

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
MARCH 9, 2009

The Council of the City of Ruidoso Downs met in regular session on March 9, 2009. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Wayne Williams 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
Jim Kofakis F/SE Coordinator Museum
Terri Mosley, Finance Director
Alfred Ortiz, DPS Director
Cleatus Richards, Public Works Director
W.T. Martin Jr., City Attorney
Justin Shaw, Lieutenant-Fire Department

APPROVAL OF AGENDA

Mayor Armstrong stated next item on the agenda was approval of the agenda and he would like to delete Item #12 Executive Session; because they had no business to be discussed.

Councilor Williams moved to approve the agenda with the deletion of Item #12. Executive Session. Seconded by Councilor Hood.

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

APPROVAL OF CONSENT AGENDA

Mayor Armstrong stated next item on the agenda was approval of the Consent Agenda.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF FEBRUARY 23, 2009.

Motion was made by Councilor Olivo and seconded by Councilor Williams to approve the Minutes of the Regular Meeting of February 23, 2009 of the City of Ruidoso Downs.

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

APPROVAL OF ACCOUNTS PAYABLES

Motion was made by Councilor Olivo and seconded by Councilor Williams to approve Accounts Payables.

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

UNFINISHED BUSINESS

Mayor Armstrong stated next item on the agenda was to Unfinished Business.

There was no Unfinished Business to be discussed.

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

Mayor Armstrong stated next item on the agenda was Other Business and no action would be taken.

Chief Ortiz said at this time he would D'Ann Dunigan to come up and make a presentation. He said she had a check for \$200, which is part of their safety program for fingerprinting kids as well as safety information for our citizens in Ruidoso Downs.

D'Ann Dunigan said she was here with Sarah Bailey and they were both with Compass Bank. She said they were here to thank the Ruidoso Downs Department of Public Safety for holding a fingerprint clinic for the children of Ruidoso and Ruidoso Downs in our parking lot on February 28th. It was thirty-five degrees that morning but officers Minter and Joseph Bailey, fireman Kenny Ellard and Crime Scene Investigator Bill Dunlap persevered in fingerprinting 47 children that morning. Every parent they talked to were so appreciative of this department and what they did and the time they gave. In appreciation Compass Bank would like to present a check in the amount of \$200 to the Department of Public Safety to be spent on any equipment that they so desire.

Mayor Armstrong asked Cleatus Richards, Public Works Director to give a status on their FEMA projects.

Cleatus Richards said as of the end of February the FEMA people have finally given them all of the money for FEMA projects amounting to \$108,722. The State has also paid 100% on our force account efforts and also on the accounts for Parker and Friedenbloom Bridge to compensate the Village of Ruidoso for the assistance they provided through the flood effort. Those items are now 100% paid up. They have started the work on Highlands Lane of drainage and culvert replacement and are in the process of taking bids for the 2-inch overlay. He said he would be

talking to their engineers to assist in preparing vending documents for the Friedenbloom Bridge project, Joe Welch bridge project, within the next month and hopefully get those projects underway. Unfortunately the FEMA people have only allowed about a 3% engineering fee so it's going to be a little tough finding an engineer within that amount. Under State law these are Public Works projects and they must have an engineer stamp for each project. It will cost more but it is a process we will have to follow in this type of project. He said we finally have the money and can start some work but as he warned before he doubted very much that the money they have allowed will do the projects in the entirety so they were going to have to figure out how to meet that shortfall and appeal to the government to try to adjust those project costs.

Mayor Armstrong said it's been an ongoing project since last July and that everyone knows about our flood and we were just now getting money for it.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was Discussion of Possible Loan for Wastewater Treatment Facility Improvement.

Carol Virden, City Clerk/Treasurer said the purpose of Item 10A is to obtain approval for staff to proceed with the submission of an application for part grant/part loan from the Clean Water State Revolving Fund in the amount not to exceed 4 million dollars total. The City of Ruidoso Downs is currently on their priority list for funding. The question we asked ourselves was how did we get to this point? Number one is that we don't know for certain what funds will be coming from the New Mexico Environment Department or how the split will be allocated at this time. The City of Ruidoso Downs and the Village of Ruidoso jointly made an application to Economic Development Administration in the amount of 3 million dollars. Cit Clerk Virden said she provided that information in their packets. The City of Ruidoso Downs has made appropriation requests to both U.S. Senator Tom Udall and Congressman Harry Teague in the amount of 35 million dollars for fiscal year 2010. What will happen we don't know at this time if we even will receive a portion of what we have requested for the Wastewater Treatment Plant. The City of Ruidoso Downs in December of 2002 approved and passed a Gross Receipts Tax of 1/8 of 1% to be used specifically for water/wastewater capital infrastructure improvements and to be used to pay for wastewater plant upgrade. If the loan from the Clean Water State Revolving Fund is approved the 1/8 of 1% of the water/wastewater capital infrastructure improvements will be the funding source for the payment of a 2% loan.

