

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
APRIL 27, 2009

The Council of the City of Ruidoso Downs met in regular session on April 27, 2009. Mayor pro tem Dean Holman called the meeting to order at 5:31 p.m. and asked Jim Burrow to lead the Pledge of Allegiance. Mayor pro tem Holman asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Hood	Councilor Williams
Mayor pro tem Holman	Councilor Olivo

Carol Virden, City Clerk/Treasurer informed Mayor pro tem Holman there was a quorum.

Also present:

Carol Virden, City Clerk/Treasurer  
Steve Dunigan, Planning & Zoning Director  
Jay Smith, Museum Director  
Alfred Ortiz, DPS Director  
Cleatus Richards, Public Works Director  
W.T. Martin Jr., City Attorney

APPROVAL OF AGENDA

Mayor pro tem Holman stated next item on the agenda was approval of the agenda.

Mayor pro tem Holman entertained a motion to approve the agenda.

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

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

APPROVAL OF CONSENT AGENDA

Mayor pro tem Holman stated next item on the agenda was approval of the Consent Agenda.

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

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

APPROVAL OF MINUTES OF SPECIAL MEETING OF APRIL 6, 2009.

Motion was made by Councilor Williams and seconded by Councilor Hood to approve the Minutes of the Special Meeting of April 6, 2009 of the City of Ruidoso Downs.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF APRIL 13, 2009.

Motion was made by Councilor Williams and seconded by Councilor Hood to approve the Minutes of the Regular Meeting of April 13, 2009.

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

APPROVAL OF MINUTES OF SPECIAL MEETING OF APRIL 20, 2009.

Motion was made by Councilor Williams and seconded by Councilor Hood to approve the Minutes of the Special Meeting of April 20, 2009.

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

APPROVAL OF ACCOUNTS PAYABLES

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

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

APPROVAL OF MONTHLY REPORTS

Motion was made by Councilor Williams and seconded by Councilor Hood to approve Monthly Reports.

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

COMMITTEE REPORTS

Mayor pro tem Holman stated next item on the agenda was Committee Reports.

Councilor Williams said the semi-annual Beautification Committee and Keep Ruidoso Downs Beautiful had a street cleanup, area cleanup, and citywide cleanup on Saturday. It was very well attended and quite a bit of area covered including some of the ones that you don't see but if you walk by there you see it. He said they collected 108 bags of trash, a bunch of miscellaneous, several items that could be used for recycling. They had rakes, shovels, and plants and had this in conjunction with Earth Day so they had a lot of trees they gave away and had pine trees donated from the Forest Service to give away. The committee also gave away Desert Poppy seeds and

some citizens have already picked those up so hopefully they will be popping up in the city somewhere if it will ever rain. He said the committee helped with the Easter Egg Hunt at the park, which was a success and said they would continue to do this for our citizens and was a great thing to support.

Councilor Williams said he would like to thank Cindy Green from the Police Department for planting seeds at the Heights Drive Park. Councilor Williams said he should thank some of the other staff that have been planting and some of the beautification efforts around the building.

Carol Virden, City Clerk/Treasurer said she would report for the Economic Development Board. She said they are continuing to update the website under the City of Ruidoso Downs for Economic Development. They did get a \$4,500 grant to update a button for the Economic Development Board. You can find that at [www.ruidosodowns.us/edb](http://www.ruidosodowns.us/edb) and said it's looking nice; they aren't quite finished with it yet.

Councilor Williams spoke for the Parks & Recreation Committee. He said if they would notice there were a lot of changes going on at the park and a lot of effort being put out by Public Works. He said the Beautification Committee, Parks & Rec, and staff have all contributed and it's really a great improvement than what it has been in the past. It's attractive when people come into our park and want to use our facilities. There will be more events especially with what they are doing at the ballpark, which has been a tremendous transformation and is great to see for our city. The playground equipment, it's being used. The Parks & Rec committee was also part of the Easter Egg Hunt on April 11<sup>th</sup>.

