

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
AUGUST 14, 2006

The Council of the City of Ruidoso Downs met in regular session on August 14, 2006. Mayor Miller called the meeting to order at 5:30 p.m. and asked Joe Blaney to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Hood	Councilor Miller
Councilor Holman	Councilor Garrett

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
Tom Stewart, Public Works Director
Jay Smith, Museum Director
Steve Dunigan, Planning & Personnel Services Director
Richard Schwalm, DPS Acting Lieutenant

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES OF JULY 24, 2006 REGULAR MEETING

APPROVAL OF MINUTES OF AUGUST 1, 2006 SPECIAL JOINT MEETING

Motion was made by Councilor Garrett and seconded by Councilor Hood to approve the Minutes of the July 24, 2006 regular meeting and Minutes of the August 1, 2006 Special Joint 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 Garrett and seconded by Councilor Hood to approve the Accounts Payable. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

UNFINISHED BUSINESS

Mayor Miller stated that he would present Tom Armstrong with a Plaque. Mayor Miller asked if Tom was in the audience. Mayor Miller asked Steve Dunigan if he had invited Tom Armstrong. Steve Dunigan stated that Mr. Armstrong was invited to the meeting and believes he had other plans that apparently came up, but was certainly invited.

PUBLIC HEARINGS

Mayor Miller stated next item on the agenda, Public Hearing for Ordinance No. 2006-07. Administrator Waters said this is an ordinance, the second part of the ordinance that was brought before us by the Lincoln County Solid Waste Authority, this is an ordinance amending Chapter 4 Departments Article 7 Health and Sanitation Department, Section 16 Titled, " Monthly Rates" of the City of Ruidoso Downs Code of Ordinances.

Mayor Miller stated I hereby open the Public Hearing for comments and will be accepted in the following order, interested persons will approach the podium, one at a time, state their name and present their testimony. A limit of three minutes will be allowed per person.

Are there any persons here to speak in opposition of the action? There was no one to speak in opposition of the ordinance.

Are there any persons here to speak in support of the action? There was no one to speak in support of the ordinance.

Mayor Miller closed the public hearing.

Councilor Miller asked Mayor Miller if she could ask some questions of Ms. Ingles. Councilor Miller stated that she was just wondering what the other entities in county are paying, if it is close to what we are paying or the same and if this will be the same for them, if this is for everyone. Ms. Ingles stated that the rates we are looking at tonight are the City of Ruidoso Downs; right now the other entities being Carrizozo and Capitan are already paying higher rates than the City of Ruidoso Downs. Councilor Miller asked Ms. Ingles if they would be having this rate for the next four years, also. Ms. Ingles stated that they would be asking them for the rate increase and do that yearly. Councilor Miller stated then this would be for everyone not just Ruidoso Downs. Ms. Ingles stated that it would probably be a little higher for them.

Mayor Miller stated next on agenda is considering adopting Ordinance No. 2006-07, and entertained a motion to approve. Councilor Garrett moved to adopt Ordinance

No. 2006-07. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

OTHER BUSINESS

Councilor Miller stated that Sandy Schiffman was to be here tonight to give a report on the Community Center Task Force.

Councilor Hood stated that he would like to thank John Waters, Steve Dunigan and his wife, Sue and her family for helping with the Pancake Breakfast. They helped in raising quite a bit of money for the program. Councilor Hood also stated that he would like to recognized Deanna Cheney from Ruidoso News who did the article and Jim Kalvelage.

Mayor Miller stated that he would also like to thank City Administrator John Waters, Councilor Sue Garrett and City Attorney Dan Bryant on their trip to Washington, which was highly successful. They got us this new well going in at no cost to the City.

Mayor Miller asked City Administrator, John Waters or Public Works Director, Tom Stewart to enlighten all on the well.

Public Works Director, Tom Stewart stated that as of today, they bored the whole thing at 17 ½ inches; we are down to 725 ft. They are camering and logging the well right now, we were held up a bit today due to the rains, but will have video of the whole 17 inch hole all the way the top to the bottom.

