

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
JANUARY 24, 2011
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on January 24, 2011. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Joseph Bailey 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
Terri Mosley, Finance Director
Steve Dunigan, Planning & Zoning Director
Cleatus Richards, Public Works Director
Jim Kofakis, Interim Museum Director
H. John Underwood, City Attorney

APPROVAL OF AGENDA

Mayor Armstrong stated next item on the agenda was approval of the agenda. He said there was an update from our attorney about the museum and would like to place that item under #11D - Other Business.

Mayor Armstrong entertained a motion to approve the agenda with the addition of an update from our attorney about the museum under #11D - Other Business.

Councilor Olivo moved to approve the agenda with the addition of an update from our attorney about the museum under #11D - Other Business. 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 and would like to pull a couple of items from Committee Reports. Seconded by Councilor Olivo.

Councilor Williams said he would like to pull the Beautification Committee and Economic Development Board Reports.

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

Councilor Williams said on the Beautification Committee Report that he would like to pass along a couple of thanks to the State DOT in the Hondo Division and the Ruidoso Properties Irrevocable Trust in Albuquerque, New Mexico for their cleanup they provided to the City. The committee is very grateful. The areas they picked up were pretty well trashed out and they were able to take care of it. One of the areas was across from Wal-Mart next to Avalon Properties and the next one was next to the wood carvers across from the old C & L Lumber. These were two of the hardest hit areas from Wal-Mart and its bags.

Councilor Williams said regarding the Economic Development Board he would like to pass on to the community that they are looking for members to participate on the committee. They would like to include business partners because that would give them some insight into how a new business would come into Ruidoso Downs. If anyone is interested they can write a letter to the mayor.

Mayor Armstrong said if anyone was interested in being on one of the committees he asked that they please give him a letter and they will consider them for any committees with an opening.

APPROVAL OF MINUTES OF SPECIAL MEETING OF DECEMBER 30, 2010.

Councilor Williams moved to approve Minutes of Special Meeting of December 30, 2010. Seconded by Councilor Olivo.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF JANUARY 10, 2011.

Councilor Williams moved to approve Minutes of Regular Meeting of January 10, 2011. Seconded by Councilor Olivo.

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

APPROVAL OF ACCOUNTS PAYABLES

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

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 Olivo.

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 Olivo.

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 to 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 the next item on the agenda was – Presentation of 2010 President’s Circle Recognition Award – Judy Miller and Sebrina Lundquist.

Sebrina Lundquist said Judy Miller had to go out of town and sends her apologies. She said first she would like to hand out some printouts that would touch on three different areas. She showed them the framed President’s Award and said this was their fourth year in a row to receive this. She said the criteria for receiving this award was maintaining the board, the advisory council attending 6 hours of training in the past twelve months, and remaining current with the Network Service Fee. She said they also have to file an Annual Report compiled of hours to dollars of volunteer time, Cost/Benefit analysis, in-kind materials to dollars, value of committee members time to dollars, value of administrative hours and materials to dollars, all of which are broken out by type of event.

Mayor Armstrong thanked the committee for their hard work.

Mayor Armstrong stated the next item on the agenda was - Presentation of New Mexico Affiliate Recognition Silver Medal Award – Jean Procter and Brenda Frost.

Jean Proctor introduced herself and Brenda Frost. She said they would like to thank the City for letting them go to Santa Fe and represent Ruidoso Downs. She said the capital was beautiful. They would also like to thank Kathy T. for all of her help. They showed the framed

award and where the medal would be placed and said next year they hope to put the gold in the frame.

Mayor Armstrong stated the next item on the agenda was - Report of Keep America Beautiful National Conference - Orlando, Florida - Judy Miller and Sebrina Lundquist.

Sebrina Lundquist said first she would like to show off the badges they wore and were pretty proud of them with all of the ribbons. She said they have pictures of the conference in the packet. She said on behalf of her and Judy they would like to thank the City for allowing them to attend the 57th Annual KAB National Conference in Orlando. They want to thank Carol, Terri, and Annette for setting things up for them. She said they want to thank Kathy for keeping up with all of their paperwork to keep them in good standing. She said New Mexico Clean & Beautiful gives them roughly \$6,000 in grant funds yearly if they qualify. This year they added \$1,200 to this grant so they could go to the National Conference. She said they were also grateful to the Lodgers' Tax Committee for paying the registration fee. Their plan for putting up a flagpole in the park happened. The City put up the flagpole and the VFW and American Legion donated the flag. They will also maintain it for us. She said they will still put in a "Liberty Garden" around the flag and will have a public dedication on April 9th as part of the Great American Cleanup. She said they were excited about it and hoped that everyone would come to see the gardens and help with the cleanup. Sebrina asked Councilor Williams if he would like to add to that?

