

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
APRIL 27, 2015  
4:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on April 27, 2015. Mayor Williams called the meeting to order at 4:30 p.m. and asked Dakota Crouch to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Miller (via teleconference)  
Councilor Morales

Councilor Perry  
Councilor Ritter

Carol Virden, City Clerk/Treasurer informed Mayor Williams there was a quorum.

Also present:

H. John Underwood, City Attorney  
Mary Castaneda, Finance Director  
Dale Graham, Project Manager  
Christopher Rupp, Police Chief  
Dakota Crouch, HMAW Associate Director

APPROVAL OF AGENDA

Mayor Williams stated the next item on the agenda was Approval of Agenda.

Mayor Williams entertained a motion for Approval of Agenda.

Councilor Morales moved to approve the agenda: seconded by Councilor Perry.

Roll call votes: Councilor Perry, Aye; Councilor Morales, Aye; Councilor Miller, Aye; Councilor Ritter, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Williams stated the next item on the agenda was Approval of the Consent Agenda.

Mayor Williams entertained a motion for Approval of the Consent Agenda.

Councilor Morales moved to approve the Consent Agenda: seconded by Councilor Perry.

Roll call votes: Councilor Perry, Aye; Councilor Morales, Aye; Councilor Miller, Aye; Councilor Ritter, Aye. Motion carried.

APPROVAL OF MINUTES OF SPECIAL MEETING OF APRIL 6, 2015

Councilor Morales moved to approve Minutes of Special Meeting of April 6, 2015: seconded by Councilor Perry.

Roll call votes: Councilor Perry, Aye; Councilor Morales, Aye; Councilor Miller, Aye; Councilor Ritter, Aye. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF APRIL 13, 2015

Councilor Morales moved to approve Minutes of the Regular Meeting of April 13, 2015 : seconded by Councilor Perry.

Roll call votes: Councilor Perry, Aye; Councilor Morales, Aye; Councilor Miller, Aye; Councilor Ritter, Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLES

Councilor Morales moved to approve Accounts Payables: seconded by Councilor Perry.

Roll call votes: Councilor Perry, Aye; Councilor Morales, Aye; Councilor Miller, Aye; Councilor Ritter, Aye. Motion carried.

APPROVAL OF MONTHLY REPORTS

Councilor Morales moved to approve Monthly Reports: seconded by Councilor Perry.

Roll call votes: Councilor Perry, Aye; Councilor Morales, Aye; Councilor Miller, Aye; Councilor Ritter, Aye. Motion carried.

APPROVAL OF COMMITTEE REPORTS

Councilor Morales moved to approve Committee Reports: seconded by Councilor Perry.

Roll call votes: Councilor Perry, Aye; Councilor Morales, Aye; Councilor Miller, Aye; Councilor Ritter, Aye. Motion carried.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

Mayor Williams stated the next item on the agenda was – Mayor’s Comments

Mayor Williams said I would like to begin with a Proclamation for Fair Housing. He read the Proclamation.

Mayor Williams said I guess I have some recognition for some special individuals tonight. I want to present these certificates. He presented certificates to Victor Montes, Kelly Nuno, Gina Grunseth, Vickie Widener, Pastor Matt Avery, and Tony Bolden.

There was a round of applause for each.

Councilor Miller said I would like to thank all of them that support our community.

Mayor Williams asked Chief Rupp to speak.

Chief Rupp said after months of investigation in cooperation with the DEA, Lincoln County Drug Task Force, Ruidoso Police Department and Ruidoso Downs Police Department, and Sheriff's Office took action on Thursday and can't go into detail but it will make a difference in Ruidoso Downs. Also, currently we have Charles Massey in route to pick up our sign that was purchased through our Hubbard Foundation grant. Once we have the sign back here we'll be able the first law enforcement agency to have this kind of sign. On Saturday we did our shot clinic and we had 140 animals come through for the shot vaccination. We dedicated three days at the high school of driver training.

Mayor Williams said thank you to all volunteers.

Mayor Williams stated the next item on the agenda was - Councilor's Comments.

Councilor Miller said I wasn't there for our Great American Cleanup on Saturday but I heard we had 40 or more volunteers and maybe our next one will be bigger.

Mayor Williams asked Councilor Miller to talk about giving out bags and shirts to citizens.

Councilor Miller said it's been a community-wide cleanup. We wrote letter to all of our residents to come in and pick up bags, t-shirts, and gloves and asked them to clean up their areas. Our City employees have been working very hard to hand them out. This project has really worked and I hope we continue it next year.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Approval of Special Dispenser Permit Application - Ruidoso Downs Racing - Mr. R.D. Hubbard Birthday.

H. John Underwood, City Attorney said this is a typical Dispenser Permit that the Ruidoso Downs Racetrack holds a liquor license and they have the right to transfer that license. I believe they are going to have it over at the museum for a 150 person event from 6:00 p.m. to midnight.

Mayor Williams entertained a motion to approve - Special Dispenser Permit Application - Ruidoso Downs Racing - Mr. R.D. Hubbard Birthday.

Councilor Miller moved to approve – Special Dispenser Permit Application – Ruidoso downs Racing – Mr. R.D. Hubbard Birthday: seconded by Councilor Morales.

Roll call votes: Councilor Perry, Aye; Councilor Morales, Aye; Councilor Miller, Aye; Councilor Ritter, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval of Request to Use All American Park – Mountain of Brothers Tribe Chapter of Survivors Clean and Sober Motorcycle Club – August 22, 2015.

Victor Montes thanked the Mayor and Council for letting them come back and ask for this again. He introduced the vice-president David Barnett. Victor explained what the program was about and then asked David Barnett to speak. Money collected will go to the Lincoln County juvenile system. He said it's an honor to do this.

Mayor Williams entertained a motion to approve – Request to Use All American Park – Mountain of Brothers Tribe Chapter of Survivors Clean and Sober Motorcycle Club – August 22, 2015.

Councilor Ritter moved to approve – Request to Use All American Park – Mountain of Brothers Tribe Chapter of Survivors Clean and Sober Motorcycle Club – August 22, 2015: seconded by Councilor Miller.

Roll call votes: Councilor Perry, Aye; Councilor Morales, Aye; Councilor Miller, Aye; Councilor Ritter, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval to Waive Temporary Merchant Permit – Mountain of Brothers Tribe Chapter of Survivors Clean and Sober Motorcycle Club – August 22, 2015.

Chief Rupp said this is the same as the previous years.

Mayor Williams entertained a motion to approve – Waive Temporary Merchant Permit – Mountain of Brothers Tribe Chapter of Survivors Clean and Sober Motorcycle Club – August 22, 2015.

Councilor Morales moved to approve – Waive Temporary Merchant Permit – Mountain of Brothers Tribe Chapter of Survivors Clean and Sober Motorcycle Club, August 22, 2015: seconded by Councilor Perry.

Roll call votes: Councilor Perry, Aye; Councilor Morales, Aye; Councilor Miller, Aye; Councilor Ritter, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval of Memorandum of Understanding Between the Village of Ruidoso and the City of Ruidoso Downs as the Administrative Authority for the Ruidoso Downs Police Department for DWI Enforcement Activities and Reimbursement of Costs.

Chief Rupp said I would like to apologize. This should have come forward a long time ago and somehow I dropped the ball on it. It is our annual Lincoln County DWI Program and it supports officers' overtime for DWI intervention. The citations also benefit the City because they come back here.

H. John Underwood, City Attorney said this should have been addressed in the Staff Meeting and it was missed. This is a term of July 1, 2014 to May 31, 2015. It was signed by the Village of Ruidoso but never got signed by Ruidoso Downs. The Village of Ruidoso is the fiscal agent as we've had in the past. Am I to understand that they have been acting as and have they been paying the reimbursements under this program as if we were already into it? Have you been receiving reimbursements from the fiscal agent and filling out the forms as required?