City Administrator John Waters, stated that he wanted to make sure that everybody understands that not only did we get to talk to our congressional delegation, but, would like to give a special thanks to Senator Pete Domenici. He is the one who drove this and drove it very hard, he helped get the bureau together to try and put it on the top of the list. He absolutely put New Mexico on the top of this list coming out. The staff of the Bureau of Reclamation worked very hard to get our environmental stuff together. I know we faxed stuff back and forth of tons and tons of paperwork. Mailed stuff up to Utah, Mailed stuff to Albuquerque, met with some folks and they got it pushed through. (So the next time somebody says all Federal money takes forever to get, from the notification that we got.) We sent the letter a long time ago asking for assistance when Senator Domenici was able to help us, it was periods of weeks when we actually got our funding. Certainly, the next time we see him traveling through, stop and thank him for this well, it is a godsend. It is a great thing to have and yes we did hit water, now we don't know exactly how much, until they finish doing the testing that Tom was talking about.

Mayor Miller stated next item under Other Business, Sandy Schiffman, Chair Pro-Tem of the Community Center Task Force and would like to give a report to City Council.

To Ruidoso Village Council and Ruidoso Downs City Council. It has come to our attention that some residents of our communities have the impression that Ruidoso and Ruidoso Downs have given up on the idea of building a family-oriented Community Center to serve our area. We, the members of the Community Center Task Force, emphatically assure all that we are very much "alive and kicking" and are still working to obtain funding for the next necessary step- a detailed plan for design and construction.

The Task Force, formed by Resolution of the Councils of the two communities in August, 2003 and consisting of a number of residents of the area appointed by the then -Mayors of each community, met monthly for the first eighteen months of its' existence. Divided into several committees charged with specific responsibilities, the Task Force arrived at several conclusions:

- (1) A Community Center is definitely needed and wanted within the area;
- (2) The primary purpose of the Center should be to provide a healthy physical, mental and emotional climate for all ages to participate in various activities that will strengthen the family unit and the community as a whole;
- (3) The secondary purpose should be to assure that all members of the community, with concentration on our youngsters, become "water-safe";
- (4) The existing outdoor community pool at Schoolhouse Park is inadequate in size, needs major repairs and, being limited in use due to weather conditions, does not serve the needs of the existing community and must be replaced - a larger, indoor, year-round swim facility is an immediate need;
- (5) The center of population and most economical location for a Community Center, due to prior grading, existing parking, adjacent tennis courts, playing fields, a walking trail, and proximity to the Links gold course, is the recreation area behind the schools at Hull and White Mountain Roads;
- (6) This should not be NON-PROFIT Center, owned and operated by an agency formed jointly by the two communities with salaries for operating staff to be paid through a graduating dues structure from participating residents (but no resident of either community should be denied membership because of an inability to pay); daily or seasonal entrance fees to be charged for guests from adjacent communities with visitors from out of the area (tourists) paying a slightly higher daily rate, and additional income to come from community fund raisers and franchised activities, such as food services and/or equipment rental;

- (7) Funding for construction shall be sought from Federal and State agencies, grants, and donations, but each community should include within their operating budget an item, administered by the joint agency, to cover maintenance of the structure.

In 2004 and again just a few months ago, the Ruidoso Council voted to dedicate acreage at the White Mountain Recreation Area for a Community Center.

For the past two years, the Task Force has investigated various sources of funding, many of which have proven to be promising, but to date we have not received a commitment that we can bring back to the Councils. State Representative Dub Williams who brought our request for funding before the last session of the State Legislature (due to an overabundance of requests, it was never considered), has promised to submit it once again during the next legislative session. Other members of the Legislature have indicated they are in favor and Governor Richardson has said he will support our efforts and will meet with me to discuss our needs.

At this time, due to the process required by the State, we are only looking for \$45,000 to develop an architectural design and construction plan and budget. WE would utilize the basic design concept previously presented to the community in 2000, with improvements as required by our growth in population and suggested from public input and Task Force members –full architectural drawings of the concept were never previously authorized. Once the design, plan, and budget are approved by the joint agency to be created by the Councils, we can go forward to seek building funds.

