

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
APRIL 11, 2011  
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on April 11, 2011. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Doug Babcock, Chief of Police 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  
H. John Underwood, City Attorney  
Terri Mosley, Finance Director  
Doug Babcock, Chief of Police  
Cleatus Richards, Public Works Director  
Steve Dunigan, Planning & Zoning Director  
Jim Kofakis, Museum Director

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

Councilor Williams said this agenda says "Amended Agenda" and asked if there was an extra item added to it?

Carol Virden, City Clerk/Treasurer said yes and it was to consider approving the Stage 1 Water Rations.

Councilor Williams asked if they needed a motion to approve the amended agenda?

Carol Virden, City Clerk/Treasurer said no and that she put out the amended agenda on Friday morning so this is the agenda.

Mayor Armstrong asked if they had a second.

Councilor Williams said he did make the second.

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 Holman moved to approve the Consent Agenda with the condition that they look at a possible correction on page 7 of the March 28, 2011 minutes of the Council meeting.

Carol Virden, City Clerk/Treasurer asked if he wanted to pull the Approval of Minutes of Regular Meeting of March 28, 2011.

Councilor Holman said yes.

Seconded by Councilor Williams with that request from Councilor Holman.

Councilor Holman said on page 7 in the paragraph at about the middle of the page in the second sentence where it says, "this should not be a reflection on the other officers." He said the next two words "other two" if his memory served him correctly and he was almost certain that he said "the other officers" and not "the other two." He said he would like that noted and changed if they can do that and if not at least he wanted to go on record that his intent was not as it is stated. He said his intent was to say "the other officers" and he would like to change that.

Carol Virden, City Clerk/Treasurer said she could certainly tomorrow play the tape back for the correction if he didn't say "two."

Councilor Holman said that would be great and if not he said he wanted to go on record tonight that his intent was to say "other."

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

#### APPROVAL OF MINUTES OF REGULAR MEETING OF MARCH 28, 2011.

Councilor Holman moved to approve Minutes of Regular Meeting of March 28, 2011 with the condition that the look at a possible correction on page 7 of the March 28, 2011 minutes of the Council meeting. Seconded by Councilor Williams.

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

#### APPROVAL OF ACCOUNTS PAYABLES

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

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 said "A" was the White Fire and that he was sure everyone knew where the White Fire was. He said he would like to make the motion that the senior citizens who were held here for the firefighters to help and feed them. At first it was a process of just evacuating the people that needed to come out of it but most of the area here was filled with smoke and that determination was made to move them out of the City. The firefighters were the ones who used the Senior Citizens building. There were 22 businesses in the area that donated food to the firefighters and there were 26 volunteers that manned this thing 24 hours a day. He said he had a letter from Michael Woodson and was a firefighter with the James County Fire Department. He read the letter as follows:

I hope this letter has reached the appropriate desk because there is something that has got to be said about the town of Ruidoso Downs. I am a volunteer firefighter that resides just outside of Cloudcroft, New Mexico. My department was fortunate enough to be called out to your community to assist in your containment of the White Fire on Sunday, April 3<sup>rd</sup>. This was the second largest fire I have been on to date. Needless to say when I drove into Ruidoso Downs that day I was scared out of my mind. Throughout the day and into the evening we battled the fires along the river at Spaghetti Flats. By the end of the first day we had put in 18 hours of firefighting and I had been going for about 26 hours with no sleep due to other firefighting training. We were informed that the senior citizens was providing food and refreshments to firefighters in the area and decided to see if we could get in and rehab. When we walked in the door we were welcomed with open arms and hospitality that I had thought was long lost. For the next two nights all of the fellow firefighters in the area were filing into the center. I would like to express my appreciation to all of the people that were involved with the massive undertaking. When I major catastrophe like this takes place and people come together like your town has it says a lot about the community. The way we were treated on the White Fire will last in my head for the rest of

my life. Again, I beg of you to share this message around the community. The town of Ruidoso Downs brought a ton of happiness to a lot of people in need.

Thank you again and God Bless all of you.