At this time staff will be requesting from city council to direct us to proceed with the Clean Water State Revolving Fund for submission of an application. Again, at this time we do not know what part will be a grant and what part will be a loan. We, the City of Ruidoso Downs need to be prepared to have the funding in place by the first council meeting in May of 2009. We believe at that point when the award to the contractor will take place in May of 2009 so that the substantial completion of the Wastewater Treatment Plant is to be completed October 2010. We are trying every avenue to get funding for the Wastewater Treatment Plant. We have not heard from our State representatives or our representatives for our area for what the status is of our Capital Outlay requests funds are if any at all. This does not include the federal stimulus projects that we have put in place under the governor's list back in the latter part of January for 35 million dollars. We don't know what the exact numbers are for Phase 1B until they open those bids which will be

March 2009. We will have a better idea of what we are facing at that point and although the Village of Ruidoso and the City of Ruidoso Downs jointly applied for several grants we are not sure if it will be a split of 85/15 at that point or if it's going to be an accumulative funds and what the remainder of funds will be that we need to come up with.

Carol Virden, City Clerk/Treasurer said she wanted to take them back to the minutes of September 10, 2002. At that time Administrator Waters reported to the council of the amounts needed for the infrastructure and the water system upgrades and sewer plant upgrades and that the gross receipts tax would have to be passed by council and go to public for election of either 1/16 or 1/8 and has to be earmarked for infrastructure. It is the staff's recommendation to earmark this for water and sewer infrastructure so we can pay for our Wastewater Plant and Treatment Plant upgrade that we know is coming. She said I needed to take you back several years ago for the purpose of the possible use of that 1/8 infrastructure for repayment of that 2% loan if we even are granted a portion of that of the application for 4 million dollars.

Councilor Holman asked Carol Virden, City Clerk/Treasurer if those funds were specifically for infrastructure and specifically for water and wastewater? Carol Virden, City Clerk/Treasurer said the dedication, Section 4 Revenues for the Municipal Infrastructure Gross Receipts will be used for the purpose listed below: water and/or wastewater capital infrastructure improvements.

Councilor Holman asked where are those funds? Terri Mosley, Finance Director said we currently have them in the infrastructure fund and this year we budgeted \$135,324 and we have been using that since the inception of it to do sewer line projects which is what they need to do to upgrade their whole system. To date for this fiscal year through January 31st we have collected \$80,953.86 so we are right in line for what we budgeted.

Carol Virden, City Clerk/Treasurer said she wanted to give the mayor and council a picture of what they are facing if they don't get any funds from the State of New Mexico. She said she hasn't heard any numbers and hasn't heard from anyone and she was sure our legal counsel Mr. Martin hasn't heard anything as well. This is an option that we have and may be the only option that we have to get our 15% on board prior to the completion of the Wastewater Treatment Plant. If they get any funding from U.S. Senator Udall's office or Congressman Teague's office we can use that to defray some of the cost from that loan of the 2% Clean Water State Revolving Fund but again we won't know anything on that until fiscal year 2010. We have been working very closely with Peter Ambler from Harry Teague's office as well as Xochiti Torres from U.S. Senator Tom Udall's office.

Councilor Hood asked if we were going to need to borrow possibly 4 million dollars? Carol Virden, City Clerk/Treasurer said it might be a possibility but to keep in mind it would be a part grant/part loan, we just don't know what the numbers are yet. Councilor Hood asked if they got the 4 million how long of a time would they have to pay that back? Carol Virden, City Clerk/Treasurer said it would be a 20-year loan at 2% and that 2% was a lot of money but it was better than what Ruidoso would be facing at 3%. Councilor Holman said Councilor Hood had expressed a good concern but he was more concerned about another issue even more than that. He said he didn't want to go back to 'I told you so' or 'I had concerns many months ago' before the current conditions were really more out in the open and that he had said some things about Freddie Mac and he was concerned about some of the commitments that they were doing

