

MINUTES OF THE CITY COUNCIL
ORGANIZATIONAL AND REGULAR MEETING
OF THE CITY OF RUIDOSO DOWNS
MARCH 13, 2006

The Council of the City of Ruidoso Downs met in an organizational and regular session on March 13, 2006. Mayor Miller called the meeting to order at 5:30 p.m. and asked Rosie Hood to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller	Councilor Garrett
Councilor Hood	Councilor Holman

Administrator Waters informed Mayor Miller there was a quorum.

Also present:

Dan Bryant, City Attorney
John P. Waters, City Administrator
Carol Virden, City Clerk/Treasurer
Dan Gens, Public Works Director
Robert Denny, Department of Public Safety Director
Tom Armstrong, Licensing, Planning & Permitting Supervisor
Jay Smith, Museum Director

ORGANIZATIONAL MEETING OF THE GOVERNING BODY FOR THE
CITY OF RUIDOSO DOWNS, NEW MEXICO

Mayor Miller entertained a motion to approve Resolution No. 2005-04 Open Meetings Act.

Motion was made by Councilor Garrett and seconded by Councilor Hood to approve Resolution 2005-24, Open Meetings Act. Roll call being: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, reading of Rules of Debate from City of Ruidoso Downs Municipal Code of Ordinances and asked Administrator Waters to read 1-3-2 (E) Rules of Debate 1 - 7:

1. Mayor: the Mayor may not make and/or second motions, but may debate from the chair and shall have all the privileges of the members of the Governing Body, except that he/she shall only vote when there is a tie.

2. Councilors: Each Councilor desiring to speak shall address the presiding officer and after being recognized, confine himself/herself to debate, avoiding personalities and indecorous language.
3. Interruption: A Councilor having been recognized shall not be interrupted except to call him/her to order. If called to order, he/she shall cease speaking until the point of order is decided after which he/she may proceed.
4. Closing Debate: The Councilor moving the adoption of an ordinance or resolution shall have the privilege of closing debate.
5. Reconsideration: A motion to reconsider any action taken by the Governing Body shall be made on the day such action was taken. Such motion shall have precedence over all other motions except a motion to adjourn and shall be debatable if the motion it refers to was debatable. The motion to reconsider may be made only by a member who voted with the prevailing side.
6. Statement in Minutes: A member of the City Councilor may request the privilege of having his/her statement on any subject under consideration entered in the minutes subject to the consent of the Governing Body, providing that any member shall have the right to cause his/her reasons for dissent or protest against the action of the board entered in the minutes without consent.
7. Issues not Covered: Robert's Rules of Order Newly Revised shall be used by the City Council in determining any issue not covered by this section.

Councilor Miller moved to approve the Rules of Debate. Seconded by Councilor Garrett. Roll call being: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, Pursuant to Article 4, Chapter 1-4-2 Appointment; Terms, Appointed Officers and Special Committee Officers shall be appointed by recommendation of the Mayor and confirmation by City Council at the Organizational Meeting held every two (2) years following regular municipal elections.

1. Appointment of City Employees:

Finance Administration

*John P. Walters, Administrator

*Carol Virden, Clerk/Treasurer

Terri Mosley, Procurement/Asset Control Manager

Steve Dunigan, Personnel/Payroll/Loss Control Manager

Emma Herrera, Utility Clerk

Annette Wallace, Secretary

Licensing & Permits

Tom Armstrong, Planning/Licensing/Permits Supervisor
Anne Spotts, Secretary

Public Works

*Dan Gens, Public Works Director
Terry Proctor, Heavy Equipment Operator
Mark Lewis, Electrician
Vance Massengale, Mechanic
Benny Sanchez, Equipment Operator- Water Level I Operator
Ronnie Randolph, Sewer Laborer- Water
Shane Casler, Water Level II Operator
Joeray Ramirez, Water Apprentice
Bobbie Pearson, Shop Clerk
Leonard Sanchez, Parks/Bldg Maintenance Supervisor
Joe Jarvis, Parks/Bldg.-Maintenance

