

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
JUNE 13, 2011
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on May 23, 2011. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Jim Kofakis to lead the Pledge of Allegiance. Mayor Armstrong asked for a moment of silence for one of Ruidoso's Councilors, Don Williams, who passed away. 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:

Zack Cook, City Attorney
Carol Virden, City Clerk/Treasurer
Terri Mosley, Finance Director
Cleatus Richards, Public Works Director
Steve Dunigan, Planning & Zoning Director
Jim Kofakis, Museum Director
Doug Babcock, Police Chief

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

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

Councilor Williams said he would like to pull a couple of items from Accounts Payables.

Councilor Hood said he would amend his motion.

Councilor Williams said he would like to ask the Police Department about the item for Cofax Computing to install to the Chief's desktop at desktop to (and he said the sentence wasn't finished). He said he was looking at Accounts Payables for his department.

Chief Babcock said it was to install Outlook Express. He said he thought he might have been interrupted during putting in the description.

Terri Mosley, Finance Director said they were only allotted so much on the computer so it cuts it off.

Councilor Williams requested that they add to the paper so he didn't have to ask what it was.

Councilor Williams said there was an item under Training for Officer Jones that said Interview/Interrogation.

Chief Babcock said they sent her to an Interrogation class.

Councilor Williams asked if that was a good class for her?

Chief Babcock said yes.

Councilor Williams said he had asked for an answer back on the gas mileage on the two new Expeditions and never got an answer back.

Chief Babcock said he was unaware that he asked about that.

Councilor Williams said he had asked Officer Bailey.

Councilor Williams said he had one more question on the CDBG grant. He said there was an Invitation for Bid with Ruidoso News. He asked if they were the only source we used?

Terri Mosley, Finance Director said yes it was and by law they had to post it in the local newspaper.

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

APPROVAL OF MINUTES OF WORK SESSION MEETING OF MAY 18, 2011.

Councilor Hood moved to approve Minutes of Work Session Meeting of May 18, 2011. Seconded by Councilor Williams. Roll call votes: Councilor Olivo, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Hood, Aye. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF MAY 23, 2011.

Councilor Hood moved to approve Minutes of Regular Meeting of May 23, 2011. 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 Hood 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 asked Cleatus Richards, Public Works Director to speak.

Cleatus Richards, Public Works Director said he would like to make the citizens aware that they were making efforts of remediation on the White Fire flood and had started work in the Spaghetti Flats area on the J.C. Day property and are channeling by using Jersey barriers to help direct potential flood waters that would be coming through there from the Highlands Canyon. He said also on Johnson east they had placed barriers on the Skar property to protect some of the residents there. They did a sandbagging effort over the weekend and had about 1000 sandbags available to make available to citizens who had wells to protect those wells from the potential floodwaters from the flood. They would be contacting those citizens to see how they could place the sandbags around their wells to protect them. Cleatus said they were working closely with the racetrack and had provided 50 Jersey barriers and the Village of Ruidoso was offering an additional 19 Mafia Blocks. He said they had located another 200 Jersey barriers but were in Deming and we could only haul about 9 at a time so they were trying to find assistance to haul those. They were being provided by the Department of Transportation, Highway Department. They had also asked the Forest Service for permission to cut a trench along North Drive to help divert floodwaters that would be coming into that area. He said they were making a major effort to protect the City and were keeping track of their man hours and equipment time and there was potential for reimbursement.

Mayor Armstrong said they had been very involved with the racetrack because some of the properties where the waters come out of Johnson Canyon West would affect some of the residents in that area. It looked like they had come up with a plan and hoped none of the waters would come over into Ruidoso Gardens. They had a plan to release some of the water at intervals and couldn't handle it if they released it all at once. So far they had protected two homes in Ruidoso Gardens and enlarged the channel ditch and hoped it would be enough.

