

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
AUGUST 23, 2010
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on August 23, 2010. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Steve Dunigan to lead the Pledge of Allegiance. Mayor Armstrong asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Olivo
Councilor Holman

Councilor Williams
Councilor Hood

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

Also present:

Carol Virden, City Clerk/Treasurer
Steve Dunigan, Planning & Zoning Director
Cleatus Richards, Public Works Director
Jim Kofakis, Interim Museum Director
A.C. Ortiz, Chief of Police
H. John Underwood, City Attorney

APPROVAL OF AGENDA

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

Mayor Armstrong entertained a motion to approve the Agenda.

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

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

APPROVAL OF CONSENT AGENDA

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

Mayor Armstrong entertained a motion to approve the Consent Agenda.

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

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

APPROVAL OF MINUTES OF REGULAR MEETING OF AUGUST 9, 2010

Councilor Williams moved to approve Minutes of Regular Meeting of August 9, 2010. Seconded by Councilor Hood.

APPROVAL OF ACCOUNTS PAYABLES

Councilor Williams moved to approve Accounts Payables. Seconded by Councilor Hood.

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

APPROVAL OF MONTHLY REPORTS

Councilor Williams moved to approve Monthly Reports. Seconded by Councilor Hood.

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

COMMITTEE REPORTS

Councilor Williams moved to approve Committee Reports. Seconded by Councilor Hood.

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

UNFINISHED BUSINESS

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

There was no Unfinished Business.

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.

Mayor Armstrong stated next item was Other Business-Update on City of Ruidoso Downs Projects.

Cleatus Richards, Public Works Director said under Public Works Parks Department and first that they have three street lights that have now been installed and connected to the

Riverside Park. Secondly the River Restoration Committee did receive the report from Stream Dynamics on July 30, 2010, which focused primarily on stream health and basically ignored recreation aspect of the Settlement Agreement that was specified in the judgment. He said he would continue to pursue the Riverside Park as their primary project and hopefully they could get that approved and be able to claim the work that has been done to date and future work that they propose to be done to that park. He said he was a little disappointed in Stream Dynamics in the fact that they did ignore the recreation aspect of the judgment in their study. They were supposed to make recommendations in that regard and they did not.

Cleatus Richards, Public Works Director said they do continue to have a vandalism problem at All American Park restrooms. The most recent vandalism they do have evidence and they did apprehend the culprits in this case and that hopefully will curtail the activity because word does get out pretty quickly when there is an apprehension.

Cleatus Richards, Public Works Director said on the application for recreation trails that they did receive word today that the project would not be funded. He said he had been in contact with them today and he would go over the application with them within a weeks time so they would have time to review it to see what he might be able to do for next years funding round to get that funded. He had requested funds for the restrooms to be finished out and walking trails and other aspects of Riverside Park.

Cleatus Richards, Public Works Director said under Streets that West Drive and Highway 70 drainage had both been completed and they were still waiting for FNF to furnish the final close out documents so we could make final payment and submit the necessary documents to close this project. Likewise, Highland Lane paving had been completed and accepted and again they were waiting for FNF to submit final close out documents so they could make payment.

Cleatus Richards, Public Works Director said on Hill Drive that PNM has set new poles and wires. They were now waiting for Baja to move their lines to the new poles so that PNM can remove the old pole and we could begin work on that street.

Cleatus Richards, Public Works Director said the Street crew was continuing to patch potholes, trim trees, and in the past few weeks they have concentrated on getting school bus routes in shape. Weeds had been a major continuing problem and they were working on keeping them down.

Cleatus Richards, Public Works Director said in the Water Department that New Mexico Self Insurers was doing the final consideration of the Tort Claim by Mr. Murphy and hopefully there would be a decision in that regard within the next week or two. Mr. Murphy had indicated that a possible start of the work there would require no permit of

engineering geodesic technical justification had yet been submitted to allow a permit to be issued for that work. There would be none until all of that information was submitted. Cleatus said a 5-yard dump hydraulic dump truck has been built by the city mechanics from discarded materials at the city yard and it's now functioning and has sure been in use. He said that type of unit did not require a CDL license and it gave them more flexibility so they didn't have to pull off Street crews or from those who had a CDL license.

Cleatus Richards, Public Works Director said under Sewer that the lift station at Riverside Park had been installed and tested and was now available for service. He said all they needed now was restrooms. At this point they were serving the park with Porta Potties.