Chief Rupp said yes.

H. John Underwood, City Attorney said so what we are doing is the formal action for the procedure that is already happening in reality.

Mayor Williams entertained a motion to approve – Memorandum of Understanding Between the village of Ruidoso and the City of Ruidoso Downs as the Administrative Authority for the Ruidoso Downs Police Department for DWI Enforcement Activities and Reimbursement of Costs.

Councilor Ritter moved to approve - Memorandum of Understanding Between the village of Ruidoso and the City of Ruidoso Downs as the Administrative Authority for the Ruidoso Downs Police Department for DWI Enforcement Activities and Reimbursement of Costs: seconded by Councilor Miller.

Roll call votes: Councilor Perry, Aye; Councilor Morales, Aye; Councilor Miller, Aye; Councilor Ritter, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval of Personnel Recommendation – Ruidoso Downs Police Department – Position – Communication Detention Officer.

Chief Rupp said we recently advertised for the position of Communication Detention Officer. We held our interviews and decided on Brenda Villareal. This will bring us up to full staff.

Mayor Williams entertained a motion to approve – Personnel Recommendation – Ruidoso Downs Police Department – Position – Communication Detention Officer: seconded by Councilor Morales.

Roll call votes: Councilor Perry, Aye; Councilor Morales, Aye; Councilor Miller, Aye; Councilor Ritter, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Keep Ruidoso Downs Beautiful Service Agreement to Provide Youth Employment – Kevin Flusche.

Councilor Miller said this is another Youth Group that is going to help Ruidoso Downs.

Mayor Williams entertained a motion to approve – Keep Ruidoso Downs Beautiful Service Agreement to Provide Youth Employment – Kevin Flusche.

Councilor Morales moved to approve – Keep Ruidoso Downs Beautiful Service Agreement to Provide Youth Employment – Kevin Flusche: seconded by Councilor Perry.

Roll call votes: Councilor Perry, Aye; Councilor Morales, Aye; Councilor Miller, Aye; Councilor Ritter, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – discussion and Possible Action – Scheduling Date(s) & Time for Budget Workshop(s) for 2015-2016 Fiscal Year.

Mayor Williams asked Mary Castaneda, Finance Director if she had anything more to add to that?

Mary said we need to have these Budget Workshops before the last Council meeting in May which is the 25<sup>th</sup> so we can have a preliminary budget.

Councilor Morales asked Mary how many workshops do we need?

Mary said last year we did two and it was my first time so I'm not sure if we need two. I would rather do two. I will not be available May 12<sup>th</sup> through 15<sup>th</sup>.

Councilors discussed dates.

Carol Virden, City Clerk/Treasurer said these Budget Workshops have to be put in the paper for Public Notice.

Carol Virden said how about May 18<sup>th</sup> & 19<sup>th</sup> at 5:00 p.m.?

Councilors agreed.

Mayor Williams entertained a motion to approve – Budget Workshops on May 18 & 19, 2015 for FY 2015-2016.

Councilor Ritter moved to approve – Budget Workshops on May 18 & 29, 2015 for FY 2015-2016: seconded by Councilor Perry.

Roll call votes: Councilor Perry, Aye; Councilor Morales, Aye; Councilor Miller, Aye; Councilor Ritter, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval Agenda Briefing Memorandum of Hourly Rate Increase of \$1.10 for the positions of Water Maintenance Worker and Office Manager within Public Works Dept.

Dale Graham, Project Manager said I came to ask for a pay increase for two positions as you can see in my Agenda Briefing Memo. We are asking for you to approve this request. They were hired at the wrong rate and the increase was approved in February and we didn't catch it.

Councilor Ritter asked if these are the two people that we had a discussion on salary for one of them?

Dale said yes and it won't affect the budget because it's already in the budget.

Mayor Williams entertained a motion to approve – Agenda Briefing Memorandum of Hourly Rate Increase of \$1.10 for the positions of Water Maintenance Worker and Office Manager within Public Works Dept.

Councilor Ritter moved to approve – Agenda Briefing Memorandum of Hourly Rate Increase of \$1.10 for the positions of Water Maintenance Worker and Office Manager within Public Works Dept.: seconded by Councilor Morales.

Roll call votes: Councilor Perry, Aye; Councilor Morales, Aye; Councilor Miller, Aye; Councilor Ritter, Aye. Motion carried.

#### OTHER BUSINESS

**(Items are for discussion only – no action will be taken)**

Mayor Williams stated the next item on the agenda was – Updated Financial Status Reports – Hubbard Museum of the American West and Lincoln County Transit.

Mary Castaneda, Finance Director said Lincoln County Transit had a beginning cash balance of \$39,464.75, Revenues of \$11,470.16, Expenditures of \$7,316.87 leaving them an

ending cash balance of \$43,618.04. The museum had a beginning cash balance of \$6,465.24, Revenues of \$9,620.56, Transfers of \$27,500.00 and Expenditures of \$27,411.62 giving them an ending cash balance of \$16,174.18.

Councilor Morales asked Dale when the two employees were hired.

Dale looked through some paperwork.

Councilor Morales said my question is are the salaries retroactive?

Mayor Williams said since Council just approved the increase it wouldn't be retroactive.

Councilor Morales said according to the briefing the \$1.10 would have been at the time we hired them.

Mayor Williams said the question is were they hired before or after the salary increases were approved?

Dale said they were hired after it was approved. I realized my mistake and filed the paperwork and turned it into Personnel on March 10<sup>th</sup> and have been waiting since March 10<sup>th</sup> to get this done and on the agenda tonight.

H. John Underwood, City Attorney said the only way this can be handled since each of you has already voted as a majority would be to vote as a majority to bring it back and decide if it should be retroactive.

Councilor Ritter said I would amend my motion and having voted in the majority I move that we take this of pay increase up for reconsideration: seconded by Councilor Morales.

Mayor Williams said I appreciate this Council but I would like to remind you that it should have come up in another part of the meeting.

Councilor Morales apologized.

Mayor Williams said I would just like to remind you of that in the future.

Councilor Ritter moved to amend his motion to make the Briefing Memorandum hourly rate increase of \$1.10 to the hire date for the Water Maintenance Worker and the Office Manager in the Public Works Dept. and that date is March 10, 2015: seconded by Councilor Morales.

Roll call votes: Councilor Perry, Aye; Councilor Morales, Aye; Councilor Miller, Aye; Councilor Ritter, Aye. Motion carried.

PUBLIC INPUT

Mayor Williams stated the next item on the agenda was - Public Input.

Wayne Williams said about nine months ago I asked the Mayor and Council to do something for me and it was done. I apologize for not thanking you. It's getting close to racing again. I asked them to see to it that Mr. Hubbard across from the Sale Barn would get rid of all those weeds and clean up his barn before the winds come in and spread those weeds all over town. It was done and I appreciate it greatly. The other day they used the River Park for a birthday or something and I could sit on my deck and hear them and they had a heck of a good time. It was nice to see it be used for what it was intended. Most people that know me know that I'm not much of a horse person. Whether you guys know it or not we have almost a local horse running in the Kentucky Derby buy I think I'm going to go to the track and put \$20 on his nose. Just thought you should know.

ADJOURNMENT

There being no further business to attend to Councilor Morales moved to adjourn at 5:27 p.m.: seconded by Councilor Perry.



*Gary C. Williams*  
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Gary C. Williams, Mayor

*Carol Virden*  
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Carol Virden, City Clerk/Treasurer