including the transit which has done real well although we still have some serious obligations there. He said his concerns are that this time they do have an option and hope that they don't get into a situation where they would be able to borrow the money this time but the time may be coming when they can't raise some of the loans. He said they have already maxed themselves out on the Treatment Plant a long time ago with the commitment on the property taxes. He said he for one councilor would not be for raising property taxes again that would mean they would have to look at increasing rates on our citizens and we're talking there about a real serious situation because the citizens are maxed out on the rates. He said they may be faced with this option again and may not be able to go there because sometimes you can only borrow so much and what we may be looking at is some serious cuts. Carol Virden said that was a possibility depending on what the numbers are from the opening of the bids to the availability of a loan, what we get from the EDA, what is coming down from the New Mexico Environment Department. Is 6 million coming down to the whole pot or is it going to be a split of the allocations of 85/15, we don't know. This is something serious that you need to let your staff look into because there is no other avenue. Councilor Holman said this is what he thought a year ago because if the economy took a dip, and it did, and keeping up with the news in the last couple of days it's getting even more serious. Councilor Holman said he sure hoped they were going to be able to raise money for the Treatment Plant if it's required and said he thought all along was quoted as 41 million. He said he's been worried that that was not going to be the top amount. If they get to where they can't borrow the money then they are looking at raising taxes or some serious cuts with services. There are requirements with EPA for construction standards and deadlines that need to be met. When those get here they are going to have the money. He said they will see with the budget coming up.

Councilor Hood asked Carol Virden, City Clerk/Treasurer what a payment would look like at 4 million a year? Carol Virden said they have a figure for \$1,450,000. Terrie Mosley, Finance Director said that would be \$88,677.24. Carol Virden said to remember that would be part loan/part grant and they just didn't know what percentage would be grant or loan. City Clerk Virden stated, "she hated to bring bad news but they were facing the Substantial Completion Beneficial Occupancy sometime in October of 2010 which is not far away". Councilor Holman said these are alarms he was talking about eight months to a year ago and this is the worst but maybe the worst won't happen.

Councilor Williams asked Carol Virden, City Clerk/Treasurer if when they start construction would they have to have the full amount for construction on 1B at that time? Carol Virden said she would advise that they have the full funding in place at the time they award the bid to the contractor. Councilor Williams said in talking about the 85/15, now in this scenario the 85/15 doesn't make a difference because the fact is we have to build this plant so the funding is going to come from both sources. If we can come up with money toward that then we should. He said he didn't think, unless we get lucky, funds from the State or federal government or any other grants we have out there to come up with the full amount that we need to have by May to get this project going. If we get this loan for 4 million dollars and we don't get nothing else and the Village doesn't get anything up to that point, so we have scenario-wise 10 million dollars then we can't start that project. Carol Virden said she would think not. Councilor Williams said so we're out there trying to pull 4 million dollars out of a hat and not knowing for sure if we can come up with the 25-30 million dollars that we need for the construction. He said we have to understand that we need the money, no doubt about it. How we get it is the toughest part and from our vantage point

it's to the point that we are pulling our hair out everyday trying to figure out ways to get the money. We've gotten nothing back yet telling us that we have money coming from any other sources. Here we are in March and we have two months to come up with 30 million plus dollars. Unless somebody feels very generous he said he didn't know if we were going to be able to do it. This loan won't be enough anyway until we get some kind of indication that we can get it going to make it happen. Yes, you say the 4 million we get, if we can get any other kind of funding we can supplement what we're going to pay on this loan by adding that to it but we really can't afford to do too much of that because we have to add that on top of what we want to add to that 30 million dollars. So yeah, we have the money we can make the payments through our infrastructure so we can pay the loan if we so choose. The whole thing about this is, is it going to be enough? If we even get this 4 million dollar loan will we be able to get the rest of it? Do we know? We don't know.

Councilor Holman said if we can't and don't then his question would be maybe to Carol and if what Councilor Williams is saying and the question that he was adding to his is would the State or Federal government come in and finish that Treatment Plant for us? And, would that be bad, good, or maybe you don't want to express those opinions but they are the ones that put those requirements on us and said you will do this. He said he would think they would come in and finish the thing and take it over. Cleatus Richards, Public Works Director said he has never seen the Federal government do that. They will establish standards that you have to abide by and if you don't they will fine you. They don't do projects. Councilor Holman said if we can't pay what we owe now then how are we going to pay a fine on that amount? Cleatus Richards said that's going to be our problem. He said he thought we had our opportunity here to meet our share of the formula. If Ruidoso doesn't and we do, if fines come, he said he thought we could have a position to say we shouldn't be fined, let Ruidoso be fined. We have to take care of our end of the proposition.

