

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
SEPTEMBER 26, 2011
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on September 26, 2011. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Councilor Olivo 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
Terri Mosley, Finance Director
Cleatus Richards, Public Works Director
Steve Dunigan, Planning & Zoning Director
Doug Babcock, Police Chief
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 Olivo moved to approve the agenda. 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 but would like to remove the Beautification Committee report. Seconded by Councilor Hood with that change.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF SEPTEMBER 12, 2011.

Councilor Williams moved to approve Minutes of Regular Meeting of September 12, 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 PAYABLE

Councilor Williams 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.

APPROVAL OF MONTHLY REPORTS

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

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

APPROVAL OF COMMITTEE REPORTS

Councilor Williams moved to approve Committee Reports with the removal of the Beautification Committee report for additional comments. Seconded by Councilor Hood.

Councilor Williams said a couple of really good events have happened in the last couple of weekends in the Downs. Last Friday and Saturday there was a Tire Amnesty event in All American Park. We were in conjunction with Ruidoso where they had their event in Schoolhouse Park. We were able to accumulate approximately 280 tires that took one container and half of another. It was a great tribute to Ruidoso Downs. He said Jim Miller and the Recycling Committee of Lincoln County allowed us to have the event here and Debra Ingle from Greentree Solid Waste Authority along with our committee, Keep Ruidoso Downs Beautiful, filled out all of the logistics. Mayor Armstrong provided access to the park and the citizens stepped up and he said he was really pleased with that and so was the committee. He said they were excited about possibly having this event again next year. On Saturday they also had the bi-annual cleanup and approximately 40 residents came out. They filled up the Public Works dump truck and a lot of people did their neighborhoods, side streets, and their own yards and of course the committee did the highway. They would have the figures on that later on when the committee met later that week. He said he wanted to thank the committee members, Judy Miller, Sebrina Lundquist, Jean Proctor, and Brenda Frost. They have all worked hard for this committee and the City to try to get it looking really good. He also thanked employees Frankie Gonzales and Ronnie Randolph who worked to pick up the bags along the streets. He also thanked former employee Leonard Sanchez for giving his time to

cook the hamburgers and hot dogs for all of the volunteers. Most of all he said he wanted to thank the volunteers for their efforts.

Mayor Armstrong said it was a good event and good turnout and also thanked the residents for doing their part.

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

UNFINISHED BUSINESS

Mayor Armstrong stated the next item on the agenda was 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. He said they had one of their police officer here tonight that would be receiving an accommodation and read from the certificate. He asked Officer Joseph Bailey to step up.

Mayor Armstrong read:

September 12, 2011 - Officer Joseph Bailey of the Ruidoso Downs Police Department apprehended one of New Mexico's most wanted fugitives. It was due to Officer Bailey's keen observation skills during a traffic stop that lead to the arrest of Andrew Juarez Garcia who had been a fugitive from the United States Marshal Service since 2009. Garcia was being sought for numerous charges, which included forgery, stolen vehicles and weapons, violation originating in Eddy County, New Mexico. Garcia has fled from other law enforcement officials in the past. Officer Bailey is commended for his diligent police work and his continued effort to enhance the safety of the citizens of Ruidoso Downs.

Respectfully submitted,
Doug Babcock
Chief of Police

There was a round of applause.

Chief Babcock said he was so proud of Officer Bailey and that he was doing a tremendous job for the citizens of Ruidoso Downs because of his keen eye and his ability to go above and beyond normal duties. He was so astute to pick up on those cues during that traffic stop and that person could have alluded the police one more time but because this officer did his job that didn't happen. He said there was a packet in everyone's report so they would have a background on the report.

Councilor Holman said he would like to address the issue that Pam Williams had at the last Council meeting. He said they had more information on that and thought they could go ahead and let her know along with all of the other citizens where they were on that. Councilor Holman read from a letter given in their packets from H. John Underwood regarding the City of Ruidoso Downs and involved the Office of the State Auditor and the Chief of Police Alfred Ortiz. It read:

Dear Mrs. Martwick,

Please be advised that this office represents the City of Ruidoso Downs. I attach hereto a letter from the State Auditor with a Special Report of the City of Ruidoso Downs Auditor attached to it. This letter is dated March 23, 2011. Based on the findings in the Special Report the Police Chief was terminated. It was my understanding that any violation of a criminal statute would be reported by the State Auditor to the proper prosecuting attorney as per the letter. Evidently that did not occur as a citizen of Ruidoso Downs reported to us in an open meeting that you have received no such report. Therefore, I thought it best to forward this file to you for investigation. There are additional records and findings that are in the custody of the City of Ruidoso Downs which we would happy to provide you upon request. I am assuming that the information I have attached as additional information would be subject to privacy during the investigation. If you have any questions please do not hesitate to contact me.