Steve Dunigan, Planning & Zoning Director said during April's regular Planning & Zoning Commission hearing there was a conditional use approval given for a mobile vendor and the name will be Flatlanders. They will be positioned next to Circle K and basically for the racing season. They will serve natural and organic sandwiches. He said they would fit in fairly well with the bear carvers. Other than that they are continuing with updates to the zoning articles.

Beth Miller, Chairperson spoke for the Lodgers' Tax Committee. She said on April 16, 2009 the Lodgers' Tax Committee met to hear presentations from 14 applicants for the 2009/2010 funds. The purpose of their committee is to make sure that these proposed events would generate lodging within the Ruidoso Downs area. This year they have \$35,000 to allocate. They are happy to add two new members to the committee this year and welcome Faith Smith from La Quinta and CJ Bowker of Best Western Pine Springs Inn and appreciate the support of their other volunteer Wayne Williams in giving his time to this committee. Johnnie van Winkle was not able to sit in as a member due to his brothers' illness. Beth said recommendations and allocations were made at this meeting and they reserved some of the available money to be used as seed money for any new events that may come up during the fiscal year. She said they want to encourage people to do that and they have been using their money significantly for a lot of long-time events. They want to make people aware that there is money for advertising events particularly to any event that brings an overnight group. They decided this time to begin meeting on a quarterly basis because they noticed that all governments are being held accountable and they don't want to wait to be 'told to do that' because these are public funds. She said their members showed an interest in professional development of a link on the City of Ruidoso Downs website so they could show lodging

establishments in Ruidoso Downs. She said they would like to find out more on how this could be accomplished and wished to thank Carol for showing her the ropes and how to chair a group.

#### PUBLIC HEARING

Mayor pro tem Holman stated next item on the agenda was Consider Approving Application #A-584025 Beer and Wine License Magic Forest LLC Magic Forest Restaurant 28165 West Highway 70, Ruidoso Downs, New Mexico.

Mayor pro tem Holman said the State of New Mexico Regulation & Licensing Department of Alcohol and Gaming Division has given preliminary approval of this license.

Mayor pro tem Holman said the procedure for the hearing is as follows. The name of the applicant is Magic Forest LLC Magic Forest Restaurant 28165 West Highway 70, Ruidoso Downs, New Mexico. The considerations will be those who oppose and those who support the issuance of this liquor license. The procedure will be that they will open the hearing to public comments. Interested persons will approach the podium one at a time, state their name, and present their testimony. There is a 3-minute time limit allowed per person.

Mayor pro tem Holman said he did therefore open this hearing and asked if there were any persons to speak in opposition of this action?

A member of the audience asked if this was across from Wal-Mart?

Mayor pro tem Holman said this was Don Murphy, the developer of Avalon.

Don Murphy said to be more exact this was only a beer and wine license and that today's expense of a full liquor license was so crazy that you would have to be great to go out and pay for that unless you were a huge Hilton or something. He said they were going for a beer and wine license to compliment their casual dining restaurant. He said they had Chili's under contract a few years ago for that corner and they were in the title company and real close to closing until they found out in their two-day investigation, in their opinion and he said he thought they were right, they didn't believe they could hire enough people to man a Chili's restaurant in this area. Don Murphy said they passed on the deal and so what he was doing with a chef as an operating partner was jumping out on a limb and creating their own version of Chili's but not with that design, they have their own design. He said they used Chili's as an example because they are a casual dining restaurant, it's affordable, and it's a family and for most everybody. As far as a style of restaurant they will have better food. He said this beer and wine license goes along with that and it is mostly a restaurant with nice, covered outdoor seating overlooking the river.

Councilor Williams said he said he had a partner. Don Murphy said yes, he was an operating partner. Councilor Williams asked if he was local and someone who has had a business before in this community? Don Murphy said yes. Councilor Williams asked him how he came up with this idea because one of the things they wanted to see over there was a restaurant. A lot of the restaurants in town with a beer and wine licenses have a separate bar within the restaurant that serves beer and wine and use the pretense of chips and salsa as a food. Don Murphy said they will be eating across the whole establishment, it will be mostly a restaurant, they will just happen to be

serving beer and wine with it. To also alleviate the main problem that Chili's had when they passed on this area is instead of having waiters and waitresses they are going to have people go up to an order counter and they can pay for the food and then they will have food runners take it to the table.

Don Murphy said when he first got that property under contract everyone here in the city said to please bring a restaurant and thought he had done that with Chili's but then thought you know what, we can make it internally and affordable and the food is going to be so good it will attract people from all over this area. Plus, he said when they see the landscaping along the 500 feet of frontage, the berms and small mission wall in front it will be attractive.

Mayor pro tem Holman asked Don Murphy when he anticipated an opening date? Don Murphy said this year. He said they had everything planned and scheduled to be open before the racetrack opened until they sent their mechanical, electrical, and plumbing plans to Las Cruces for state approval and they sat on them for months. He said they just started on their interior last week.

Mayor pro tem Holman said the Economic Development Board has been dealing with these problems for at least three years and it comes with the territory with the seasonal situation that we have. He said we don't need a \$40 million treatment plant but any give weekend during the summer we need a \$40 million treatment plant and the population can go thousands of people over night and the same thing with the help. This is one of the biggest problems that the people dealing with businesses in Lincoln County is getting good help and not just seasonal year round. Our police are faced with the same thing, we don't need as many officers as we do at some times than others and any given racing weekend in August is different than this coming weekend.

Don Murphy said he forgot to mention the arcade they will have right next to the restaurant especially for families with kids because there seems to be so little for kids to do in this town and the whole area seems to be lacking.

C.F. "Pappy" Bell asked if the three buildings were going to be the only ones? He said he heard that there was possibly going to be a hotel. Don Murphy said he has been holding that off for a hotel for a long time and that's on the adjoining property where the fence is. There are two more buildings planned for the site. He said he designed it that way in case we were in a poor period for economics like what we're in right now for slow leasing. He said there is a building planned for the extreme corner and then another building at the far eastern end so there is still and additional 15,000 square feet of building left to go. There will be five buildings instead of three.

Councilor Olivo said he wanted to thank Don Murphy and he knew he was having a lot of trouble but this was something that was needed.

Mayor pro tem Holman asked if there was anyone here to speak in opposition?

There was no one to speak in opposition.

Mayor pro tem Holman asked if there was anyone here to speak in support?

Mayor pro tem Holman said he would thereby close this Public Hearing.

Councilor Williams moved to approve Application #A-584025 Beer and Wine License Magic Forest LLC Magic Forest Restaurant 28165 West Highway 70, Ruidoso Downs, New Mexico. Seconded by Councilor Hood.

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

#### UNFINISHED BUSINESS

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

Mayor pro tem Holman stated next item on the agenda was Proclamation "Public Works Week."

Carol Virden, City Clerk/Treasurer said Mayor Armstrong has proclaimed the week of May 17-23, 2009 as Public Works Week. The proclamation read:

### OFFICE OF THE MAYOR

#### **PROCLAMATION**

**WHEREAS**, public works services provided in our community are an integral part of our citizens everyday lives'; and

**WHEREAS**, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets, and highways, public buildings, and solid waste collection; and

**WHEREAS**, the health, safety and comfort of this community greatly depends on these facilities and services; and

**WHEREAS**, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

**WHEREAS**, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the peoples' attitude and understanding of the importance of the work they perform.

**NOW, THEREFORE**, I Tom Armstrong, Mayor of the City of Ruidoso Downs, do hereby proclaim the week of May 17<sup>th</sup> through 23<sup>rd</sup>, 2009 as

‘PUBLIC WORKS WEEK’

In the City of Ruidoso Downs, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Given under my hand and Seal of the City of Ruidoso Downs this 27<sup>th</sup> day of April 2009.

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/s/ Tom Armstrong, Mayor

(SEAL)

NEW BUSINESS

Mayor pro tem Holman stated next item on the agenda was Discussion and Consideration on agreement for Enhanced 911 Public Safety Answer Point Services Between the Village of Ruidoso and the City of Ruidoso Downs.