W.T. Martin Jr., City Attorney said one of the things they've been doing with this is that we've been trying very hard to have Ruidoso Downs meet its obligations and that the regulatory agencies know that we have met our obligations. If we come to the situation of looking at the possibility of fining we have the defense that we did what we are supposed to do. If it's the Village of Ruidoso that did not do it then fine them and don't fine us. That's something that's been very much on the radar screen for some time, as we've gone through this. That's one of the reasons that we've complied with the specific items that we were supposed to do a year in advance just to show that we are on top of what our obligations have been. He said he agrees with Cleatus and that would be one of the things we would point out is that we've done what we were supposed to do. Cleatus Richards said and conversely if Ruidoso comes up with their share they are going to be looking at us. W.T. Martin Jr. said this loan would be for Phase 1B. Cleatus Richards said Phase 1A is taken care of.

Councilor Olivo said he would rather go for the loan than pay the fine and asked how much the fine would be? W.T. Martin Jr. said it would be \$1,000 a day. Carol Virden said if staff was given the direction by the mayor and city councilors to look into all of the requirements for the loan and what the actual payment would be for the next 20 years and getting some type of possibility could be a 3 million dollar grant/1 million-dollar loan. Or it could be a 2 million dollar grant/2 million-dollar loan. She said they need to let them look into those options and come back at the next

council meeting with those answers. This has been a serious issue and has been for several years and it has just moved so quickly and the first awarding of Phase 1A and Phase 1B is here, it's looking at us and we can't just turn away, facing penalties from the Environmental Protection Agency. It is placing a big burden on the citizens of Ruidoso Downs.

Councilor Holman said he remembers a meeting about two and a half years ago with the Environmental Department and the federal EPA and Ron Curry, Secretary of the state EPA, when we were trying to decide whether to sign the document making the commitment to make these deadlines he made the statement that if we got in the situation that we're in now that the state EPA would not let us fail if we were making that kind of effort. Councilor Hood affirmed that he recalled that statement. Councilor Holman said the statement implied that if the Village of Ruidoso and the City of Ruidoso Downs made a good faith effort they would not let us fail at this and they would see that we succeeded.

Councilor Williams asked if the Village of Ruidoso has made any attempt for funding other than the stimulus? Carol Virden, City Clerk/Treasurer said acting Village Manager met with Kevin Powers and Jennifer Prada on February 23, 2009. It was discussed that they themselves go out for a loan of 21 million dollars and that would be at a 3% loan. He did inform us that we would have to do something on our own for the remaining 4 million dollars. Councilor Williams said so we don't know if they are going to be bringing this up in the near future and any of their needs that you know of if we need any discussion on this. Carol Virden said she didn't know. Councilor Williams said we need, as a city, to make our move and that it is important that we show that we are going to move and if they are going to move they need to step up too.

Councilor Hood said Carol Virden has done about as good a job as anybody could do on researching this to get us ready. Most of us have known that we were going to face these obstacles and we were hoping it wouldn't come but it's coming and the economic crunch is getting everybody.

Mayor Armstrong said we've looked for a lot of avenues for the money and this is just a Plan B that we can do, we can't afford it, we'll stay out of the fines area hopefully. We've done our part and the City of Ruidoso Downs has no other avenues to go other than to go forward quickly.

Councilor Holman said when these decisions were made two and three years ago those were good times. Nobody dreamed this recession was coming much less this serious. He said sometimes it behooves us when we are in good times to make ourselves to make ourselves this much money that you need to factor in the fact that the good times may not be there. Sometimes it's not the best philosophy to commit ourselves to spend this much money as to try to factor in what is the very worst that can happen and then if we can live with that then feel better about going ahead. He said let's get through Phase 1B and then we'll look at the other phases as they come.

Carol Virden, City Clerk said there is only Phase 1A and Phase 1B. Cleatus Richards said it will probably be 20 years before they look at upgrading the plant. Councilor Holman said we don't know even after putting up 41 million dollars if it's going to meet the standards. Cleatus Richards said or what standards the government might decide we are going to have to meet later on. Councilor Holman said we have the strictest standards in the United States on the nitrogen and

phosphorus too. We don't know if that plant will meet those standards that are being put on it. He said that there would still be some filters that could be put on at the end to help that. Cleatus Richards said yes and that would increase the operation of the plant considerably also.

Mayor Armstrong asked Carol Virden what kind of motion they needed from the council? Carol Virden, City Clerk/Treasurer said they didn't need a motion and that they needed direction from the council.

Councilor Williams said for staff to find out exactly what we need to do, how it's going to work out, what it's going to cost us, and whatever they need to do. Councilor Holman said he agreed with that. Councilor Olivo said he would agree with that and Councilor Hood said he would also agree.

Mayor Armstrong stated next item on the agenda was Random Selection of Lodging Vendors for Annual Audit.

Carol Virden, City Clerk/Treasurer said what the council will do tonight is select randomly out of this cup two lodging vendors for an annual audit in order to comply with one of the findings in their annual audit. She asked the mayor to select a councilor or two to select from the cup.

Mayor Armstrong asked Councilor Williams and Councilor Hood to pull from the cup.

Councilor Williams said he pulled the name of "CoolRuidoso.com."

Councilor Hood said he pulled the name of "Economy Inn."

Mayor Armstrong entertained a motion to approve "CoolRuidoso.com" and "Economy Inn" for annual audit with the authorization for staff to add to list.

Councilor Hood moved to approve "CoolRuidoso.com" and "Economy Inn" for annual audit with the authorization for staff to add to list. 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. 2009-04 Fire Restrictions.

Chief Ortiz said he would like Lieutenant Shaw come up and explain the resolution to them. In light of the fact that they have had a change in the weather and hopefully more moisture we may be able to lift some of these fire dangers that they have.

Lieutenant Shaw of the Department of Public Safety Fire Department said this resolution is really the same resolution that they have. He said this year they placed in the smoking indoor public place or workplaces pursuant to the Indoor Clean Air Act Chapter 24. He said the reason they put that in was because under Level II restrictions they outlaw smoking outdoors. By doing that

people are allowed to smoke inside vehicles or indoors. There are very few places that allow smoking inside and out like cigar bars.

Councilor Holman said he wondered if that would change current indoor policy. Lieutenant Shaw said there is no smoking allowed within a municipal building. He said the indoor policy is good by State law and that what they were doing was outdoor policy and making them aware that if it was going to indoor smoking it would have to be a residence but no restaurants etc.

Chief Ortiz said they are attempting to stay proactive about the fire dangers here in Lincoln County. They are going to piggyback so to speak off of Lincoln County as well as the Village of Ruidoso. He said they want to take their own stance here because the fire dangers tend to change from area to area and they want to make sure that they get the proper reading out to the citizens of the city and to stay ahead of the game as far as restricting outdoor type of fire combustion.

Mayor Armstrong asked how long this would be in effect? Lieutenant Shaw said it would be in effect for 30 days and then it has to be approved again by council. He said another change they put in this year was that fire restriction rules would have to be maintained for a minimum of 10 days for the ERC, Energy Release Component. They get that from the Forest Service to tell them how dry it is and how much energy the flaming front of a fire will have if on starts on a certain day. He said if ERC drops by one percentage point that allows them to release restrictions rather than waiting a full 10 days. They had an ERC of 78 today and obviously if they got more moisture it would drop the fire restriction until that number went back up.

Councilor Williams asked Chief Ortiz if we were going to decimate our own level of restrictions within the city or do we go on what the Village or the Forest Service comes up with? Chief Ortiz said they have been doing their own fire restrictions for our area but they want to stay proactive and stay ahead of the game by advising our citizens of fire levels for that portion of the calendar and whether to stay with or lift the restrictions. What may happen with the Village or the Forest Service may be different situation altogether but he said they want to stay on top of it. Councilor Williams asked Lieutenant Shaw if they were going to designate any levels tonight for the next 30 days? Lieutenant Shaw said that would depend on the ERC. Councilor Williams asked if that would be done in the near future? He said if we have a dry spell for the next two weeks and they come to the council meeting and they come in with a recommendation to go to Level III would it change? Lieutenant Shaw said it would not change until the ERC went to 81 for 10 days. Councilor Williams said so we are approving levels tonight? Lieutenant Shaw said no, just the resolution.

Mayor Armstrong entertained a motion to approve Resolution 2009-04 Fire Restrictions.

Councilor Hood moved to approve Resolution No. 2009-04 Fire Restrictions. Seconded by Councilor Olivo.

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

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

Wayne Williams said he would like to express his appreciation to the City Council for showing some concern, which he hasn't seen, much of since coming here on the city finances. He said secondly today when he came in to pick up his packet he looked through the entire packet and saw numbers like 3 million, 4 million, 35 million, 41 million and then he saw a letter in there from the mayor stating if we do not get these loans that we could be in bankruptcy, the City of Ruidoso and Ruidoso Downs. He said once again he would like to ask this city council to reconsider for those people interested in getting a full packet. He said he found out the hard way that in Carol's words that they weren't important enough to get a full packet. Carol Virden, City Clerk/Treasurer said that's not what she said. Wayne Williams said then when he got a little upset she told him what the real reason was is that City Council voted to cut expenditures and that's the reason they didn't get it. So all the people accepting packets which is probably not over ten who actually ask for a packet, he said they should reconsider this. If you are really, really concerned about cutting costs a few pages of paper, I think you're stepping over hundred dollar bills to pick up a dime. He said he thought they need to be cutting costs where money is being wasted and that needs to be reconsidered if you want to cut some costs. Wayne said there is another area in town where they are wasting money by the handfuls and if you take that money over a twenty-year period you can pay your 4 million dollar loan. He said his request is to get a full packet and not pay 25 cents a page because he is a concerned citizen and if this city is about to go bankrupt because they can't meet their obligation then as a citizen he has a right to know about it.

Charlotte Lord said she lives on the river and has been affected by the flood. She said all of her fencing went down with the first big flood they had and that she has actually mortgaged her property to put fencing up and safeguard her animals. Her property is shaped in the form of a pie where three-quarters is facing on the river. She said she has a wonderful little Lab dog that she's had since he was eight-weeks old and his name is "Sunshine." He gets in trouble all of the time because he likes to run to the river and chase the squirrels and it's really almost impossible to keep him confined. Charlotte said she does have a kennel area and has been cited a couple of times for him going to the river and if he goes further a neighbor will see him and call Peggy and then she puts him in the shelter. She said she doesn't mind paying the fine to get him out of the shelter because she realizes she is rescuing the dog and it is her job to rescue the dog and put him in the shelter but her problem is in writing the citation. Her dog has been in the shelter now for a week and has had to put him up for adoption and she really loves her dog. He's been neutered and is licensed and has all the shots and everything so he's not feral or anything and he's really sweet and not mean. She just wants to keep him out of the shelter and not go to jail because the ordinance says that if she writes three citations you can go to jail and she hasn't had a whole lot of luck with her other dogs either. Chief Ortiz says well Peggy gave you a warning didn't she? Charlotte said no she doesn't. She said she has a little Shitzu and he was outside her gate and slipped through the rungs of the gate and wasn't even six months old so it didn't have to be licensed yet and shots proven. She said she got to her gate the same time Peggy drove up and Peggy had her dog in her hands and said she had to take the dog to the shelter. Charlotte said she asked Peggy not to take him to the shelter because she was right there and at the gate.

Mayor Armstrong said her time was her 3 minutes was up. Charlotte Lord said she wasn't aware of the time but her dog has been in the shelter already for a week and couldn't go to court or they'll throw her in jail. She said she is at the mercy of the judge. Mayor Armstrong told her she would have to work that out with Harrold. She said she has talked to the judge and he told her to talk to Peggy and she won't change it. She said she just wanted them to change the ordinance and asked if they had any suggestions on how to get her dog out? Mayor Armstrong said she could talk to the judge tomorrow but didn't think anyone was going to jail.

Councilor Olivo said he would like to thank Carol for going to Santa Fe and the loan they are looking for. He said all day long she was running up and down and wanted to thank her for trying to save some money. He said Carol was running up to the roundhouse every ten minutes and she was kind of upset that they couldn't get an appointment with the governor because he was out of town. She was really trying to get us the loan and also Cleatus, they were working really hard. Mayor Armstrong said all of the directors were working to help with this problem that we have. There may be cuts coming down the tube but they don't know yet.

Pam Williams said she lives a 731 Highlands Lane and what was just brought up about Charlotte Lord, yeah, it needs to stay enforced. She said she lives in that neighborhood and there's dogs running all the time. Peggy has taken those dogs and given them to her over and over again. Don't start taking the laws out that the dogs can run loose. She said she has a dog and he stays in the yard. We can all build yards but don't start letting them go loose because it's finally where the dogs are staying. Her mother lives next door to her and the dogs were threatening her mother who is elderly in her own home. She said she's been fighting this for years and this woman has a ton of dogs she let's them out.

Mayor Armstrong said he didn't think they were going to change any ordinance.

ADJOURNMENT

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

Councilor Hood moved to adjourn at 6:36 p.m. Seconded by Councilor Williams.

All were in favor and motion passed.

Tom E. Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer