

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
OCTOBER 13, 2009

The Council of the City of Ruidoso Downs met in regular session on October 13, 2009. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Steve Dunigan to lead the Pledge of Allegiance. Mayor Armstrong asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Hood
Councilor Holman

Councilor Williams
Councilor Olivo

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

Also present:

Carol Virden, City Clerk/Treasurer
Jay Smith, Museum Director
Cleatus Richards, Public Works Director
Steve Dunigan, Planning & Zoning Director
A.C. Ortiz, Chief of Police
Justin Shaw, Fire Chief
H. John Underwood, City Attorney

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 Olivo.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, 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. Seconded by Councilor Hood.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF SEPTEMBER 28, 2009.

Motion was made by Councilor Williams to approve the Minutes of Regular Meeting of September 28, 2009 and seconded by Councilor Hood.

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

APPROVAL OF ACCOUNTS PAYABLES

Motion was made by Councilor Williams and seconded by Councilor Hood to approve Accounts Payables.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, 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 for discussion.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was New Business-Patric Pearson-Golden Aspen Motorcycle Rally Report.

Patric Pearson said it was a little different this year because it was our 40th anniversary this year. He said they were down about 14% for registration. The businesses in town did okay and a lot of the riders didn't make it down to our area but they were staying the motels so they did well and the restaurants did well. Weather was an issue. He said he spoke with Ann today at the racetrack and they are going to meet in November to talk about some changes that they are going to try to do down there that will improve the area, not only for the horse sales but for them primarily. There will be some work behind the pavilion. They are hoping to do some ground work in the whole back area and cleaning up the lot behind it where there is storage right now for the racetrack that they can move more car traffic to that area. They are possibly looking at going to the track or staying where they are. They have met with the Chief about a couple of issues and traffic is the biggest one. With the help of Jim he really helped us out with traffic flow. They didn't have as many issues as they have had in the past. If they are able to stay where they are at there is another access road that they would be able to create a run through where everyone coming in would exit

out another area. They are going to see if that will work and will work on that in the next couple of months. He said they couldn't do anything about the rain and there were a few accidents. There was a fatality and it was a group coming from Midland. It was a rookie rider and she had been riding for about a month and on the way up lost control. There were a couple of others; one out near White Oaks but the fatality was the major one. Riders in town were low key. There was one accident in Ruidoso, one in Ruidoso Downs and then two with the State. Hopefully next year with the weather and the changes to be done will make a big improvement. He said they did have riders that on Saturday were going into the parking lot at the museum in the back area and Jay was a little upset with that but they worked with him and think they got it fixed. He said next year they will block it off.

Mayor Armstrong stated the next item on the agenda was Debra Ingles-Updated Information on Green Tree Solid Waste Authority.

Mayor Armstrong said he didn't see her but knew that she was out of town. He said he visited with their attorney and they anticipate by Christmas being out of this facility here. He said that was good news for us and the residents around the area.

Mayor Armstrong stated the next item on the agenda was Schedule Tour of Green Tree Solid Waste Authority.

Councilor Olivo said they need to get in touch with her so she could unlock the facility and that no date was given.

Mayor Armstrong stated the next item on the agenda was Consider Approving Memorandum of Understanding Between Carrizozo Soil & Water Conservation District, Upper Hondo Soil & Water Conservation District, Upper Hondo Soil & Water Conservation District, USDA Forest Service, USDA Natural Resources conservation Service, US Department of Interior, Bureau of Land Management, Lincoln County, New Mexico Highway Department, New Mexico Land Office, new Mexico State Forestry, South Central Mountain RC & D Council, Inc., Communities of Capitan, Carrizozo, Corona, Ruidoso and Ruidoso Downs.

Mayor Armstrong entertained a motion.

Councilor Williams moved to approve Memorandum of Understanding Between Carrizozo Soil & Water Conservation District, Upper Hondo Soil & Water Conservation District, Upper Hondo Soil & Water Conservation District, USDA Forest Service, USDA Natural Resources conservation Service, US Department of Interior, Bureau of Land Management, Lincoln County, New Mexico Highway Department, New Mexico Land Office, new Mexico State Forestry, South Central Mountain RC & D Council, Inc., Communities of Capitan, Carrizozo, Corona, Ruidoso and Ruidoso Downs. Seconded by Councilor Olivo.

Councilor Williams asked Mayor Armstrong if he has considered a representative?

Mayor Armstrong said not yet but he has several people in mind.

Councilor Williams said we have a fiscal agent and asked where the funding was going to come from?

Carol Virden, City Clerk/Treasurer said she didn't think there was any funding involved in this.

Councilor Williams said the wording says "use of facilities, personnel, reimbursement for personal expenses, cooperative and regulations pertaining to respective agencies." He said he was wondering how that was going to work.

H. John Underwood, City Attorney said his understanding was that it's all modified where it says 'additional agency agreements may be developed.' He said he supposed that any reimbursement that would be agreed to is subject to a new agreement or a subsequent agreement coming before the respective bodies to see if in fact they want to do that so it doesn't pre-obligate you to anything. He said all he saw was that it obligates them to is a cooperative effort.

Councilor Williams said on #5 it says, "no member or delegate to congress." He asked if congress meant US Congress?

H. John Underwood, City Attorney said that was his understanding.

Councilor Williams said he would like that identified as such because it says 'congress' in small letters.

H. John Underwood, City Attorney said he thought the reason was that no member of congress be considered as participating financially in this agreement.

Councilor Williams said later on it says, "shall be admitted to any share and benefit."

H. John Underwood, City Attorney said the translation is getting any money by benefit of virtue of this agreement.

Councilor Williams asked if they could approve this under the pretense of if there is anything with funding coming back to us for a separate agreement? He asked the Mayor if he was on the way to approving someone as representative? He asked if they need to have approval by the council or if it just means that he is naming a representative of this community?

Mayor Armstrong said that would come before the council.

Councilor Williams said if we don't have the name right now it would have to come before the Council for approval.

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

There was no Public Input.

ADJOURNMENT

There being no further business to attend to Mayor Armstrong entertained a motion to adjourn.

Councilor Williams moved to adjourn at 6:44 p.m. Seconded by Councilor Olivo.

All were in favor and motion passed.

Tom E. Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer