moved to adjourn. Seconded by Councilor Romero. All were in favor and the meeting adjourned at 7:11 p.m.



  
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Gary L. Williams, Mayor

  
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Carol Virden, City Clerk/Treasurer