

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
NOVEMBER 14, 2011
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on November 14, 2011. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Chief Babcock to lead the Pledge of Allegiance. Mayor Armstrong asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Olivo (via teleconference)	Councilor Williams
Councilor Holman	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
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 and that he would like to pull Item 9C.

Councilor Olivo moved to approve the agenda with Mayor Armstrong's request to pull Item 9C. 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 Hood moved to approve the Consent Agenda. 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 OCTOBER 24, 2011.

Councilor Hood moved to approve Minutes of Regular Meeting of October 24, 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 PAYABLE

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 the next item on the agenda was Unfinished Business.

There was no Unfinished Business.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was New Business – Consider Approving Wastewater Treatment Plant Operating Invoice for September 2011.

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

Terri Mosley, Finance Director said she passed out a corrected invoice from the Village of Ruidoso. After they made some corrections that invoice would seem to be correct.

Councilor Williams moved to approve Wastewater Treatment Plant Operating Invoice with corrections for September 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 – Discussion and possible action – Forgiveness of Penalty.

Terri Mosley, Finance Director said this was concerning an account where the services were cut off back in May. She said what they were asking for was to extend the Amnesty Program for this customer. He wasn't able to come up with the full amount for the services dollar amount owed on the bill at that time but came in a few weeks ago and has the money available

now. She said they would like to forgive the penalty and allow him to pay the full amount for services due now.

Mayor Armstrong asked if there was any discussion?

There was no other discussion.

Mayor Armstrong entertained a motion to approve Forgiveness of Penalty.

Councilor Williams moved to approve Forgiveness of Penalty. Seconded by Councilor Hood.

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

OTHER BUSINESS (items are for discussion only-no action will be taken)

There was no Other Business.

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 the council should pat themselves on the back because for the last three or four meetings they really haven't been doing any business and if they weren't doing any business they weren't costing him any money. He said the last meeting he didn't even stay for and the one before that there was only one item and this one here in the last two weeks they had managed to pay some bills for the Wastewater Treatment Plant and possibly forgive a water bill. They must be doing something right. He said they were probably tired of him coming up there every week but if they wanted to get rid of him it would be real simple. That would be to stop wasting all of this money and start doing their job. He said this wasn't doing their job because he said he knew they had more business than this in the last two weeks.

Clayton Allred said he presently serves as the president of ENMU and that he wasn't a resident of Ruidoso Downs. He said he wanted to address the council to let them know that education was the solution to many, many problems and just wanted to attend one of their meetings just to see what they were dealing with.

CLOSED SESSION:

Discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation in which the Regional Wastewater Treatment Plant City of Ruidoso Downs is or may become a participant. Pursuant to § 10-15-1 (H7) NMSA 1978

- Contractor Substantial Completion/Liquidate Damages
- Compliance with Settlement Agreement

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 in which the Regional Wastewater Treatment Plant City of Ruidoso Downs is or may become a participant. Pursuant to § 10-15-1 (H7) 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 in which the Regional Wastewater Treatment Plant City of Ruidoso Downs is or may become a participant. 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 5:38 p.m. and invited H. John Underwood, City Attorney, Cleatus Richards, Public Works Director and Carol Virden, City Clerk 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 5:58 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 in which the Regional Wastewater Treatment Plant City of Ruidoso Downs is or may become a participant. Pursuant to § 10-15-1 (H7) 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 in which the Regional Wastewater Treatment Plant City of Ruidoso Downs is or may become a participant. 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 5:59 p.m. Seconded by Councilor Williams.

All were in favor and motion passed.



Tom E. Armstrong
Tom E. Armstrong, Mayor

ATTEST:

Carol Virden

Carol Virden, City Clerk/Treasurer