Mike Woodson  
and the James County Fire Department

Mayor Armstrong said that was a very good report of what our people did for other firefighters that came in. It was all fast and furious and again he wanted to say thank you for our community. There was not a lot of planning but people worked through this. He said we didn't lose any lives. There was one horse that died because of the excitement and old age and the smoke. He said we came out of this very well. He said the local firefighters were doing all that they could to handle this fire at this speed. Mayor Armstrong said thanks go to them for saving lives and homes and our town. The mountain does have some scars that we will overcome. In this process we are going to have to go into other gears and the City of Ruidoso Downs will be working very hard with the BAER. They are the ones that come in and help stop any major flooding like we had with the Cree Fire and also he said he wanted to mention that on the other side of town that is on the southwest side and most of the people they talked to, Mescalero, the Forest Service, they said "what if the fire was on the other side of the highway?" Mayor Armstrong said that was his fear also and that he has made it very known that we are going to be working to try to create a fire barrier that might help. He said we have had thinning in this area but if you look at it, it still looks like it's a big danger. People who live up there should be scared. We are just starting our fire season and we need to be very careful with our fires. If you see anyone with fires he said to stop and talk to them and tell them not to do this. A fire on the southwest side coming into Turkey Canyon probably would have probably taken out the whole town and there wouldn't have been anything anyone could do except get out of the way.

Mayor Armstrong said they also have the results from the Great American Cleanup. He asked Councilor Williams to speak on that.

Councilor Williams said the committee would like to thank all of the volunteers that participated in Saturday's Great American Cleanup. It was not the best opportunity for people to get out there and have a good time but they showed their desire to improve the way our community looks. That means a lot to the committee that they would go out despite not being ideal conditions and putting in the effort they did. He thanked the volunteers and the people who stayed at the center and provided the food and cleaning up the center. The whole idea was not to volunteer and be on the streets and in the neighborhoods but the logistic part of it too. It all came together as a great opportunity. The citizens again showed how they could handle adversity with the White Fire but again with this and showing community pride. Councilor Williams said he also wanted to thank members of the governing body who participated, staff members, employees from all departments, and also former employees who made the food very tasty. He said he would like to thank the City Clerk for allowing Kathy T. to be a part of their committee. She is behind the scenes and does everything the committee

asks her to do and more and provides them with all of the information they need to get the job done. She keeps them in line with the regulations and specifics are as identified by Clean & Beautiful from the State and also Keep America Beautiful. He said it was great to have staff members that really put the effort out and the dedication. Councilor Williams said the businesses came through with donating the prizes and the food. They gave away things like what you are supposed to do in the yard like rakes. He said the national sponsors also provided for them. He said he hoped they could post a list of volunteers and post it on the bulletin board and put in the message board across the street in the park. He said they also had the dedication of "Liberty Gardens" and invited everyone to take a look if they haven't been over there. He said it was extraordinary work by the Public Works Department-Parks & Rec. They got it all prepared and did a great job.

Councilor Holman said regarding the White Fire and something Councilor Williams said was that it was good to mention our citizens. He said some of our citizens during the White Fire were just awesome. Normally you don't like to single people out but to give an example he has known Betty Bennett most of his life. He said he came down during the chaos and went into the Police Department and she was there. She is a qualified Dispatch and she apparently was at home and heard about this, walked into the Police Station said "how can I help, I'm here if you need me." Councilor Holman said he would guess that each one of the councilors had probably encountered similar situations where citizens were helping where qualified.

Mayor Armstrong said there were two other Directors and one was Carol Virden who came as quick as she could from her home and helped man the phones because they only had one dispatcher on a Sunday. He said Terri Mosley also came down to man the phones. Mayor Armstrong said he wanted to thank them but there were so many people out there that helped. He again said there was a future plan for drainage and that the Forest Service was going to help.

#### NEW BUSINESS

Mayor Armstrong stated next item on the agenda was - Cindy Parkinson-Request for Use of All American Park - Relay for Life - July 8<sup>th</sup> and 9<sup>th</sup>, 2011.