Councilor Williams said it was going to be a half horseshoe around the pole. Donation of some of the bricks was made by Public Works and the work is going to be done by the Parks & Rec crew. He said it was a really nice location and very noticeable from the road. It now gives some distinction to the name "All American Park." The committee will donate all of the organic material to get that started. He said he would like to thank the members for their work and dedication to reach the categories of beautification, education, litter, and recycling. They want the peoples first impression of the City to be a positive one.

Mayor Armstrong stated the next item on the agenda was - Report on Great American Cleanup on April 9th -Dedication of "Liberty Gardens" Judy Miller.

Councilor Williams said just to follow up on that they would have more information soon on the cleanup.

Mayor Armstrong stated the next item on the agenda was - Update from H. John Underwood, City Attorney about the Hubbard Museum.

H. John Underwood, City Attorney said he had the opportunity to meet with the Deputy Secretary of Cultural Affairs, Elaine Sweeney and took her the agreements that were approved by this council along with the exhibits that detailed the cultural properties that are being transferred along with pictures of the aerial real estate and the building. There were also pictures of the horses and the great work that is outside so that she would have an idea of what is being transferred to the State. Out estimate is between 8 to 10 million dollars of

cultural assets. She in fact was with the Department of Cultural Affairs before this administration and has been to the museum. What they have requested of him to provide to them is detailed financial information. He said he met with Terri and Mr. Kofakis earlier today in order to prepare a small brochure detailing the ongoing City commitment and the City financing currently to maintain and operate the museum and how the acquisition of the cultural assets and then their obligation to fund the museum cultural affairs of approximately \$200,000 a year will aid the City in maintaining its commitment to operating the museum to keep it open. It becomes part of the State tourism and goes into the State tourism brochure but will also allow the City to maintain its commitment to operate the museum. The other thing they requested, and he said he would request it from the mayor, is a letter that he will take back with him to Santa Fe, is a statement of the City's commitment. They want to make sure that if they make a commitment that the City is committed to keeping this as a prime tourist attraction and cultural asset and that we are not trying to shirk our responsibility. He said he has also had the opportunity to speak to a representative with the Governor's office and they are anxious for him to bring back the spreadsheet and information. Based upon that and how they do in the budgetary process they will get an ultimate decision. He said he was hopeful they would work through this process over the next 30 - 45 days. He said he also has emphasized to them that the Hubbard Foundation have basically had no financial interest other than in a fundraising position since 2005 when the museum came under the ownership of Ruidoso Downs. So, inquiries as to whether this was a sweetheart deal for Mr. Hubbard and his friendship with Governor Richardson, he has done his very best to dispel the fact that Mr. Hubbard had nothing to do with this.

Councilor Holman said concerning our commitment, and showing our good faith, the City contributes a lot of Lodgers' Tax.

H. John Underwood said approximately \$85,000 a year.

Councilor Holman said that was a pretty big commitment.

H. John Underwood said he has asked Terri to put that in the spreadsheet but he might also ask the mayor to put that in his letter

Councilor Williams said they were considering consolidating some of the agencies into the Commerce Department and there is talk about the Cultural Affairs being one of them. He asked H. John Underwood if there could be any kind of roadblocks because of that consolidation?

H. John Underwood said there has been a bill filed to create a Commerce Department. The Governor has named the Secretary of Cultural Affairs and has also named her temporary Secretary of Tourism. The Governor's proposal is to combine the offices of Cultural Affairs and Tourism into the same office. He said he actually sees that as a potential benefit. It will cut down on overhead and administration and that might well have the affect of freeing up more money.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was – Consider Approving Resolution No. 2011-01 2nd Quarter Budget Adjustments.

Councilor Williams moved to approve Resolution No. 2011-01 2nd Quarter Budget Adjustments. Seconded by Councilor Hood.

Councilor Williams said he would like the Finance Director to step up.

Terri Mosley, Finance Director said this is the Mid-Year Budget Adjustments. This includes all of the adjustments from July through December 2010. The encumbrances that are the outstanding purchases from June 2010 are now included in this budget and that's what the majority of these adjustments are. When we did the original budget we had subtracted that out of the cash balance because we had to show actual and this is how we go in there to clean it up. Most of the departments have just moved money around so nobody has changed their bottom line. The only bottom line changes are because of encumbrances. We did have some revenue adjustments because we received some money that we hadn't originally budgeted for so we've included those. Lincoln County Transit received a \$12,170 grant so she said she increased their revenues and their expenditures for that. DFA has requested that the revenues and expenditures received from property taxes for the GO Bond be moved to a separate fund and then the payment be transfer the payment amount to the debt fund to make the actual payment. Terri said she created the account 41 and made the adjustment to fund 40 in response to this request. The museum fund had adjustments to both revenues and expenditures which were needed to show a truer picture of the actual dollars being receipted and expenses for this fund. We did keep our 1/12th reserve which is required by law.

Councilor Holman asked Terri Mosley if the large amount of overtime has to do with relocating the facilities? He said Patty was not here but thought perhaps she would know.

Terri Mosley, Finance Director said she did not know.

Mayor Armstrong said he didn't think the overtime was created by the move. He said he thought it was created by working some of the people a lot of the time. He said Public Works helped a lot with making that move. He said he felt the overtime was for the personnel working a lot of the time because they have schedules to meet.

Carol Virden, City Clerk/Treasurer said it was also due to turnover and part-time drivers.

Councilor Holman said he has always been in favor of the part-time when possible so maybe the trade off in overtime is worth it as opposed to the full-time employee with all of those benefits. He said it seemed like a lot for overtime.

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

Mayor Armstrong stated the next item on the agenda was - Consider Approving Personnel Recommendation - Position - Lincoln County Transit Driver.

Mayor Armstrong entertained a motion to approve Personnel Recommendation - Position - Lincoln County Transit Driver.

Councilor Holman moved to approve personnel Recommendation - Position - Lincoln County Transit Driver. Seconded by Councilor Olivo.

Councilor Williams said this name was familiar and asked what the reason was for leaving the first time?

Mayor Armstrong said she had health problems in the family.

Councilor Hood said she believed that was right and at the time she relinquished her job her family had health issues.

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

Mayor Armstrong stated the next item on the agenda was - Consider Approving Waiver of Rental Fee - Cope Learning Center - NM Appraisers Association Training.

Mayor Armstrong entertained a motion to approve Waiver of Rental Fee - Cope Learning Center - NM Appraisers Association Training.

Councilor Williams moved to approve Waiver of Rental Fee - Cope Learning Center - NM Appraisers Association Training.

Ron Ritter said he was an appraiser here in Ruidoso Downs and lives in Ruidoso Downs. The State has mandated a required course and the State has no money to pay for and no budget to pay for it. The Board of Directors has requested several appraisers including himself to solicit locations to put on the course at no charge. He said his thinking was that they could get the appraisers in southeast New Mexico to come to Ruidoso Downs and maybe spend the weekend. He said they have some proposed dates. March 4th being a Friday and they may spend some nights in our town and in return they could use a classroom at the Museum of the Horse for this State required course.

Jim Kofakis, Interim Museum Director said the only thing he wished to say was that it hasn't been called the Museum of the Horse in over eight years.

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 - Confirm Appointment of Jackie Powell as Member of the Lincoln County Commission to Joint Use Board by Joint Powers Agreement - As Approved and Adopted by the Village of Ruidoso the 26th day of November 2002, and the City of Ruidoso Downs the 26th day of November 2002.

Councilor Williams moved to approve the appointment of Jackie Powell as member of the Lincoln County commission to Joint Use Board by Joint Power Agreement as approved and adopted by the village of Ruidoso the 26th day of November 2002 and the City of Ruidoso Downs the 26th day of November 2002. Seconded by Councilor Holman.

Councilor Williams said he thought Jackie Powell was a good choice by the County and that she lives in the Hondo Valley and is familiar with the issues dealing with the Wastewater Plant and the River Restoration and some of the other legal wrangles they have to deal with. She is level minded and she would be a very good selection. He said his question was that if Jackie Powell was the County representative, and he brought it up to the City Clerk earlier, it states that an alternate member of the Lincoln County Commission as confirmed by the governing body of each municipality to serve in the absence of that County Commission member. He said he believes they have one now and asked if that was correct?

Mayor Armstrong said he did not believe they did and not while he has been in the term of office. He said they will probably ask on that fact because it is important that they do have one.

Councilor Williams said it was important because in the absence of a fifth vote it folds. If they are going to approve this selection they should follow the writing as stated and it would have to be brought before them for approval.

Carol Virden, City Clerk/Treasurer said that was correct.

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.

ADJOURNMENT

There being no further business, Mayor Armstrong entertained a motion for adjournment.

Councilor Williams moved to adjourn at 6:11 p.m. Seconded by Councilor Hood.

All were in favor and motion passed.



ATTEST:

Carol Virden

Carol Virden, City Clerk/Treasurer

Tom E. Armstrong
Tom E. Armstrong, Mayor