Cleatus Richards, Public Works Director said under FEMA projects they had awarded the reconstruction of Friedenbloom and Joe Welch bridge repairs to Jeff Harvey Construction. He said they held their Pre-Construction Conference under the permits they had from the Corp and State Water Quality. They cannot work in the river until the flows were around 10 CFS (cubic feet per second) and the river today was at about 38 CFS with all of the heavy rains they have had this summer and that the level had not dropped as it normally would.

Cleatus Richards, Public Works Director said under the Regional Wastewater Treatment Plant that Phase IB Construction was still on schedule and they had been working some Fridays to help accelerate the work progress. Cleatus said he was going to combine this report with the next item on the agenda. While construction had been moving well recently there had been discussion of converting from propane to natural gas at the plant. He said he had been in contact with Zia Gas and provided them with copies of the piping plan for the plant so they could determine how to coordinate work there so as not to interfere with construction on Phase 1B because they would be working in the same areas. He said it was going to have to be handled fairly promptly because the contractor for the Treatment Plant was planning on paving the roadways by October. He said it would be a much more efficient heating system for the plant and Bobby had already complained about how much propane he has used on the two new buildings. Zia would be extending those lines to the building at their cost. It should not be a major problem to convert the plant because the interior piping should be adequate for the switch from propane to natural gas. There would be change out of the orifices on the heaters but that normally was not a huge cost. There had been another issue that came up recently that he and Bobby Snowden were working on was the water supply for the new plant. The well had not been producing for some time and while they were planning on using reuse water for a lot of the plant wash down and system operations it appeared they were going to need a better water supply for drinking and wash down, power washing, and restrooms. Carlos at the Village had been working on some plans and Cleatus said he had heard the cost ranging from \$50,000 to \$100,000 to rework that well to make it functional. Cleatus said that was another item we would be sharing and this was something that would have to be

done. Molzen-Corbin had raised this issue some time ago and recommended testing that well. He said he didn't know if the Village had done those things but they were getting close to operation time so they needed to take care of some of those items.

Councilor Holman said concerning the vandalism at All American Park he asked if the punitive actions had been pursued?

Cleatus Richards, Public Works Director said yes they had.

Councilor Williams asked Cleatus Richards, Public Works Director if he had direct discussions with Stream Dynamics with their position on why they didn't want to follow through on the recreation portion?

Cleatus Richards, Public Works Director said their whole focus has always been stream health and he said that was probably why the committee selected them to begin with. He said he did not vote for them because he thought that was the direction they would go. The other members of the selection committee, particularly the Forest Health people were very strong about selecting this firm.

NEW BUSINESS

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

Chief Ortiz said they had recommended Moirya Bach. She came to them from the Ruidoso Downs Racetrack & Casino and previously from Thriftway.

Mayor Armstrong entertained a motion for approval of Personnel Recommendation-Position-Communication Detention Officer-Ruidoso Downs Police Department.

Councilor Hood moved to approve Personnel Recommendation-Position-Communication Detention Officer-Ruidoso Downs Police Department. Seconded by Councilor Williams.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Mayor's Appointment to Ruidoso River Restoration Committee-Cleatus Richards, Public Works Director.

Mayor Armstrong entertained a motion to approve Mayor's Appointment to Ruidoso River Restoration Committee-Cleatus Richards, Public Works Director.

Councilor Olivo moved to approve Mayor's Appointment to Ruidoso River Restoration committee-Cleatus Richards, Public Works Director. Seconded by Councilor Williams.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Special Dispenser Permit Application-September 10, 2010-NM Amigos-Hubbard Museum of the American West.

Mayor Armstrong entertained a motion to approve Special Dispenser Permit Application-September 10, 2010-NM Amigos-Hubbard Museum of the American West.

Councilor Williams moved to approve Special Dispenser Permit Application-September 10, 2010-NM Amigos-Hubbard Museum of the American West. Seconded by Councilor Olivo.

Councilor Williams asked Interim Museum Director Jim Kofakis what this was?

Jim Kofakis, Interim Museum Director said the New Mexico Amigos were the first goodwill ambassadors in the country. It was formed about 50 years ago. They are leaders of industry across the state and they travel all over the world and talk about New Mexico. This is their quarterly meeting. Johnny Cope is a member of that and he wanted the quarterly meeting in the Cope Center at the museum. Jim said there would be 80 to 100 guests at this meeting.

Mayor Armstrong entertained a motion to approve Special Dispenser Permit Application-September 10, 2010-NM Amigos-Hubbard Museum of the American West.

Councilor Williams moved to approve Special Dispenser Permit Application-September 10, 2010-Nm Amigos-Hubbard Museum of the American West. Seconded by Councilor Olivo.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Special Dispenser Permit Application-October 7, 2010-21st Annual Lincoln County Cowboy Symposium.