Carol Virden, City Clerk/Treasurer said she had an update on information stemming from a couple months ago with Chief Ortiz, herself, Chief Born, Lieutenant Gore, and the Village manager Dan Higgins. They met to discuss the agreement for the Enhanced 911 Public Safety Answer Point Services. During that meeting it was obvious they were not coming to an adequate agreement as far as making a recommendation to the city councilors on giving funds for the service they are providing. On April 13, 2009 we requested that Art Rios who is the E-911 manager to come before the city council to give a presentation of how the E-911 works on how funds are received, how they are distributed, and the use and purpose of those funds. She said she met with chief Born and Dick Swenor last Monday and was asked to make an offer on the agreement. She said she told Chief Born they would certainly consider that and it took her four days to come up with that sort of negotiation amount. She emailed all of the mayor and councilors that after considerable thought of the offer Ruidoso Downs is making an offer of \$15,000 for the Enhanced 911 Public Safety Answer Point Services between the Village of Ruidoso and the City of Ruidoso Downs subject to the city approval of the governing body. She said she received a call from Chief Born this morning stating that the deputy director from Ruidoso is, and she said she really hated to use the word, giving us an ultimatum. The ultimatum was \$24,000 and if not by April 30<sup>th</sup> they would disconnect the 911 service. That means that any 911 calls that they get will not be dispatched to

our Ruidoso Downs Department of Public Safety department. It is unfortunate that Ruidoso chose not to accept the offer that had come before the council of \$15,000. At this point she said we do have information that was sent to Mr. Rios and then sent out in mass email to all the counties and municipalities that are in a Joint Powers Agreement of how they establish their funding. We got a response back from Hugo Acosta from Mesilla Valley Regional Dispatch Authority and their primary PSAP for Dona County had a great relationship with the New Mexico State Police District 4. Neither party charges the other; they do have a Joint Powers Agreement in place between the two agencies.

W.T. Martin, Jr., City Attorney said the agreement that was sent to the City of Ruidoso Downs a number of months ago had a proposed charge to the City of Ruidoso Downs of \$32,000 a year that we were to pay to the Village for Enhanced 911 services. He said, as he understands for the \$32,000 charge it was supposed to be to reimburse their cost and expenses. Interestingly enough it seems to closely track dispatcher costs there for one dispatcher but that was the pretense. As you can tell there have been negotiations since. He said he has seen the report from Hugo Acosta and the Director from Mesilla Valley Regional Dispatch and he finds it very interesting that there are no charges back and forth for that same 911-type service. He said if you also look at the state statutes and regulations that are in effect. It raises even a further question about the appropriateness of really charging any money to the City. Within this particular scheme everybody who has a landline hookup on a phone is paying a 51-cent surcharge and in addition those of you who have cell phones are paying an additional charge for that. That money is going in from Ruidoso Downs from our citizens to cover costs. The idea that we are not paying any cost is simply not true. There is money coming in from our citizens for purposes of payment of costs. He said the other thing that is most interesting is when you read the statute and regulations and you look at the funding for the E-911, a great deal of the capital cost, if not 90% of it, is all attainable through grant money and funding. It is not a case that the Village has put out money from its own pocket at the level that has been represented. There is the opportunity to get grant money under the statute and regulation. The problem he sees in this proposed agreement in the way it is drafted is that there is no way to tell where this proposed \$32,000 came from and no way to tell where the \$24,000 came from. There is absolutely no information from the Village justifying this charge in any way. There is no accounting as to the money the Village has gotten through the grants or funding. There is simply no accounting yet they are turning around and expecting this city to pay \$24,000 and telling us they are going to cut us off if we don't do it. W.T. Martin, Jr. said his comment to that is they are not going to cut us off, can't do it, end of discussion.

Carol Virden, City Clerk/Treasurer said she has yet to find an agreement with the Village of Ruidoso and at the time the Village of Ruidoso Downs and most certainly since Ruidoso Downs became a city she had yet to find a Joint Powers Agreement where we asked Ruidoso to be the physical agent. She said on the \$32,000 she and the chief did ask how they came up with that number because they wanted to see the justification for it. The only answer they got to that question was salary for a certified dispatcher. She said she believes they have to have two dispatchers on board at all times for the 911.