We are aware that the Ruidoso Methodist Church is planning to build a “Teen Center” on their property, and we applaud them for this effort. Although it will not take the place of the family-oriented Community Center that the Task Force (and others before us) have worked on for years, it will serve the teens of the community in another way, since even if the communities receive the requested legislative funding during this next session, it will be months before the funds are “on hands”, and more months until the plans are complete and we can go forward with the next step-obtaining construction funds. The construction stage can take up to a year, depending on costs and availability of materials. Meanwhile, the efforts of the Methodist Church will be serving our teenagers in a positive way.

In the Ruidoso Comprehensive Plan 2010, adopted in 2005, the Strategic Vision for Recreation states, “A multi-purpose community/recreational center is desired by many with the hope that it could provide a place for a wide variety of recreational activities that engage them. The community desire is two-fold: To be a great place to raise healthy children, and to be a great place for youths to stay, live and grow as adults.” Additionally the Plan states a quality-of-life goal for Ruidoso is “A healthy community that stresses wellness and promotes a healthy, active lifestyle.”

These are also the desires and goals of the Community Center Task Force.

We welcome questions, comments and suggestions from the Council and promise to keep everyone informed as things progress. Respectfully submitted: The Community Task Force – Sandy Schiffman, Chair Pro Tem, Representing Ruidoso: Mark Doth, Ron Hardeman, Lorri McKnight, Sandy Schiffman, Jerry Shaw, and Bobbi Weiss. Representing Ruidoso Downs: Judy Miller, Ray Montes and John Waters. Representing the Ruidoso School Board: Susan Lutterman.

Mayor Miller stated next item under Other Business, Recognition of July 2006 Employee of the Month- Public Works Department-Shane Casler.

Tom Stewart, Public Works Director stated that Shane Casler has been an employee of the City a number of years; he is experienced in the water and wastewater and is immeasurable and is the greatest help as far as I've seen. He is always the first person to jump in a hole and probably the last one to come out, when there is a leak and it doesn't matter if it is water or wastewater. When we need help in the Street department, he is the first one to get on some equipment and he is very experienced and knowledgeable in working the street equipment. It is my pleasure to, and we all voted in public works and he was unanimously voted in as employee of the month. Shane got tied up in a prior commitment, like myself he got two new horses yesterday, but will pass this onto him.

Mayor Miller stated next item under Other Business, August 28, 2006 City Council Meeting has been cancelled. Mayor Miller stated that he has cancelled the meeting of August 28, 2006 due to conflict with the New Mexico Municipal Leagues' 49th Annual Conference in Taos, NM.

Mayor Miller stated next item under Other Business, Mercedes Fernandez-Wells Chairperson EDB-Presentation of Graphic Panel. Mayor Miller asked John Waters to give report.

City Administrator John Waters stated that Mercedes Fernandez-Wells had something come up that she could not make it tonight, but wanted to present the Graphic Panel to the City Council tonight. John Waters stated that this is our new promotional board that will be going up at different places around the state. Basically, what it is going to do it's going to help not only bring folks in for economic development reasons, we're also going to hopefully attract perhaps some of the tourist from other towns to spend their money in Ruidoso Downs. But the first trial test at this board, we got Mercedes Fernandez-Wells, I believe for the third week in September will be going to the Governor's Summit on Economic Development in Silver City, NM. She will be manning the booth. John Waters also stated to Council and audience that behind Mr. Warren Beaver that green container that looks like a trash can, this thing folds right up and fits in that little container. It is very portable.

NEW BUSINESS

Motion was made by Councilor Garrett and seconded by Councilor Hood to approve 2006 Annual Conference Voting Delegates-Taos, NM-Selection of Voting Delegate and Alternate- Mayor and Mayor Pro-Tem. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Garrett and seconded by Councilor Hood to approve Resolution No. 2006-10 Uncollectible Accounts. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item under new business, consider approving personnel recommendation -Finance Clerk I-Annette Wallace.