Mayor Armstrong entertained a motion to approve Special Dispenser Permit Application-October 7, 2010 -21st Annual Lincoln County Cowboy Symposium.

Councilor Olivo moved to approve Special Dispenser Permit Application-October 7, 2010-21st Annual Lincoln County Cowboy Symposium. Seconded by Councilor Williams.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Special Dispenser Permit Application-October 8, 9, and 10, 2010-21st Annual Lincoln County Cowboy Symposium.

Councilor Williams moved to approve Special Dispenser Permit Application-October 8, 9, 2010, 2010-21st Annual Lincoln County Cowboy Symposium. Seconded by Councilor Hood.

Councilor Williams said the dates he has for the Cowboy Symposium was October 8 and 9, 2010.

Mayor Armstrong said that was right.

Carol Virden, City Clerk/Treasurer said it was supposed to be October 8 and 9, 2010.

Councilor Williams said the motion was made for October 8 and 9, 2010 which was different from the agenda item and so he would ask that the motion be made for October 8 and 9, 2010 as stated on the application.

Jim Kofakis asked if they would have to come back for the 10th?

Carol Virden, City Clerk/Treasurer said what Councilor Williams was doing was amending his main motion for the 8th and 9th.

Mayor Armstrong said they were approving the Special Dispenser Permit Application for October 8 and 9, 2010 and not the 10th.

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

PUBLIC INPUT

(All concerns to be addressed only to the Governing Body as a Whole with a 3-minute Time Limit)

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

There was no Public Input.

EXECUTIVE SESSION

Limited Personnel Matters § 10-15-1 H2 NMSA 1978

Mayor Armstrong said they were going to change the order to where this would be first the Dismissal of Lincoln County Transit Employee and move the Discussion of Chief of Police in Terms of Probation to be last. He said any results of the Closed Session would be brought before the council.

Mayor Armstrong entertained a motion to go into Closed Session for Limited Personnel Matters §10-15-1 H2 NMSA 1978-Dismissal of Lincoln County Transit Employee and Discussion of Chief of Police In Terms of Probation.

Councilor Williams moved to approve going into Closed Session for Limited Personnel Matters § 10-15-1 H2 NMSA 1978-Dismissal of Lincoln County Transit Employee and Discussion of Chief of Policed In Terms of Probation. Seconded by Councilor Hood.

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

Mayor Armstrong closed the regular meeting at 5:55 p.m. and invited H. John Underwood, City Attorney and Carol Virden, City Clerk/Treasurer and would also invite Dan Austin if he made it there in time. Mayor Armstrong called for a five-minute recess.

Mayor Armstrong entertained a motion to go back into open session.

Councilor Hood moved to go back into open session. Seconded by Councilor Williams.

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

Mayor Armstrong called the regular meeting back to order at 6:57 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Closed Session were that of Limited Personnel Matters § 10-15-1 H2 NMSA 1978 Discussion of Chief of Police In Terms of Probation and Dismissal of Lincoln County Transit Employee.

Councilor Hood attested to the fact that the only items discussed in Closed Session were those of Limited Personnel Matters § 10-15-1 H2 NMSA 1978 Discussion of Chief of Police In Terms of Probation and Dismissal of Lincoln County Transit Employee.

Mayor Armstrong asked what the desire was of the council in regards to the dismissal of the Lincoln County Transit employee?

Councilor Williams moved to consider the dismissal of the Lincoln County Transit employee due to the facts that were presented during Executive Session. Seconded by Councilor Olivo.

Carol Virden, City Clerk/Treasurer said Councilor Williams made a motion to consider dismissal.

Councilor Williams moved to dismiss the Lincoln County Transit employees due to the facts that were presented during Executive Session. Seconded by Councilor Olivo.

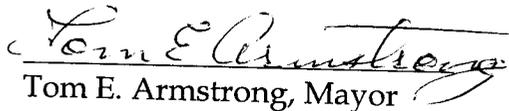
Roll call votes: Councilor Olivo, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Hood, Aye. Motion carried.

ADJOURNMENT

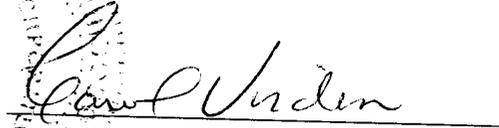
They're being no further business to attend to Mayor Armstrong entertained a motion to adjourn.

Councilor Williams moved to adjourn at 7:00 p.m. Seconded by Councilor Olivo.

All were in favor and motion passed.


Tom E. Armstrong, Mayor

ATTEST:


Carol Virden, City Clerk/Treasurer