Cleatus Richards, Public Works Director said the Department of Homeland Security had provided the sandbagging machine and they had volunteers from the Ruidoso Fire Department and the Ruidoso Downs Fire Department and got about 1000 bags filled on Saturday. They would be having more sandbagging events in the next two weeks and would need volunteers.

Mayor Armstrong said they also had a couple of kids from the Juvenile Probation Office that helped.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was - Consider Approving Agreement Between the City of Ruidoso Downs and the Humane Society of Lincoln County to Provide Kennel Facilities and Humane Care for Animals FY 2012. He said this was the same contract they had last year and had the same fee schedule.

Mayor Armstrong entertained a motion to approve Agreement Between the City of Ruidoso Downs and the Humane Society of Lincoln County to Provide Kennel Facilities and Humane Care for Animals FY 2012.

Councilor Hood moved to approve Agreement Between the City of Ruidoso Downs and the Humane Society of Lincoln County to Provide Kennel Facilities and Humane Care for Animals FY 2012. Seconded by Councilor Olivo.

Councilor Williams said there was not a representative from the Humane Society but he wanted to inquire about the numbers and asked if they had met the maximum of dogs and cats for last year?

Mayor Armstrong said Peggy had done a very good job of keeping the numbers down and that she understood the problem. He said he felt that she would continue to do that. He said there was another little grant that helped with spay and neutering.

Councilor Williams said he wanted to inquire about Item 7-Custody of Sheltered Animals. It stated, "Except when otherwise provided herein all animal which . . ." He said he wanted an "s" added to that. He continued saying, "which are brought to the Animal Shelter by City employees." He asked who specifically did that? Was it the Animal Control Officer and was she the only one?

Mayor Armstrong said the believed it would also be the Police Department.

Chief Babcock said it would be any officer on duty.

Councilor Williams said he would then like to change that from "City employees" to address exactly who they were. He went on to say, "no allocation of the number of animals received after regular business hours for the purpose of accounting shall be made to the City unless all animals are received to the appropriate governmental agency." It said in the next sentence, "when animals are received during business hours by members of the general public the Humane Society shall require those members of the public to produce a valid driver's license and list local and home street address. The local address shall be used to allocate animals to respective participating agencies." He asked if that language meant that if our citizens brought in pets it counted against our 300 number?

Mayor Armstrong said yes.

Councilor Williams said he had a question on "Quarantined Animals." It says, "in a manner by City ordinance . . ." and that we don't have a City ordinance about that.

Chief Babcock said he thought under State Statute that if there was a dog bite that it was remanded by the State to quarantine that animal.

Carol Virden, City Clerk/Treasurer said when there is a specific issue dealing with an ordinance that is not covered under the City then the City is silent in that area we would automatically fall under the State statutes.

Councilor Williams said he had a question on "Detaining Animals" and it said, "placed in the Animal Shelter by the City or its public employees." Since we have City employees and public employees we need to change that language to be specific of who takes the animals to the Animal Shelter.

Councilor Olivo said a couple of times in the past they had even used the Street Department to help Peggy take animals to the Animal Shelter and that was why they have City employees there. If you are going to make it that specific they won't be able to call for extra help.

Councilor Williams said that was what the Police Department was for.

Councilor Olivo said sometimes the Police Department is busy.

Councilor Williams said you have City employees and public employees so no matter what it needed to be cleaned up.

Councilor Williams said on Item 12 it said, "reimbursement to the court," and that the word "court" needed to be capitalized.

Councilor Williams told Mayor Armstrong that in the future when you have an agreement with an agency there should be a representative from the agency present so they could ask questions.

Carol Virden, City Clerk/Treasurer said they could go with the changes suggested by Councilor Williams or approve as is.

Mayor Armstrong asked who seconded?

Carol Virden, City Clerk/Treasurer said Councilor William.

Mayor Armstrong asked if it was okay to make that change? He said to take roll call.