Councilor Miller moved to approve personnel recommendation to hire Annette Wallace for the position of Finance Clerk I. Seconded by Councilor Garrett. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item under new business, consider approving personnel recommendation DPS Position-Director of Public Safety. Mayor Miller stated that we worked hard and diligently and asked Councilor Holman to give the details on it.

Councilor Holman stated that they spent considerable time on this and felt that they made an excellent choice. Councilor Holman moved to approve Alfred Ortiz as Director of Public Safety. Seconded by Councilor Garrett.

City Administrator John Waters informed the Council and public that Mr. Ortiz had planned on being here tonight, in fact we had a room scheduled for him and his wife was put in the hospital down in south Texas. He did call to express his feelings for missing the meeting; he did want to be here tonight and also know that he did contact Mayor Miller. 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 DPS-Position-Fire Lieutenant-Justin Shaw. Acting Lieutenant Richard Schwalm stated that Justin Shaw has been in fire protection services for a lot of years locally and he brings a lot of experience in training in his position.

Mayor Miller entertained a motion to approve hiring of Justin Shaw.

Councilor Miller moved to approve the hiring of Justin Shaw for the position of Fire Lieutenant. 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 on the agenda, consider approving personnel recommendation DPS-Position-Communication Detention Officer-Michelle Lopez.

Acting Lieutenant Richard Schwalm stated that Michelle also brings some experience she's certified as a communications officer.

Mayor Miller entertained a motion to approve personnel recommendation.

Councilor Miller moved to approve the hiring of Michelle Lopez for the position of Communication Detention Officer. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, consider approving personnel recommendation DPS-Position- Communication Detention Officer- Irene Chavez.

Acting Lieutenant Richard Schwalm stated that Ms. Chavez doesn't have experience as a communication officer but she has been really enthusiastic about showing up to learn things and she has a stable work history and is a resident of Ruidoso Downs.

Mayor Miller entertained a motion to approve personnel recommendation.

Councilor Garrett moved to approve the hiring of Irene Chavez for the position of Communication Detention Officer. 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 on the agenda, consider approving personnel recommendation-DPS-Position-Police Officer-James Urban.

Acting Lieutenant Richard Schwalm stated that James grew up around here and really wants to be a police officer, not certified, we are going to get a fresh start here.

Mayor Miller entertained a motion to approve personnel recommendation for the position of police officer James Urban.

Councilor Miller moved to approve the hiring of James Urban for the position of Police Officer. 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 on the agenda, consider approving personnel recommendation-DPS-position- Police Officer-James Minter.

Acting Lieutenant Richard Schwalm stated experienced certified officer and has worked for the City of Ruidoso Downs and as well as Artesia.

Mayor Miller entertained a motion to approve personnel recommendation.

Councilor Garrett moved to approve James Minter for the position of police officer. Seconded by Councilor Miller. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, consider approving personnel recommendation Hubbard Museum of the American West-Position-Fundraising & Special Events Coordinator-Jim Kofakis.

Museum Director, Jay Smith stated that they went through the process of long range planning for the first six months and we revised the position of former special events coordinator to do more fund raising, corporate sponsorship and responsibilities and general fund raising for the museum as we think that is the most important thrust of what we need to do especially over the next five years. We went over all the candidates and we came across Mr. Kofakis' resume. He was, undoubtedly head and shoulders above with his experience. He has spent the last 20 years doing corporate sponsorships. Jay Smith highly recommends Jim Kofakis for hire.

Mayor Miller entertained a motion to approve the hire of Jim Kofakis.

Councilor Garrett moved to approve Jim Kofakis for the position of fundraising & Special Events Coordinator for the Hubbard Museum of the American West. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Garrett and seconded by Councilor Hood to approve the appointment of Liz Minyard Lokey as additional board member to the Hubbard Museum of the American West. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Garrett and seconded by Councilor Hood to approve replacing Timothy Parnell with Jimmy Romero as a member of the Parks and Recreation Committee. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

PUBLIC INPUT

Bonnie Richardson Chairperson for the Parks and Recreation Committee, said they met Thursday, August 10, 2006 with Shannon Gabaldon, Jimmy Romero and me, Parks and Recreation Committee. Absent: Jackie Branum and Don Coleman. Also we were able to meet with Leonard Sanchez.

Mrs. Richardson stated that the committee came up with quite a bit of enthusiasm and discussion about what we would like to do concerning the Park. We would like to host our 3rd annual skateboard competition and we have set a tentative date of September 23, 2006 for this. Leonard has already lined up a sponsor, who will give the prizes. In order to facilitate a tournament, we need some more equipment at the Park. We're asking for 2 picnic tables with seating, the only seating we have now is under the canopy by the playground equipment; we would like to have 4 Park benches, 4 bleachers, and we would like to have a wooden sign at the Skate Park that we currently call Crown of the Downs, would like to coordinate these signs so that it has the same character as that at the east end of the Park. We would also like to have installed a couple of horseshoe pits and the sand that we need for the pit as well as the horseshoes. For the sand and the horseshoe pit we are talking about \$500.00. The bleachers of course and the picnic tables would be more. If we can do this on an annual base, we can bring some people into Ruidoso Downs, we can have an event of our own that will be earmarked for the Park.

Leonard has some ideas about having horseshoe tournaments; he has had experience in the past. We think that we're talking about fundraisers for the Park by sponsoring the horseshoe tournaments and the Skate Park competition. The last thing that we talked about is to fill in the hole that we call the amphitheater; we feel that's not big enough to be amphitheater. If we could fill that hole in and make it a level ground there we can expand the Park and do another activity there.

Rene Olivo state he lives on Turkey Canyon. First of all the lady that was here a month and half ago on 621 Utah, complaining about the water coming to her house, nothing has been done. She is still waiting for sand bags. Another one is Turkey Canyon, we spent a lot of money on that street, there are so many weeds on it, that we should clean it up, since we spent so much money it's tearing the asphalt. The trees between Hill Street, Valley View and Turkey Canyon, you have to drive in the middle of the street because those trees have never been trimmed, also Turkey Canyon between Turkey Canyon when you go to Utah, that's a very narrow street and those trees are way out in the street. They are writing up a lot of people to clean their yards, but the City has to do their own part on cleaning up the City.

Mayor Miller asked Public Works Director, Tom Stewart if they had any sand bags. Tom Stewart stated that they had about 400 of them.

Jim Burrow stated; I just like to say that I think Steve Dunigan is doing a very good job since he has been in office. If anybody hasn't been in his office, he has brought the office up-to-date, it looks very very nice, it looks like the professional job. And he is doing a very good job for the length of time that he's been there, not only that he has presented himself as a business man, as you can see tonight with a coat and tie on. He has done a very good job and if anybody hasn't been out, they need to go by his office and look at it and thank him for a good job that he is doing since he's been in office.

Daniel A. Bryant P. A. said his law firm will donate one of the picnic tables that Ms Richardson and her committee need for the skate Park and Mr. Bryant challenges all other local businesses to consult her on her wish list, pick an item and donate it, so that we can get that thing rolling before the September 23 day. Ms. Richardson thanked Mr. Bryant for his donation.

Mayor Miller asked if there was a place we could order one. Mayor Miller asked for a price list, in case someone else wants to donate.

Councilor Miller said that maybe all the City Council could chip too. Councilor Miller said she would donate money.

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.

Motion was made by Councilor Hood 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. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller closed the regular meeting at 6:16 p.m. and invited City Attorney Bryant, City Administrator Waters and City Clerk Virden to attend the Executive Session and called for a five-minute recess to clear the Council chambers.

Councilor Miller made a motion to go back into regular session. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller called the regular meeting back to order at 7:04 pm and asked that a member of the Council to attest to the fact that the only item discussed in executive session was that of Threatening and or Pending Litigation.

Councilor Garrett certified that nothing was discussed besides Threatening and or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H) 7, and no decisions were made.

Mayor Miller entertained a motion to adjourn.

Motion was made by Councilor Hood and seconded by Councilor Garrett to adjourn at 7:05 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer