

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

The Council of the City of Ruidoso Downs met in regular session on July 11, 2011. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked H. John Underwood 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:

H. John Underwood, City Attorney
Carol Virden, City Clerk/Treasurer
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 entertained a motion to approve the agenda.

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

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 Olivo moved to approve the Consent Agenda. Seconded by Councilor Hood but he said he would like to pull Accounts Payable and asked Councilor Olivo if that was alright with him?

Councilor Olivo said yes.

Councilor Hood said he had a question on page 1 in Parks & Recreation. He asked what the materials and supplies were from Dell Marketing?

Cleatus Richards, Public Works Director said he could verify that for him tomorrow.

Councilor Hood said okay.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF JUNE 27, 2011

Councilor Olivo moved to approve Minutes of Regular Meeting of June 27, 2011. Seconded by Councilor Hood.

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

APPROVAL OF ACCOUNTS PAYABLES

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

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

PUBLIC HEARING

Mayor Armstrong stated next item on the agenda was - Transfer of Ownership and Location. Liquor License Application 255/658976: Applicant Name: Magic Liquors, LLC, DBA : Magic Forest Restaurant, Inc. 26185 Highway 70, Ruidoso Downs, New Mexico 88346.

Mayor Armstrong said he hereby opened the Public Hearing and would be accepting comments in the following order. Interested persons must approach the podium, state their name and present their testimony. A limit of 3-minutes would be allowed per person.

Mayor Armstrong asked if there were any persons here to speak in opposition of the action?

There were no persons present to speak in opposition of the action.

Mayor Armstrong asked if there were any persons here to speak in support of the action?

Vic Currier said Mr. Murphy could not be here today and asked him to answer any questions for him.

Councilor Williams asked what this consisted of and what the intention was?

Vic Currier said what they were doing as he understood it was relocating what was the old license located at the old Hollywood Bar location and it has been dormant for quite some time. All of the requirements have been met by the State and this was just final process owed to the City. The intent behind the license is to expand the business and would increase their business by 10-15%. However, they have done pretty well where they are but this would increase the tax base to some degree. He said he would personally like to thank them on behalf of Magic Forest and the Avalon Gallery with the effort that has been put forth by the Police Department that has dealt with their situation in the past.

Mayor Armstrong asked Vic Currier if he was in support of the action?

Vic Currier said yes.

Councilor Williams asked Vic Currier if that was just a Beer & Wine?

Vic Currier said no and that they had a Beer & Wine license and this was a Classics license to include packaged liquor and sale over the counter. The intent was to use some of the space in that building to have a wine and cheese and some wine sales but you can't do that without this type of license.

Mayor Armstrong said he would hereby close the Public Hearing and asked for a motion.

Councilor Williams moved to approve Transfer of Ownership and Location. Liquor License Application 255/658976: Applicant Name: Magic Liquors LLC DBA: Magic Forest Restaurant, Inc. 26185 Highway 70, Ruidoso Downs, NM 88346. Seconded by Councilor Hood.

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

UNFINISHED BUSINESS

Mayor Armstrong stated next item on the agenda was 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.

There was no Other Business.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was - Consider Approving Resolution No. 2011-06 A Resolution Opposing the Proposed Pueblo of Jemez 70.277 Acre Fee-To-Trust Transfer and Casino Project in Anthony, New Mexico.

Mayor Armstrong entertained a motion to consider approving Resolution No. 2011-06 A Resolution opposing the proposed Pueblo of Jemez 70.277 acre Fee-to-Trust Transfer and Casino Project in Anthony, New Mexico.

Councilor Olivo moved to approve Resolution No. 2011-06 A Resolution opposing the proposed Pueblo of Jemez 70.277 acre Fee-to-Trust Transfer and Casino Project in Anthony, New Mexico. 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 First Modification of Settlement Agreement.

Mayor Armstrong entertained a motion to approve First Modification of Settlement Agreement. Seconded by Councilor Hood.

H. John Underwood, City Attorney said, as they would recall they had reached a Settlement Agreement with the Environment Department and that was to keep them on schedule with getting the Wastewater Treatment Plant constructed within a certain period of time. They have agreed to extend that time from 39 months to what it actually was at 48 months so that they wouldn't be held in violation of the Settlement Agreement and that was because of the good faith effort they exerted in getting the funding and then completing the construction. He said it was a matter of completing the legal loop to make sure the technicalities of the previous Settlement Agreement were resolved to comply with the months it actually took as opposed to what they thought it would take. He said it was verbally approved by the attorney for the Environment Department.

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 Fall Fest in All American Park-September 16, 2011.

Mayor Armstrong entertained a motion to approve Fall Fest in All American Park-September 16, 2011.

Councilor Williams moved to approve Fall Fest in All American Park-September 16, 2011. Seconded by Councilor Hood.

Mayor Armstrong asked Chief Babcock to explain.

Chief Babcock said he had a group of people that would like to get a construction project going in Riverside Park and would like to construct public restrooms. He said the Fall Fest would be the vehicle to get that done. It would be on Friday from 4:00 to 10:00 and on the

Friday of the motorcycle rally. The only event sanctioned for the rally is a dinner at Flying J that would only take in 200 and the rest would be looking for something to do. Since the rally was at the Inn of the Mountain Gods he said this would be a good way to get motorcycle rally participants traffic back to Ruidoso Downs. It would also give service organizations a way to raise funds too. They would rent them a booth for \$80.00 and it would include arts & crafts, foods, beverages, and other games. He said there would also be a Bed Race event. Local clubs, businesses, and others who would be interested to form a team with an entry fee of \$25.00. One person would ride and the other four would push and it would be over in the basketball courts. There would be two bed race heats and then a final heat for the top prize. There would also be a judging of the bed designs and that would be the Bed Pan Award. Chief Babcock said there would also be an outdoor concert in the ball fields and people could bring their lawn chairs and blankets. He said he hoped this would be an annual event in Ruidoso Downs. He said if it was approved tonight he would like to ask that if there were non-profit organizations that the City waive the temporary license fees.

Councilor Williams said he would like to modify his motion to waive the fee.

H. John Underwood, City Attorney said they couldn't do that tonight because it wasn't on the agenda.

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 June 2011.

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

Councilor Williams moved to approve Wastewater Treatment Plant Operating Invoice for June 2011. Seconded by Councilor Olivo.

Councilor Williams said the documents were a little more involved than in the past and asked for an explanation.

Cleatus Richards, Public Works Director said there is a \$30,000 building for the CFRP Restoration Strategy and Eco Servants. He said that was actually the study of the flood and fire involvement in the upper Rio Ruidoso and the Mescalero Tribal area and has nothing to do with the Wastewater Treatment Plant. It was one of the projects that Ruidoso was proposing for its contribution to meet the \$1 million in river restoration projects. He said he thought they had that confused with Parametric who was doing stream sampling and those fees we do pay. He said Terri had made the appropriate adjustments.

Councilor Williams asked if the changes they saw on the operating expenses were according to how we do business and how Ruidoso does?

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

Mayor Armstrong said Terri does look at every bill on this that does come in and there were some big differences and made the corrections. He said she does a good job.

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.

Pam Williams said during the last meeting they brought up the fact that the house numbers had changed and that some of them had the old and the new numbers on their house. She said she looked at her City bill and all of her utility bills and they were still using the old address. She asked why they expect everyone else to do it and get everyone confused? She said she wanted everyone to find her. She said she thought the City needed to do their job too.

ADJOURNMENT

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

Councilor Williams moved to adjourn at 5:55 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