

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
JUNE 27, 2011
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on June 27, 2011. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked James Burrow 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
Cleatus Richards, Public Works Director
Doug Babcock, Police Chief
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 said he had one item to pull from the agenda and that was Item 12D. He said it was for the Mayor's Recommendation for the Economic Development Board-Sandi Aguilar. He said it must be a person that resides in the City of Ruidoso Downs.

Mayor Armstrong entertained a motion to approve the agenda with that change.

Councilor Williams moved to approve the agenda with that change. 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.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF JUNE 13, 2011.

Councilor Hood moved to approve Minutes of Regular Meeting of June 13, 2011. Seconded by Councilor Williams.

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

APPROVAL OF MONTHLY REPORTS

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

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

APPROVAL OF COMMITTEE REPORTS

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

Roll call votes: Councilor Olivo, Aye; Councilor Williams, Nay; 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 give them an update on our situation of the fires.

Cleatus Richards, Public Works Director said we now had additional money for jersey barriers that were approved by the Department of Transportation. At this point they had picked up all of the jersey boxes of the 94 they were entitled to out of the 217 the Department of Transportation had approved. Previously they received 50 and have placed 56 in the Spaghetti Flats area. Parker east they placed 5 jersey barriers and 24-mafia block. They delivered 50 to the racetrack, which they would be, setting. That was 135 they had already placed and the balance that was in the yard would be evaluated once the rain starts. He said they had also dug a trench along North Drive with the consent of the property owners to the east where the trench was directed and that work had been completed. They have bagged about 2000 sandbags at this point and a little over 500 of those have been picked up by property owners to protect their wells and other parts of their property. He said they have basically completed all of the work that they could at this point to prepare for the rains and potential flooding that could happen.

Mayor Armstrong said they had made contact with Lynn Ditto from Senator Bingaman's office. He said they helped make it very easy for us to get these jersey barriers and it was along with Tom Stewart from the County to help some people from the county. We were put as number one on the list to acquire the barriers. He said he would also like to thank the Public Works people. They had been working on all of the problem areas that were located through the BEHR Group. Ruidoso Downs was given 10,000 sandbags and we have only filled 2000 sandbags. Mayor Armstrong said that in regard to fire restrictions it was very dry out there and wouldn't take much to start a fire and asked that everyone be very careful. The Police Department would be in force and there would be fines issued. He said fireworks had been banned in Ruidoso Downs and he thought throughout the state also.

Chief Babcock said it included not only firing off fireworks but also possession of fireworks.

Councilor Holman said our Police Department was going to be involved along with other local law enforcement agencies that would include Mescalero, Tularosa, Ruidoso, and Ruidoso Downs and the event would be tomorrow on Tuesday at 1:00 p.m. This was a contest and the proceeds would be donated to a particular charity of the winning contestant. He asked Chief Babcock to speak on this matter.

Chief Babcock said Officer Darrell Chavez had assured him that he was in training and would dominate this competition. He said it was a 6-lb. Indian Taco and each officer had to eat one within an hour time span and the officer that finished first would receive \$500 for the charity of their choice. He said their charity would be Annette Wallace since she lost her home in the Swallow Fire and they would donate it to her. He said they would like to encourage any council members to cheer him on at 11:30 tomorrow at the Travel Center at Smokey B's Restaurant.

Mayor Armstrong asked if there was any other discussion?

Chief Babcock said there had been the issue with the rabid skunk. He said Peggy had trapped at least one more skunk since then and had it tested but noted that it wasn't ill. There were several traps set around the area and would be monitored.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was – consider Ratification of Agreement Between the City of Ruidoso Downs and the Humane Society of Lincoln County to Provide Kennel Facilities and Humane Care for Animals.

Mayor Armstrong said the changes were made that had been requested and the correct agreement was in their books.

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

Councilor Williams moved to approve Ratification of Agreement Between the City of Ruidoso Downs and the Humane Society of Lincoln County to Provide Kennel Facilities and Humane Care for Animals. 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 Agreement Between the Village of Ruidoso and the City of Ruidoso Downs for Public Safety Answering Point Dispatch FY 2011-2012.

Mayor Armstrong entertained a motion to approve Agreement Between the Village of Ruidoso and the City of Ruidoso Downs for Public Safety Answering Point Dispatch FY 2011-2012.

Councilor Williams moved to approve Agreement Between the Village of Ruidoso and the City of Ruidoso Downs for Public Safety Answering Point Dispatch FY 2011-2012. Seconded by Councilor Olivo.

Councilor Holman said it was imperative that the City residents and City complete all of the corrected and properly display the 911 addresses. If residents have the wrong address up and the police and ambulance cannot find the correct address it might throw someone off from finding the correct address. He said Steve had been working on that and wondered what the progress was.

Steve Dunigan, Planning & Zoning Director said they were at about 80-85% in compliance and anticipated completion by the end of the month. There were some people that were hard to contact.

Councilor Holman said he wanted to thank Steve about taking care of an issue with a non-resident and when he spoke with Steve and Code Enforcement they said they had taken care of it two days ago.

Councilor Williams asked a question to Chief Babcock under "Cost Sharing" on the second page, top paragraph. It stated "the parties acknowledge and agree that commencing March 1, 2011 that each succeeding fiscal year." He asked if that was 2012 or if it was something done recently earlier this year?

Chief Babcock said he thought that was when it started but wasn't ratified until this year.

Councilor Williams said next year in March there would be a possibility of it going up.

Chief Babcock said there was always that possibility but it would have to be agreed upon by both parties.

Councilor Williams asked if we were looking at March 1, 2011 or was it March 1, 2012?

Chief Babcock said it would be the year 2011-2012.

Carol Virden, City Clerk/Treasurer said it was March 1, 2011 was the first time the City of Ruidoso Downs entered into an agreement with the Village of Ruidoso for the PSAP of \$24,000.

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 - Selection of a Voting Delegate and alternate - NMML 2011 Annual Conference-Roswell, NM.

Mayor Armstrong said usually the mayor does.

Councilor Olivo said it was customary that the Mayor Pro Tem be the alternated.

Mayor Armstrong entertained a motion to approve Mayor Armstrong as Voting Delegate and Mayor Pro Tem Holman as alternate for NMML 2011 Annual Conference-Roswell, NM.

Councilor Olivo moved to approve Mayor Armstrong as Voting Delegate and Mayor Pro Tem Holman as alternate for NMML 2011 Annual Conference-Roswell, NM. 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 Adopting Updated Flood Insurance Rate Maps and flood Insurance Study to become effective November 16, 2011.

Mayor Armstrong entertained a motion to adopt Updated Flood Insurance Rate Maps and flood Insurance Study to become effective November 16, 2011. Seconded by Councilor Holman.

Councilor Williams said he would like the Director who was responsible for this to give information and evaluation on this agreement.

Steve Dunigan, Planning & Zoning Director said the City's current Flood Insurance Rate Map and Flood Insurance Study dated from 1982 were recently updated by FEMA. Starting with late 2009 and beginning of 2010 these new and detailed maps were long overdue and he said he felt good about them being replaced. He said he would like to point out that the current ordinance for the Flood Hazard, Chapter 154, was a separate issue than what they were adopting tonight. These were the actual maps that could be digitally produced and would be able to determine elevations and where properties would lie within the floodplain. He said he would suggest they approve these updated maps and there were further conditions as they were members of a National Flood Insurance Program and were required to show adoption of any floodplain management regulations that meet the minimum standard of paragraph 60.3 of the National Flood Insurance Program and we would be required to show the effective date and in this case would be November 16, 2011 which would be when these maps would become effective.

Mayor Armstrong said there were also some properties in the county that had been annexed and this was a good tool to complete that with the elevations noted.

Councilor Williams asked if the project that was going to begin down on River was in the floodplain?

Steve Dunigan, Planning & Zoning Director said some of the areas along that road did fall into the floodplains.

Cleatus Richards, Public Works Director said the funding agencies were aware of that.

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.

Robert Gustafson said there was a councilman that owed the Chief an apology they way he spoke out at the last council meeting. This particular councilman had been going on about three years. Not only had he done the Chief that way but also the mayor and telling him that he didn't like him to his face. He said if this councilman wanted to be an English teacher he should apply for a job with the Ruidoso High School. Apparently if you don't know how to capitalize and put your periods in the right place well then . . . They voted you to be a councilman and not an English teacher.

Councilor Hood told the mayor that was not called for and that he pointed at a council member.

Mayor Armstrong told Robert Gustafson to keep it to the whole body and he could point to him.

Robert Gustafson said he would hate for someone to come from another city and look at this council because they would say it was a joke. He told Mayor Armstrong that this fell under his job to keep these people in line.

Mayor Armstrong told him his time was up.

CLOSED SESSION

Discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978.

Any action taken as a result of the Closed Session will be brought back into Open Session.

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.

Councilor Holman 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. 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 6:04 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 Williams 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 6:55 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.

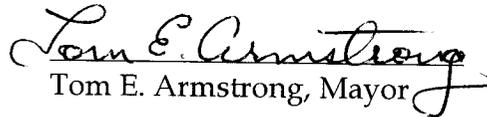
Councilor Williams attested to the fact that the only items discussed in Closed Session were that of discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978 and no action was taken.

ADJOURNMENT

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

Councilor Hood moved to adjourn at 6:56 p.m. Seconded by Councilor Olivo.

All were in favor and motion passed.


Tom E. Armstrong, Mayor

ATTEST:



Carol Virden, City Clerk/Treasurer