Carol Virden, City Clerk/Treasurer said no and that Councilor Hood would have to amend his motion to approve the agreement between the City of Ruidoso Downs and the Humane Society of Lincoln County to provide kennel facilities and humane care for animals for fiscal year 2012 with the changes made by Councilor Williams.

Councilor Williams said that would be suggested changes.

Councilor Hood said he would amend his motion with Councilor Williams suggested changes.

Mayor Armstrong asked Councilor Olivo if he was okay with a second and asked for roll call.

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

Mayor Armstrong stated next item on the agenda was - Consider Approving Agenda Briefing Memorandum - Special Dispenser Permit - HMAW - Exhibit Opening/Fundraiser - July 1, 2011.

Mayor Armstrong entertained a motion to approve Agenda Briefing Memorandum - Special Dispenser Permit - HMAW - Exhibit Opening/Fundraiser - July 1, 2011.

Councilor Olivo moved to approve Agenda Briefing Memorandum - Special Dispenser Permit - HMAW - Exhibit Opening/Fundraiser - July 1, 2011. Seconded by Councilor Hood.

Councilor Williams said we have the director here.

Jim Kofakis, Museum Director said the Agenda Briefing Memo is pretty self-explanatory. They were having an exhibit opening on July 1st and it had been a long time since they've had something you could call a blockbuster. This exhibit would run throughout the summer and all of the costs associated with bringing this event to the museum and food and beverage for this reception would be borne by the Hubbard Foundation. He said he respectfully requested approval.

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 Resolution No. 2011-05 Adoption of Required Community Development Block Grant Policies.

Mayor Armstrong entertained a motion to approve Resolution No. 2011-05 Adoption of Required Community Development Block Grant Policies.

Councilor Hood moved to approve Resolution No. 2011-05 Adoption of Required community Development Block Grant Policies. Seconded by Councilor Williams.

Councilor Williams said on page 1, Section 3 Plan, it said, "the City of Ruidoso Downs has appointed." He asked who had been appointed as Section 3 coordinator?

Carol Virden, City Clerk/Treasurer said it was generally your mayor's appointee last year; you could certainly place who you wanted on there.

Councilor Williams said on page 2, Item C, "shall maintain a list of all training programs operated by the City." He asked what that consisted of?

Mayor Armstrong asked him to repeat that.

Councilor Williams said, "shall maintain a list of all training programs operated by the City and its agencies and will direct them to give preference to City residents. City will direct all CDBG sponsor paid provide to City residents." He asked what the training consisted of?

Carol Virden, City Clerk/Treasurer said under the Section 3 plan, for example the Community Development Block Grant bid for Nevada and River Lane and North Central. If the contractor had employees who fell under the Section 3 Plan which was hiring low to moderate income then there was a process to go through with training. The Southeastern Economic Development was currently the administration of the CDBG Grant for 2009-2010 grant the we got and they provide all of the training for them. She said they do maintain a list of programs.

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 Wastewater Treatment Plant Operating Invoice for May 2011.

Terri Mosley, Finance Director said she verified everything. The billing was a little bit higher but that was probably due to the new plant coming on line and was due to the cost of chemicals most likely.

Mayor Armstrong entertained a motion to approve Wastewater Treatment Plant Operating Invoice for May 2011.

Councilor Williams moved to approve Wastewater Treatment Plant Operating Invoice for May 2011. 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 Personnel Recommendation-Position-Temporary Police Officer.

Chief Babcock said just before our new budget hearings they had advertised for a Police Officer position. They had one subject apply for it and he made it through the background process and they were getting ready to call him in for an interview. At that time the Police Officer position was frozen until the upcoming budget year. There have been some personnel issues with understaffing, with the track being opened in the summer, Officer Trujillo was deployed to Afghanistan and would potentially be back at the end of December 2011. Officer Rupp had a shoulder injury and would go in for surgery toward the end of this month and could possibly be out for three months. He said that would leave them fairly short-handed. He said he talked to the candidate and he would be willing to take a temporary Police Officer position for the remainder of 2011. No benefits would be involved with his salary and we would provide him with uniforms and leather gear they had in storage. They had planned to send him to the Certified Waiver class that would be in October for three weeks to solidify his New Mexico certification and that he was coming in from Georgia.

Mayor Armstrong entertained a motion to approve Personnel Recommendation-Position-Temporary Police Officer.

Councilor Olivo moved to approve Personnel Recommendation-Position-Temporary Police Officer. Seconded by Councilor Hood.

Councilor Williams said to Chief Babcock that there was nothing about the process but asked that the paperwork be a little bit cleaner. He said again it said, "Police Officer certified in G" and he would like to see it in print and the bottom of his page was cut off.

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 Awarding Bid No. 11-002 North Central Drive and River Lane Roadway Improvements (Bid Lot 1) Nevada Lane Roadway Improvements (Bid Lot 2).

Mayor Armstrong entertained a motion to award Bid No. 11-002 North Central Drive and River Lane Roadway Improvements (Bid Lot 1) Nevada Lane Roadway Improvements (Bid Lot 2).

Councilor Williams moved to award Bid No. 11-002 North Central Drive and River Lane Roadway Improvements (Bid Lot 1) Nevada Lane Roadway Improvements (Bid Lot 2). Seconded by Councilor Olivo.

Councilor Williams asked what the amount left was from the CDBG Grant after the fee from the Southeast?

Carol Virden, City Clerk/Treasurer said it was 2% of the total grant which was \$489,797. It was short the \$500,000.

Councilor Williams asked how much had been spent out of that grant preliminary of this process leading up to the bid? Including surveying and engineering costs?

Carol Virden, City Clerk/Treasurer told Councilor Williams that if he came into the office tomorrow they could certainly give him the exact dollars that they have spent from the CDBG fund for not only engineering but also for the bidding. She said to remember that they do have North Central, River Lane and Nevada Lane that was collated with costs for engineers and the legal publications.

Councilor Williams said the CDBG covered North Central and River Lane and co-op covered Nevada Lane. He said the reason he asked was there was a comment made by a resident about the cost of engineering for going out to re-bidding. He asked if there was a cost for re-bidding?

Cleatus Richards, Public Works Director said there was no additional cost for re-bidding.

Councilor Williams said so the changes that they saw and the cost differential from the original to the second didn't have anything prepared by URS to updated costs. They had to reassess their figures to re-bid.

Terri Mosley, Finance Director said they ended up sending out an addendum but at no extra cost to us. The only additional cost was for our publication.

Councilor Williams said when they made the first publication and the two bids that came in were below what was recommended by the engineers estimate. At that time the engineers estimate was quite a bit higher than what you anticipated. That cost didn't really diminish that much from the original to what they were going to approve tonight but the cost of what the bidders did come up. The engineers' estimate went down and the bidders came up.

Cleatus Richards, Public Works Director said it was because the scope of work increased.

Councilor Williams asked if that would complete the projects?

Cleatus Richards, Public Works Director said either project would be completed and the majority of it would be done but because of the cost increase no they couldn't.

Councilor Williams asked if he could say what the percentage of completing the projects would be?

Cleatus Richards, Public Works Director said North Central and River Lane would be around 70% and Nevada Lane would be around 60%.

Councilor Williams asked what we were doing for funding the difference?

Cleatus Richards, Public Works Director said once they had this awarded and underway they would prepare to go back and ask for additional CDBG funds to finish and would do the same for the co-op fund.

Councilor Williams asked if those were the sources of funding?

Carol Virden, City Clerk/Treasurer said there was other funding but getting the award was a very difficult process because of the competing municipalities, States, and local County government.

Councilor Williams said there were a lot of other projects especially sewer that needed to be done.

Carol Virden, City Clerk/Treasurer said they had a certain amount of funding for the CDBG. The City of Ruidoso Downs allocated \$24,000 as a matching fund. When they submitted their application the estimated linear feet and drainage and paving, curb & gutter and there were 15 municipalities and counties that were awarded funds. The CDBG monies filter down from the federal government so there is one pot of \$5 million dollars. Those who were awarded were very fortunate.

Councilor Williams asked if they approved this item tonight how long it would be before they were shovel ready?

Cleatus Richards, Public Works Director said it would be a minimum of 20 days.

Councilor Williams asked if there was anything in the contract if there were delays due to weather?

Cleatus Richards, Public Works Director said contractors were allowed a number of days.

Councilor Williams said he would like an updated picture of where the project would go from where it was now. He thanked Cleatus for the Parker Bridge paving.

Councilor Holman said he thought this was contingent upon the State of New Mexico agencies approval.

Cleatus Richards, Public Works Director said they had those changed and had been approved and confirmed.

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 Mutual Aid Fire Assistance Agreement Between the Village of Ruidoso and the City of Ruidoso Downs.

Mayor Armstrong said they did not have this agreement last year but have had in the past.

Mayor Armstrong entertained a motion to approve Mutual Aid Fire Assistance Agreement Between the Village of Ruidoso and the City of Ruidoso Downs.

Councilor Williams moved to approve Mutual Aid fire Assistance Agreement Between the Village of Ruidoso and the City of Ruidoso Downs. Seconded by Councilor Hood.

Councilor Williams said in this kind of profession there was a certain amount of training needed to keep continuity between the agencies. He said there was no mention of any mutual training in the agreement and for example they could conduct an annual practice emergency.

Mayor Armstrong said have come together for mutual aid situations before and there was training available in this area.

Councilor Williams said training was valuable and productive. He said on number 7 it was called "Standard Operating Procedures." When you have standard it was to outline specific operations in the Fire Department. He said standing was different and meant posture, standing and he would like that changed to Standard Operating Procedures. He said there was also a place where it said employee and should say employer and language that should be changed. Lastly he said there was "Financial Responsibility" and said, "a member making a request shall assume responsibility for providing lubrication oil, motor fuel, and welfare items for the firefighters to the extent of supplies available at the time of request. This shall not preclude any payment for additional services such as extinguishing agents such as foam." He said if we were going to have this and they came into our territory were we going to have any funding for that?

Mayor Armstrong his understanding was that it was going back to each Fire Department and everyone would make their own way.

Councilor Williams asked if the Fire Department would have a fund in place to provide those things?

Mayor Armstrong said there was a fund in place already.

Carol Virden, City Clerk/Treasurer said they could make a line item just for emergency purposes. Council could take action for that during the final Public Hearing for the fiscal year of 2011-2012 Budget. She explained that "Standing" versus "Standard" referred to what each department operates under.

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

Pam Williams said we come before you because they were concerned citizens and their intentions were not to cause trouble. She said she does her research and studies it. She sometimes feels that they cut corners and don't follow the guidelines to the letter and if you don't get caught then what difference did it make. Elected officials were elected not to control them but to represent them. The citizens just want common sense solutions and an open government.

Wayne Williams said he had a question for Cleatus. This ditch that was going to be put in Ruidoso Gardens to redirect water, had the City gotten permission from the private landowner that it would be crossing?

Cleatus Richards, Public Works Director said they were going to be onboard with that.

Wayne Williams asked if it was going to be behind his house?

Cleatus Richards, Public Works Director said yes.

Wayne Williams said it would then be running across private land or straight up the mountain and the City needed to be aware of that.

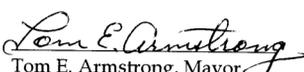
Mayor Armstrong said there was no ditch being cut on private land, only Forest Service.

ADJOURNMENT

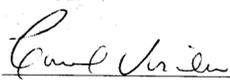
There being no further business, Mayor Armstrong entertained a motion for adjournment.

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

All were in favor and motion passed.


Tom E. Armstrong, Mayor

ATTEST:



Carol Virden, City Clerk/Treasurer