W.T. Martin Jr., City Attorney said what seems to him, the proper and appropriate thing for the Village of Ruidoso to have done and to do is to come forward with the appropriate accounting records and information so this council can base some sort of intelligent decision to what is or is

not an appropriate reimbursement. It becomes very suspect when we start seeing a place like Mesilla Valley not charging anybody anything, you begin to wonder. This council is being asked by the Village to fly blind. He said he thought it was inappropriate without the Village coming forward with a great deal of more information and proper information to be looked at and evaluated.

Councilor Williams said there is no sense in considering this tonight until they get an appropriate response of what they believe we should be paying and what we know we should be paying. This agreement is to voided and thrown out.

Carol Virden, City Clerk/Treasurer said at the meeting of April 13<sup>th</sup> she did bring up the subject that perhaps the City of Ruidoso Downs could do a per call per basis of the 911 calls that come in through Ruidoso. It's not harder to track and keep a log of the calls. She said Ruidoso receives the calls and dispatches to Ruidoso Downs through the fax. If you have a per call per basis and all we do is keep track of those calls when Ruidoso sends us the invoice then we can compare the invoice with the log and come up with an amount and send off the payment. She said she is sure the Mesilla Valley Regional Dispatch is not the only one at this point to answer the email from Art Rios. What we are going to ask is to postpone the Item #13A until we get further information from other agencies and perhaps we may get someone that does a per call per basis. She said until they receive that information she suggests and recommends they postpone this until they get that information for a future council meeting.

Councilor Hood said they need to have more information on this and they need to know how many phone calls are coming out of Ruidoso Downs. He said he agrees with Mr. Martin that when Mr. Rios was here he talked about the grants for 911. Councilor Hood said they need to postpone this until they get more accurate information.

Carol Virden, City Clerk/Treasurer said she would like to dispatch those calls somehow whether it be phone call, radio communication, or continue with the fax. She said she was sure that they will continue with the fax and not stop that.

Councilor Olivo said he also agreed until we get more information.

Chief Ortiz said he has been in contact not only with Mr. Rios but also with several others that deal with PSAP and he totally agrees with asking for more information for Ruidoso Downs and that would certainly justify the fees they want to charge. To this date we have not received an accurate accountability for the services they provided. He said this afternoon they did receive that email and he says he feels very strongly today that we can work in spirit cooperation with our sister city as Dona Ana County has done with the State Police in exchanging services with our sister city without having to impose a charge or a fee for these services especially when they're receiving them from the state. He said he hopes we can overcome this issue because it will become a liability if either one of the entities decides they aren't going to provide that service. He said he was hoping they would see fit to continue that service as we continue negotiations until we can come up with a Joint Powers.

Mayor pro tem Holman said he likes negotiations a lot better than ultimatums.

Councilor Olivo moved to postpone the Enhanced 911 Public Safety Answer Point Services Between the Village of Ruidoso and the City of Ruidoso Downs until further information is received. Seconded by Councilor Hood.

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

Mayor pro tem Holman stated next item on the agenda was Consider Approving Wastewater Treatment Plant Operating Invoices for October 2008, November 2008, and December 2008, January 2009, February 2009, and March 2009.

Carol Virden, City Clerk/Treasurer said the staff is recommending that they not approve October 2008 and January 2009 until the information that has been requested from the Village of Ruidoso is received for further review by our Finance Director and to approve the invoices for the Wastewater Treatment Plant operating for November 2008, December 2008, February 2009, and March 2009.

Councilor Williams moved to approve invoices for Wastewater Treatment Plant operating for November 2008, December 2008, February 2009, and March 2009 and not approve invoices for Wastewater Treatment Plant operating for October 2008 and January 2009 until our Finance Director receives the information that has been requested from the Village of Ruidoso for further review. Seconded by Councilor Olivo.

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

Mayor pro tem Holman stated next item on the agenda was Consider Approving Personnel Recommendation-DPS-Position part-time-Communication Detention Officer.