Your very truly,
H. John Underwood

Councilor Holman said he hoped that answered some of the questions but did tell what went wrong with the procedure. He said he thought the problem was that it did not get addressed with the State Auditor.

Mayor Armstrong said the City of Ruidoso Downs had done everything it could possibly do to put all of the information in the right hands.

Mayor Armstrong asked Councilor Holman to speak about the Fall Fest.

Councilor Holman said the Fall Fest was a success in a way. He said everyone had fun but he didn't think they made any money. The Ruidoso Downs Police Department placed first in the Bed Race. They not only had a fast vehicle but it looked good. If they lost they would have looked good losing. Next time they have this maybe they would make more money. The reason they had this was to raise money for a bathroom in the new Riverside Park. He said Bob along with Chief Babcock and Joyce Gustafson put in a lot of work.

Mayor Armstrong said he knew Pam helped but he wanted to thank everyone who helped. He said he hoped they could do it again and it was a perfect location. He thanked Joyce for all of the hard work she put in. There was a round of applause.

Chief Babcock thanked them for their support and said there was a whole year to plan the next one. He also thanked Connie Hernandez, Joyce Gustafson, and his wife for helping.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was – Consider Awarding Bid #11-003 Construction Project to Erect a Pre-Fabricated Metal Building Extension at Hubbard Museum of the American West.

Mayor Armstrong entertained a motion to approve Awarding Bid #11-003 Construction Project to Erect a Pre-Fabricated Metal Building Extension at Hubbard Museum of the American West.

Terri Mosley, Finance Director said they did formally bid it and they had one bidder. That was JRP Master Builders and the staff recommendation was to award it. The bid was \$64,920 plus GRT.

Councilor Williams moved to award Bid #11-003 Construction Project to Erect a Pre-Fabricated Metal Building Extension at Hubbard Museum of the American West to JRP Master Builders for \$64,920 plus GRT. Seconded by Councilor Holman.

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-Forgiveness of Penalties on Outstanding Liens.

Mayor Armstrong entertained a motion to approve Agenda Briefing Memorandum-Forgiveness of Penalties on Outstanding Liens.

Councilor Williams moved to approve Agenda Briefing Memorandum-Forgiveness of Penalties on Outstanding Liens. Seconded by Councilor Holman.

Terri Mosley, Finance Director said she had a local realtor call her and there was a possible buyer for some property down here in Ruidoso Downs but because of the liens they have against it they said the sale may not go through and they asked if the City could help them. She said they could forgive the penalties only and still collect the outstanding water bill. There was an outstanding lien for some property clean up they had filed a lien on so there were three separate liens. She said if they forgive the penalty alone this sale would possibly go through and they would have a new resident here in Ruidoso Downs.

Councilor Holman asked if that had to do with the water bill?

Terri Mosley, Finance Director said yes and they were asking to forgive the penalty only.

Councilor Holman said he would be concerned and wanted to make sure everyone would be treated the same. He wondered why they didn't take advantage of the amnesty and didn't step up at the time and if others would want the same?

Terri Mosley, Finance Director said at the time of the amnesty the same realtor called her about it but there was buyer that didn't qualify. This one had just come up lately and the realtor called her again. She said they weren't offering anything different than they were offering during the amnesty program.

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 – Department – Ruidoso Downs Police Department-Position-Communication Detention Officer.

Mayor Armstrong entertained a motion to approve Personnel Recommendation – Department –Ruidoso Downs Police Department – Position-Communication Detention Officer.

Councilor Williams moved to approve Personnel Recommendation – Department – Ruidoso Downs Police Department –Position-Communication Detention Officer. 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 Wastewater Treatment Plant Operating Invoice for August 2011.

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

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

Terri Mosley, Finance Director said there were a couple of corrections she had to make. They had billed for some parts that weren't for the operation and she made the corrections.

Councilor Holman said they appreciated her double-checking those things whether it was intentional or not.

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.

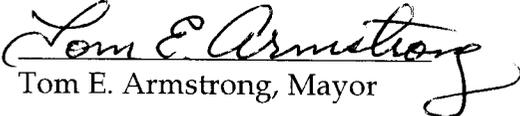
Wayne Williams said he had a request for the City of Ruidoso Downs and he thought it was a health hazard. He said he would like to see them contact Mr. Hubbard and after the horses leave have them spray the racetrack. He said the north wall of his house was just black with flies. He said the track was the only place it could come from.

ADJOURNMENT

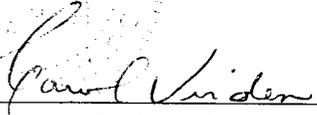
There being no further business, Mayor Armstrong entertained a motion for adjournment.

Councilor Hood moved to adjourn at 5:57 p.m. Seconded by Councilor Williams.

All were in favor and motion passed.


Tom E. Armstrong, Mayor

ATTEST:



Carol Virden, City Clerk/Treasurer