Cindy Parkinson said they decided to move and would like to save money. She said we have lights built in. They have to pay for lights every year either at the high school or at the ball fields. She said they went down to the park and it was perfect for what they wanted to do but they needed to be sure it was okay with the City. She said their dates were July 8<sup>th</sup> and 9<sup>th</sup> and that she spoke to Frankie Gonzales and he said there was nothing planned for those two days. She said usually on Friday morning they set up and have the teams come in. She said they would be using the infield part of the baseball field. They walk around the track and they walk all night long until Saturday morning until around 9:00. After that they have the closing ceremonies and then they clean up and are out of there around noon on Saturday. Cindy said they do have music they like to play and it keeps the walkers going all night long. She said that was the one thing they want to make sure they will be able to do is to have music all night long. She said they have bands until around 11:00 or 12:00 and then they go quieter and then have prerecorded music or a DJ. They would also need access to the field and she said she

wasn't sure if that would be a problem. Another thing was they wanted to use the Senior Citizens facility because they have a Survivor Dinner that they put on at 5:00 at night and it is to treat all of the cancer survivors.

Mayor Armstrong said that would have to be ok'd by Tom Stewart with the County. He said Tommy Hood is the manager.

Councilor Hood told Cindy Parkinson that if she would get a letter together addressing Mr. Stewart at Lincoln County asking for whatever time they would need the center for that activity. He said that would be the best way to handle it and then Mr. Stewart would direct him.

Cindy Parkinson said they usually have it catered and are out by about 6:00. She said they have an insurance policy that was through the American Cancer Society for 1 million dollars that covers their event. She said she could provide them with a copy of the rider.

H. John Underwood asked that the City of Ruidoso Downs be named as additionally insured on the policy.

Cindy Parkinson said they would also like to know if they would be able to park RV's in the back and in the front? She asked if they would be able to place signs along Highway 70 such as banners for Relay for Life and saying Relay here? She said it should bring in 300-400 people and it would be good for the Downs. She asked if the City had a stage?

Mayor Armstrong said they didn't.

Cindy Parkinson said they would bring in a stage for the music and the event.

Mayor Armstrong asked what should happen if the music was too loud?

Cindy Parkinson said they have been in trouble before. Usually they try to have the band stop around midnight and then go to softer music.

Councilor Hood asked if they approved this would they bring the whole Relay for Life down here? He also asked if the first walk was the Survivor Walk?

Cindy Parkinson said yes and they usually have the dinner at 5:00 and at 6:00 they start. They have the guards come up from Alamogordo and do the colors. She said last year they raised \$56,000.00 and that was the most they had ever done. This is their 13<sup>th</sup> or 14<sup>th</sup> year.

Chief Babcock asked for security purposes how many police officers would they need?

Cindy Parkinson said last year they did have to make one call and they have usually have a paramedic and ambulance on site.

Mayor Armstrong asked if there were any other questions? He said they were going to vote on it but she would have to provide the City with the insurance and Tom Stewart's okay.

Cindy Parkinson said they would need to know in the next two weeks because they need to do the signs and t-shirts. On the t-shirts they will have the layout of All American Park and all of the sponsors.

Mayor Armstrong entertained a motion that the request be granted with the conditions that they talked about.

Councilor Hood moved to approve the use of All American Park-Relay for Life-July 8<sup>th</sup> and 9<sup>th</sup>, 2011 with the conditions talked about and waiving the fee for the event. 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 Agenda Briefing Memorandum - Special Dispenser Permit - HMAW Annual Fundraiser July 23, 2011.

Jim Kofakis, Museum Director said he requested their approval for this annual fundraiser. It is the biggest fundraiser for the museum and is always held on the same weekend as the Rainbow Futurity.

Councilor Hood asked how much money the fundraiser brought in last year?

Jim Kofakis, Museum Director said just of \$100,000 and most of that was kept in the Foundation and the balance was given to the City.

Mayor Armstrong entertained a motion to approve Agenda Briefing Memorandum - Special Dispenser Permit - HMAW Annual Fundraiser July 23, 2011.

Councilor Olivo moved to approve Agenda Briefing Memorandum - Special Dispenser Permit - HMAW Annual fundraiser July 23, 2011. Seconded by Councilor Hood.

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 Stage 1 Water Conservation Stages; Rationing.

Mayor Armstrong said most of the time during the spring we find our spring to go below 290 gallons per minute. By ordinance we are to follow the ordinance of which we go into Level 1. He said he thought they had the ordinance in front of them. Councilor Williams asked if the Public Works Director could outline it for the citizens?

Cleatus Richards, Public Works Director said going into the Stage 1 Water Rationing we would mandate that watering be done on even/odd. Odd numbered addresses will be allowed to water on Wednesday, Friday and Saturday. Even numbered will be allowed to water on Tuesday, Thursday and Saturday. Watering will be prohibited between the hours of 10:00 a.m. and 4:00 p.m. Swimming pools can be topped off but cannot be filled if not already. Plants can be kept alive with watering with a bucket or hand held but not with the use of a hose. Those were basically the requirements in Stage 1 Water Rationing. He said they would make a public announcement in the newspaper about this and also get some flyers out to businesses and restaurants to abide by the restrictions.

Mayor Armstrong entertained a motion to approve Stage 1 Water Conservation Stages; Rationing.

Councilor Williams moved to approve Stage 1 Water Conservation Stages; Rationing. Seconded by Councilor Olivo.

Councilor Williams asked how this would affect the City and their watering and in particular the parks?

Cleatus Richards, Public Works Director said during this phase there would be no affect on the park. Later in the more restrictive phases it becomes slimmer and in the latter phase they would stop watering the parks.

Councilor Williams asked Cleatus Richards, Public Works Director if they had the same situation this time last year?

Cleatus Richards, Public Works Director said no because they had very good snowfall, excellent runoff, and moisture. This year we were already in drought and had predictions for a very dry summer. He said they need to make the public aware that water conservation was going to be a serious matter this year. Cleatus said it was going to be very likely they would have to impose more stringent conditions. He said he was also looking at the ordinance for potential amendment because the current ordinance did not have a 'no watering' phase.

Councilor Holman said the Riverside Well was a reserve well and would not be used unless there was an emergency. He asked Cleatus Richards, Public Works Director if that would be brought into play before they went to the conditions he described?

Cleatus Richards, Public Works Director said all of the wells, Denton Well, Riverside Well, would be supplemented so they could take water from any of those wells. At this point they have already had to use the Denton Well two or three times and sometimes four times a week to maintain well level. There was only about 58 feet available in the Denton Well and Riverside Well. Some of that was further limited by stream flow into the Ruidoso River and we had to be very careful with the use of our water rights.

Councilor Holman said it was his understanding that the Riverside Well was a tremendous well and had the capability of pumping an extreme amount of water but that we were limited by water rights.

Councilor Hood said in Phase 1 it didn't affect the City from watering during the day and asked if that was correct?

Mayor Armstrong said other than the time frame.

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.

Joyce Gustafson introduced herself and read from a letter she wrote dated April 11, 2011 and addressed to Mayor Armstrong and Governing Body as a Whole. The letter read as follows:

This past Saturday I joined with many others for our cities spring clean-up day. One of the major neighborhood streets that I choose to clean was west Harris Lane. The street just above my property and our City Hall. As we all know, Lincoln County Solid Waste, now known as green Tree Solid Waste, made it's home on the corner of Harris Lane and 2<sup>nd</sup> Drive until recently when they moved their entire operation to East Hwy. 70. What I saw left inside the fenced area of the old location on Harris Lane was appalling. Empty polycarts with open lids, some still having trash inside, empty milk jugs, plastic bottles, cardboard boxes, loose leaf paper, aluminum cans, glass containers were among the many objects left blowing around inside, into and over the chain link fence. This not only disappointed me in Green Tree but more so in you Mayor Armstrong as you see this location everyday you go to work and apparently have done nothing. Part of your duties as our Mayor is "cause the ordinances and regulations of the Municipality to be obeyed."

I'm here before you tonight to insist that a formal letter of citation be issued to Green Tree Solid Waste tomorrow, April 12, 2011. They are in violation of many of our city codes of ordinances including but not limited to Chapter 52, section 52.20 & section 52.43; Chapter 131, section 131.37 and Chapter 132, section 132.03. Each violation carries with it penalties which I strongly encourage our city officials to enforce if Green Tree has not corrected these violations in the proper amount of time allowed.

If our code enforcement department can show me they were already pursuing this matter prior to tonight, then I will gladly apologize to this governing body for my interference.

I'm also asking our governing body to read and research Chapter 52, section 52.15 and especially section 52.16 of the cities ordinances. Inforcing these codes would greatly cut down on the trash blowing around our city.

Thank you, Joyce Gustafson

Wayne Williams said he would apologize for going fast but there was a lot he had to say. First he said he would like to thank Chief Babcock for giving his wife a ride down to Spaghetti Flats to check on her dad. Second he wanted to thank Mayor Armstrong and the fire patrol guy but didn't know his name and the firefighters who escorted them down after the fire truck had left but they hadn't lifted the restrictions yet so they escorted them down. They happened to see a fire in the back yard. He said he thought he had put it out but apparently didn't. He said he would like to thank Officer Martin because he continued to drive past because the firefighters were no longer in the back yard and he jumped the fence and put the fire out. Fourth, in lieu of the fires that took place and the type of fires that they are the grass and weeds around this community should be if not a code violation. He said he would like to make a recommendation that they enforce those codes and he would also volunteer his services in his neighborhood. He said he does it every year in his yard and it costs \$100 a year for Round Up. After the flood he got permission from the Forest Service to mow the forest and told them if they looked at how the fire burned it went right up to it and stopped. He said it would really benefit the City especially behind Turkey Creek. If it were to catch fire it could wipe out the town. He said if they furnished the Round Up he would keep his neighborhood free of weeds along the road. Wayne said one more thing was that he would still like to know the facts behind firing the Chief, the whole truth. He asked when that was going to happen because he has been defending the city council saying they wouldn't have fired him without a reason and so far he hasn't seen a reason. His time was up but said he had one more thing. He said they lost two homes in this town and he would like to see City sponsor some kind of benefit to help them out. It could be put on at the Senior Citizen Center or something.

CLOSED SESSION: Discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978 and discussion of the Purchase, Acquisition or Disposal of Real Property and/or Water Rights §10-15-1 (H8) NMSA 1978.

Mayor Armstrong entertained a motion to go into Closed Session for the discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978 and discussion of the Purchase, Acquisition or Disposal of Real Property and/or Water Rights §10-15-1 (H8) NMSA 1978.

Councilor Hood moved to approve to go into Closed Session for the discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978 and discussion of the Purchase, Acquisition or Disposal of Real Property and/or Water Rights §10-15-1 (H8) NMSA 1978. Seconded by Councilor Williams.

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

Mayor Armstrong closed the regular meeting at 6:19 p.m. and invited H. John Underwood, City Attorney, Cleatus Richards, Public Works Director, and Carol Virden, City Clerk/Treasurer and called for a five-minute recess.

Mayor Armstrong entertained a motion to go back into Open Session.

Councilor Olivo moved to go back into Open Session. Seconded by Councilor Hood.

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 7:02 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 discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978 and discussion of the Purchase, Acquisition or Disposal of Real Property and/or Water Rights §10-15-1 (H8) NMSA 1978.

Councilor Hood attested to the fact that the only items discussed in Closed Session were that of discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978 and discussion of the Purchase, Acquisition or Disposal of Real Property and/or Water Rights §10-15-1 (H8) NMSA 1978.

Mayor Armstrong entertained a motion to authorize the City Attorney to negotiate the purchase of water rights subject to review by Finance.

Councilor Hood moved to authorize the City Attorney to negotiate the purchase of water rights subject to review by Finance. Seconded by Councilor Williams.

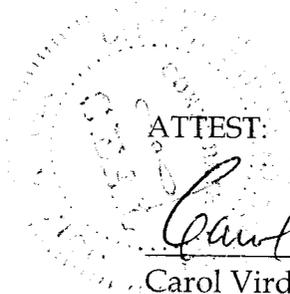
Roll call votes: Councilor Olivo, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Hood, Aye. Motion carried.

ADJOURNMENT

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

Councilor Williams moved to adjourn at 7:04 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