Chief Ortiz said he would like to make the recommendation to hire a part-time detention officer to their department and that is Angela Ortega. She comes to us as a former employee dispatcher and has relocated back into the area. He said their justification for this hiring is that they are experiencing some shortages with staff being on vacations and filling in the gaps.

Carol Virden, City Clerk/Treasurer said the part-time position for the Communication Detention Officer is a budgeted item that has not been utilized.

Chief Ortiz introduced Angela Ortega and said she would love the privilege of working for the City of Ruidoso Downs again.

Councilor Hood moved to approve personnel recommendation of Angela Ortega as DPS position of part-time Communication Detention Officer. Seconded by Councilor Williams.

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

Mayor pro tem Holman stated next item on the agenda was Consider Approving Personnel Recommendations-Lincoln County Transit-Part Time On Call Drivers.

Carol Virden, City Clerk/Treasurer said Mickie Compton has recommended Bobby Romero and Thomas Ross.

Councilor Hood moved to approve personnel recommendations for Lincoln County Transit part-time on call drivers. Seconded by Councilor Olivo.

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

Mayor pro tem Holman stated next item on the agenda was to Consider Approving Lodgers' Tax committee Recommendation of Allocations for 2009-2010 Fiscal Year Recipients.

Beth Miller, Lodgers' Tax Chairperson said they covered everything as thoroughly as they could with the primary objective being to consider each one in light of their return to the lodgers themselves. The Lodgers' Tax Committee is supposed to consider each event and how much the return of investment will bring in overnight stays. She said the only one they dropped were those people that never show up and their clientele are high end like in the Alto area. While we appreciate what they do she said we felt there was no return. She said anything that showed promise they were going to make an award. Beth said with the money left over they were going to consider building a website because anytime they link up with for example the motorcycle event and for lodging in the Downs they felt from our website they could link up to the lodging establishments. She said they were going to have a meeting during the next quarter and look further into this.

Councilor Williams said we have both the Golden Aspen Rally and Aspencash but he saw that more was distributed to the Aspencash. Beth Miller said the Golden Aspen Rally has been here for almost 25 years now and their purpose was to grow the other one because they all affect us. On the bigger one they felt there was no more growth. Carol Virden, City Clerk/Treasurer said both the Golden Aspen Rally and Aspencash do bring a lot of return to Ruidoso Downs in lodging and purchases at Wal-Mart.

Councilor Hood said he would like to see us turn those around because the big rally in September does bring in a lot of money and it's a lucrative deal but it gives notoriety to Ruidoso Downs. He thanked the Lodgers' Tax committee for their hard work and it's hard to decide what you are going to give everybody.

Carol Virden, City Clerk/Treasurer said what she believes Councilor Hood was saying is that he would like for the Golden Aspen Rally to receive \$3,000 and for Aspencash to receive \$2,000 and Councilor Hood said that was correct.

Councilor Hood moved to approve Lodgers' Tax Committee Recommendation of Allocation for 2009-2010 Fiscal Year Recipients with the change of Golden Aspen Motorcycle Rally to receive \$3,000 and Aspencash Motorcycle Rally to receive \$2,000. Seconded by Councilor Williams.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Mayor pro tem 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)

Jim Burrow said he thought Mr. Martin has done a good job by bringing this 911 to our attention. He said he wished they would consider him for our next attorney for the next year and that he has done a good job and you get what you pay for and he said he didn't think he was too much out of line.

Chief Ortiz said he had an update of Corporal Robert Olshaskie. He said he spoke to him on Friday and he was in very good spirits and very aware of what was going around. Robert was supposed to be coming back and home today. Chief Ortiz said he passed on the support to "Doc" from all of his friends. He also thanked everyone for their support for his wife Elizabeth and said she has had a couple of surgeries and has come out well.

ADJOURNMENT

There being no further business to attend to Mayor pro tem Holman entertained a motion to adjourn.

Councilor Williams moved to adjourn at 6:42 p.m. Seconded by Councilor Hood.

All were in favor and motion passed.

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Dean Holman, Mayor pro tem

ATTEST:

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Carol Virden, City Clerk/Treasurer