Department of Public Safety

*Robert Denny, Chief of Police
Robert Olshaskie, Corporal
Richard Schwalm, Lieutenant-Corporal
Lawrence Chavez, Police Officer
Bob Regan, Police Officer
Brady Chambers, Police Officer
Joseph Bailey, Police Officer
Cameron Allen, Police Officer
Steven Dobbs, Police Officer
Richard Alvarez, Police Officer
Cynthia Miller, CDO Supervisor
Betty Bennett, CDO
Dawn Hightower, CDO
Angela Ortega, CDO
Tina Mahoney, CDO
Cindy Green, Secretary
Kenneth Ellard, Assistant Fire Chief
Peggy Lu Jane, Animal Control Officer
William Dunlap, Code Enforcement Officer

Museum Department

Jay Smith, Museum Director
Kim Williams, Curator of Collections
Coda Omness, Curator of Education
David Mandel, Curator of Exhibits
Janis Rowe, Advertising

Bobby Brown, Security
Chuck Calhoun, Security
Judith Romero, Gift Shop Manager
Jesse Cadena, Gift Shop Attendant

* Appointed Positions

Councilor Miller moved to confirm the appointed officials and rehiring of city employees as recommended by Mayor Miller. Seconded by Councilor Garrett. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

2. Nomination by Mayor Miller of Mayor Pro-tem - Susan J. Garrett.

Councilor Hood nominated Councilor Garrett to serve as Mayor Pro-tem. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Miller said I Abstain because I been through many of these organizational meetings and it was always the Council that elected the Mayor Pro-tem; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

3. Appointment of City Special Committees and Boards

PARKS & RECREATION COMMITTEE

1st Thursday of every month of 5:00 p.m.

- Bonnie Richardson
- Don Coleman
- Jackie Branum
- Shannon Galbaldon
- Timothy Parnell

LODGER'S TAX COMMITTEE

3rd Monday of the month at 5:30 p.m. (as needed)

- Barbara Green
- Vipal Patel
- Beth Miller
- C. E. "Pappy" Bell
- Johnny Van Winkle

PLANNING & ZONING COMMISSION

1st Tuesday of every month at 5:30 p.m.

- Paul Van Gulick
- Bonnie Richardson
- Barbara Green
- Vacant
- Jim Burrow

- Lewis Wells
- Judy Van Winkle
- Ursula Eckersley
- Jane Haizlip

ETZ COMMISSION

(Not a regular schedule)

- Susan Garrett
- Lawrence (Larry) Mulligan
- Dean Holman
- Sue Davis
- Joe Blaney
- Judy Van Winkle
- Leonard McCutcheon

LINCOLN COUNTY SOLID WASTE MEMBER

- Don Coleman
- Susan J. Garrett

REGIONAL WASTE WATER TREATMENT PLANT

JOINT USE BOARD MEMBERS

- Bob A. Miller, Mayor
- John P. Waters, City Administrator
- Susan J. Garrett

BUDGET AND FINANCE COMMITTEE

- Susan J. Garrett
- Jeffrey D. Holman

ECONOMIC DEVELOPMENT BOARD

2nd and 4th Thursdays of the month at 5:30 p.m.

- Susan J. Garrett – Mayor’s Designee
- Barbara Green - Ruidoso Downs Chamber of Commerce President
- Paul Van Gulick – Chair of Planning & Zoning Committee
- Deanie Beavers – At Large
- Mercedes Fernandez- Wells - At Large
- Dean Holman – At Large
- C. E. “Pappy” Bell – At Large
- Vipal Patel
- Harvey Twite

BEAUTIFICATION COMMITTEE

3rd Tuesday of the month at 4:00 p.m.

- Judy Miller
- Sally Turner
- Sebrina Lundquist

- Wanda Taylor
- Gary Williams
- Bertha Polaco
- Peggy Burton

MUSEUM BOARD

- R. D. Hubbard
- Joan Dale Hubbard
- Sue Davis
- Tom Battin
- Robert Donaldson
- Sid Goodloe
- Mercedes Fernandez-Wells
- Joetyne M. Wright
- La Donnah Dutton
- Wayne Metcalfe
- Jayne Clark
- Joan Holt
- Grace Snidow
- Jean Stoddard

RUIDOSO DOWNS MEMBER - DWI COUNCIL

- Tommy L. Hood

SENIOR CITIZEN

- Tommy L. Hood

CHAMBER OF COMMERCE

- Jeffrey D. Holman
- Jackie Branum, Alternate

Councilor Garrett moved to approve the appointments as recommended by Mayor Miller. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the Agenda. Councilor Miller moved to approve the Agenda. Seconded by Councilor Garrett. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Miller entertained a motion to approve the Consent Agenda. Councilor Miller moved to approve the Consent Agenda. Seconded by Councilor Garrett. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF FEBRUARY 27, 2006 REGULAR MEETING

Motion was made by Councilor Miller and seconded by Councilor Garrett to approve the Minutes of the February 27, 2006 regular meeting. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

ACCOUNTS PAYABLE

Motion was made by Councilor Miller and seconded by Councilor Garrett to approve the Accounts Payable. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

UNFINISHED BUSINESS

None

OTHER BUSINESS

Mayor Miller stated next item on the agenda, recognition of February 2006 Employee of the Month, Public Works Department.

Public Works Director Gens asked Benny Sanchez to come forward. Benny Sanchez is the Public Works Employee of the Month. Benny is a long-term employee of Public Works. He is a fellow if you want to get the job done get a hold of Benny and he will make sure it gets done. Public Works would be in bad shape without him. Glad to have you and glad to present this to you. Benny Sanchez said thank you. Mayor Miller said we really do appreciate you.

Mayor Miller stated next item on the agenda, recognition of Sgt. Edward Misqueu and asked Councilor Miller to recognize Sgt. Edward Misqueu. Councilor Miller asked Edward Misqueu and his wife, Melissa, to come forward. I work with Edward's mother and have heard the story of how he served our country and working hard for our freedom. I thought he needed a little bit of recognition for this. He is a fine young man that grew up here, went to high school here and I watched him play football years ago so this is in recognition of you.

WHEREAS, SGT. Edward Misqueu son of Ruben and Margie Misqueu returned home from Baghdad, Iraq on February 18, 2006 from an eighteen-month deployment with the 126th Military Police Company National Guard unit out of Albuquerque, New Mexico and;

WHEREAS, Edward has lived in Ruidoso Downs for eleven years and has a wife Melissa and a daughter Hope who are also living in Ruidoso, New Mexico and;

WHEREAS, Edward was deployed from Albuquerque to Fort Leonard Wood, Missouri for military police school in October of 2004. Upon accomplishments of MP school they were stationed at Fort Polk, Louisiana for additional training before heading to Baghdad, Iraq. The main missions in Iraq were to help and train the Iraqi Police and Army to become more self-reliant and combat effective in an unforgiving city full of insurgents and;

WHEREAS, during his deployment in Baghdad, Iraq on a routine main supply route patrol on May 25th, 2005 while Edward was the gunner, an improvised explosive device also known as a roadside bomb hit his vehicle. This IED destroyed his vehicle and left Edward wounded taking shrapnel to the side and the back of his head and;

WHEREAS, due to this incident Edward received the Purple Heart award. After healing for thirty days he was back in the line of duty serving his country. He was then taken off the gun and made a driver of an M1114 (armored Hum V). During this time, Edward and his platoon accomplished many successful missions and victories and;

WHEREAS, in November 2005 Edward was promoted from Specialist to Sergeant. After his promotion Edward was made into team leader who was then assigned to manage his own team and vehicle and;

WHEREAS, in his deployment Edward and the 126th Military Police Company have seen many trials and tribulations but have also come to know the true Iraqi people and what they believe in and stand for. He got to meet the children of the city and some really good people from the Iraqi police and army. Along the way Edward picked up some new Brothers and Sisters from his platoon.

NOW THEREFORE, the City of Ruidoso Downs expressing our sincere appreciation and thanks to SGT. Edward Misqueu for his distinguished service to the citizens of his country as well as to the citizens of Ruidoso Downs while serving as a member of 126th Military Police Company and highly commend him for the manner in which he carried out his duties and responsibilities. Signed Bob A. Miller.

Councilor Miller presented Sgt. Misqueu a plaque of the Recognition. Sgt. Misqueu said thank you.

Mayor Miller stated Mr. Jay Smith wants to give an update on the museum.

Museum Director Smith said it is not often I get to follow a war hero. I wanted to present to you this evening with an invitation to a special event at the museum that is dedicated to the citizens of Ruidoso Downs. On April 7th, Friday, from 6 p.m. to 8 p.m. we will be holding an open house at the museum to better acquaint the citizens of Ruidoso Downs with the museum. At that time we will actually have four new exhibits open at the museum. We would like to ask that all council members, department heads and city staff please attend and all of you as well please come see the museum, come see what we do and get a little more acquainted with who we are and what we do. Things are really going well at the museum. We have embarked on the long-range planning process and will have some updates for you in the coming weeks. We are very excited about the progress we are making and we will share that with the citizens of Ruidoso Downs. We look forward to seeing you all there.

NEW BUSINESS

Mayor Miller stated next item on the agenda, Estopple Agreement, City of Ruidoso Downs and Vanguard Wireless.

Attorney Bryant said we have an existing lease agreement for the tower site on the hill with a local company that in turn rents the tower out to various users for cell signals and other radio kinds of signals. That company has entered into a financing agreement with Vanguard Wireless pursuant to which they have done a comprehensive loan agreement and security agreement that secures the loan with their personal property and a lease. This agreement is for us to sign as the landlord or the owner of the underlying real estate where this tower is located. What it provides is if the local company is to default on its loan, we agree to do business with Vanguard Wireless as they come in and take over the lease and continue leasing the tower out to the users one of whom is the City of Ruidoso Downs. It is just a letter that acknowledges their financing interest and security interest in the leasehold site and it agrees to do business with them if they are forced to step in and take over the operation. I am recommending its approval by the Council tonight.

Councilor Miller moved to approve the Estopple Agreement between the City of Ruidoso Downs and Vanguard Wireless. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving personnel recommendation, position of Building Maintenance Facility Laborer, Hubbard Museum of the American West.

Museum Director Smith said we have recommended the hiring of Wayne Anzak who is a gentleman that is extraordinarily qualified for the position of Building

Maintenance and Facility Laborer at the museum. We went through an interview process where I sat with Steve Dunigan and Kim Williams from our staff going through the applications. Mr. Anzak is our number one draft choice. We had a number of very good applicants for the position. He brings with him more than twenty-five years of maintenance experience, program supervision and safety training. He has been a safety trainer at a number of facilities and he also has experience in HVAC systems, electric and sprinkler systems, which pretty well runs the gamut of everything we need at the museum. He has been in this business quite a number of years and will be able to help us out a great deal. I would strongly urge you to approve his hiring this evening. Mr. Anzak is here.

Councilor Garrett moved to approve Wayne Anzak as the Building Maintenance Facility Laborer at the museum. Seconded by Councilor Miller. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

PUBLIC INPUT

Jim Burrow said this is a fine looking group of people sitting where you are tonight and I hope they all pull together, run this City the way it should be run.

EXECUTIVE SESSION

Mayor Miller entertained a motion to go into Executive Session for the discussion of Threatening and or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H)7, and Real Property and Water Rights pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H)8.

Motion was made by Councilor Garrett to go into Executive Session for the discussion of Threatening and or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H)7, and Real Property and Water Rights pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H)8. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller closed the regular meeting at 5:56 p.m. and invited City Attorney Dan Bryant, City Administrator John Waters and City Clerk Carol Virden to attend the Executive Session and called for a five minute recess to clear the Council chambers.

Motion was made by Councilor Miller and seconded by Councilor Hood to go back into regular session. Mayor Miller called the regular meeting back to order at 7:13 p.m. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Councilor Garrett attested that the only item discussed in Executive Session was Threatening and or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H)7, and Real Property and Water Rights pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H)8 and no action was taken.

Mayor Miller entertained a motion to adjourn.
Motion was made by Councilor Miller and seconded by Councilor Hood to adjourn at 7:14 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer