

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
APRIL 23, 2007

The Council of the City of Ruidoso Downs met in regular session on April 23, 2007. Mayor Miller called the meeting to order at 5:30 p.m. and asked Rosie Hood to lead the Pledge of Allegiance. Mayor Miller asked John Waters, City Manager to take roll call. The following were present:

Councilor Hood
Councilor Holman

Councilor Miller
Councilor Garrett
(Via telephone conference)

John Waters, City Manager informed Mayor Miller there was a quorum.

Also present:

John Waters, City Manager
Carol Virden, City Clerk/Treasurer
Alfred Ortiz, DPS Chief
Arnie Castenada, Public Works Director
Steve Dunigan, Planning & Personnel Services Director
Jay Smith, Museum Director
W.T. Martin Jr., Attorney

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 Hood moved to approve the Consent Agenda. Seconded by Councilor Garrett. Councilor Holman stated he wanted the Minutes from the Special Joint Meeting of April 11, 2007, on page 2, paragraph 1, the statement in the next to the last sentence changed from "the City of Ruidoso new attorney to the City of Ruidoso Downs new attorney." Councilor Hood and Councilor Garrett amended their motions. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF APRIL 9, 2007

Motion was made by Councilor Hood and seconded by Councilor Garrett to approve the Minutes of Regular Meeting of April 9, 2007. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF SPECIAL MEETING OF APRIL 11, 2007

Motion was made by Councilor Hood and seconded by Councilor Garrett to approve the Minutes of Special Meeting of April 11, 2007. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF SPECIAL JOINT MEETING OF APRIL 11, 2007

Motion was made by Councilor Hood and seconded by Councilor Garrett to approve the Minutes of Special Meeting of April 11, 2007. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLE

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

APPROVAL OF MONTHLY REPORTS

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

UNFINISHED BUSINESS

Mayor Miller stated next item on the Agenda was Unfinished Business. There was no Unfinished Business to discuss.

OTHER BUSINESS

Mayor Miller stated next item on the Agenda was Other Business-Employee of the Quarter-DPS-CDO -Dawn Hightower.

Chief Ortiz said Dawn Hightower had been with the department since October of 2004. He wanted to honor her today for her excellent performance and presented her with the "Employee of the Quarter" plaque. John Waters said there was a critical incident with a prisoner and Dawn handled the situation with poise and professionalism. There was a round of applause for Dawn Hightower.

Chief Ortiz reported over the past week the department made arrests relating to burglaries that occurred around the community as well as Ruidoso and Lincoln County. There were a total of five arrests and cleared seven burglaries that led to the recovery of

approximately \$11,000.00 worth of property. The burglaries go back as far as January of this year and that suspects were currently incarcerated at the Lincoln County Detention Facility.

Chief Ortiz updated the Council on the first phase of the installation of security cameras. He pointed out that there was one within City Hall and one pointing toward All American Park. He said he was still concerned about the graffiti that continued to occur at the park and hoped the camera would deter some of the vandalism. There were a total of nine cameras installed and all were up and running. He invited any interested parties to the dispatch office and he would show them how the cameras worked and where the scope of visibility was. Chief Ortiz said the second phase would include the museum. Last week they met with Jay Smith, Museum Director and made a walk-through of the facility to determine location and need of setting up the cameras.

Chief Ortiz said he was a member of the Crime Stoppers Program of Lincoln County. He said Crime Stoppers wanted to donate a sign to the City of Ruidoso Downs and he felt it was a gracious gesture.

Mayor Miller asked Councilor Garrett to report on the recent trip to Washington DC. Councilor Garrett said they met with Representative Pearce, Senator Bingaman, and Senator Domenici. They discussed how to get money from FEMA to acquire a new ladder truck. The main issue discussed was the situation with the Wastewater Treatment Plant. She said another big issue with Ruidoso Downs was the "Colonias" designation. For the residents information she explained that a "Colonias" designation had to be approved by HUD and the Department of Health. The Department of Agriculture who does the rural utilities program were not the entity that could approve the "Colonias" although they all ran under the same laws. The Senators and Representative were going to try to help the City of Ruidoso Downs get the "Colonias" designation. During the visit to Washington DC they met with members of the Smithsonian Institution. They toured the American Art & Portrait Gallery and the Renwick Gallery and said they spent almost four hours with those members.

Jay Smith, Museum Director said he spent an hour and a half with the Affiliate Program Coordinator and they spent two and a half hours with the Curator of American Art. The Smithsonian officials were very impressed with the level of change that had taken place in the museum's galleries, specifically with the environmental control system and sprinkler system currently being installed. Those were items deemed important to the Smithsonian Institution whose job it was as protector of the American treasures. That would allow the museum to bring in further paintings, portraits, and artifacts in the future. He said they discussed a long-term loan of certain items for next year's exhibits and a future permanent exhibit. Jay Smith said he discussed working with them on items for a Mining Exhibit planned for the future. He worked with the Museum of Natural History to bring in gems and minerals for the exhibit. He said they were whole-heartedly in support of the creation of a Smithsonian Lecture Series. Next year the museum would bring in at least three speakers and artifacts and materials for public presentations. The Smithsonian Institute was now ready to deliver classroom programs

via Internet that would allow kids to tour the Smithsonian. More investigation would be needed and there would be some expenditure involved to provide this to our public. He learned there was a Department of Defense Grant that would help with that cost. The meetings were very successful in laying the foundation to bring the Smithsonian back into New Mexico.

John Waters said the legislators were very interested in our request for FEMA funds for the new ladder truck and he reiterated how much our valley needed the truck. He said the Smithsonian group was impressed with the professional level of our museum staff, director and curators. Jay Smith said they were shocked that a city of a population of 2,800 would have a staff and museum of that magnitude and the City should consider it a great credit to its being.

Arnie Castaneda updated the Council on the recent Earth Day Clean-Up. He said there were approximately 128 bags of trash and approximately 45-50 volunteers. There was some miscellaneous debris such as wood and metal also picked up. He said work began last week of removal of asphalt on North Central and this week work would begin on Burke and Thompson. The sewer project on Wood Lane was ahead of schedule.

Councilor Miller said the Earth Day Clean-Up turned out very well and she thanked all the sponsors and volunteers. There were many prizes along with breakfast and other foods. John Waters thanked Zia Gas for providing 30 foot-long sub-sandwiches and Wal-Mart for many food items. Wal-Mart contacted Prices Dairies who was a Keep America Beautiful sponsor and acquired a lot of milk for the Clean-Up. He said Raymond Simpson, Manager from Wal-Mart and several employees also helped with the Clean-Up.

NEW BUSINESS

Mayor Miller stated next item on the Agenda was Consider Approving Wastewater Treatment Plant Operating Billing of 15% for month of February 2007.

Mayor Miller entertained a motion to Approve Wastewater Treatment Plant Operating Billing of 15% for month of February 2007.

Councilor Holman moved to Approve Wastewater Treatment Plant Operating Billing of 15% for month of February 2007. Seconded by Councilor Miller. Councilor Garrett said she wanted to be sure a budget adjustment would be made should this item cause the City to be over-budget resulting in an audit find. John Waters said that Ruidoso created the billing but he could estimate the billing based upon the current standing versus where the City should be. He said the City was about a month and a week over budget at this time. If the billing continued at the current speed the City would be over budget by the end of the year. He said the City had an agreement with the JUAB that they were to bring budget adjustments before the JUAB but did not do so last year. John Waters said he would have a figure for the Council at the next meeting.

Councilor Holman said at the Joint Special Meeting the Council of the Village of Ruidoso were beginning to look at the viewpoint of the City of Ruidoso Downs. He said he held a high regard for some of their Council members for looking at the City's position seriously. He said an adjustment could not be made until the figure was in. Councilor Hood said he just wanted to do what was right for the citizens of Ruidoso Downs. Councilor Miller said the City would have to abide by the current agreement until there was proof there was less than 15% going into the wastewater system.

Mayor Miller stated there was a motion and a second on the floor and asked John Waters, City Manager to take roll. 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 was Consider Approving Mayor's Appointment of Barbara Green as the At-Large Member for the Economic Development Board.

Councilor Garrett moved to Approve Appointment of Barbara Green as the At-Large Member for the Economic Development Board. 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 was Approving Demolition of Old Cigarette Alley Building.

Mayor Miller entertained a motion to approve Demolition of Old Cigarette Alley Building.

Councilor Hood moved to approve Demolition of Old Cigarette Alley Building. 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 item on the Agenda was Consider calling a meeting of all Department Directors and Chairpersons of each Committee/Board for the purpose of discussing Master Plan and Comprehensive Plan.

John Waters said he thought Paul van Gulick wanted to address the Council but the topic was brought before the Council prior to the last meeting. He said they received quotes from two firms to do the Comprehensive Plan updates and town hall meeting sessions. He said Paul van Gulick suggested bringing together department directors and committee chairpersons to talk about the plan. He said it would be a public meeting and would have to be advertised as such. They would discuss the Master Plan and how best to keep the Comprehensive Plan going in the right direction. John Waters said the Comprehensive Master Plan was not only something the City used to acquire Grants from but that ten years from now it would be a road map of where the City had decided to go. He said the Master Plan should be updated at least every four or five years. The Master Plan was incredibly important, not only for Planning & Zoning but

for everything the City does. Each department had a plan with policies and guidelines to follow. He felt the meeting would be a good start toward updating the Master Plan and then a facilitator could be hired at a cheaper price, probably less than \$1,000.00 for the meeting to update the Comprehensive Master Plan.

Councilor Garrett encouraged the City and community members to attend the public meeting to give their input and to understand the process.

Mayor Miller entertained a motion to call a meeting of all department directors and chairpersons of each committee/board for the purpose of discussing Master Plan and Comprehensive Plan.

Councilor Miller moved to call a meeting of all department directors and chairpersons of each committee/board for the purpose of discussing Master Plan and Comprehensive Plan. 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 on the Agenda was Consider Approving Hubbard Museum of the American West Collection Policy.

Jay Smith stated the document was one of the three most important documents for the museum along with its Articles of Incorporation and Long Range Plan. He said Gwen Peterson, Curator of Collections had assembled the document. The Collection Policy updated the former policy after the City took over the museum. Jay stated the policy guidelines insured the museum stayed within State regulations. He said it created a new public dimension to the collection practices. The new policy advocated for the creation of a committee to include a member of the public at large as well as a member of the Council. The policy made clear the Council had the final decision on all materials collected by the museum and anything recommended that would change the nature of the collection area. If there were a value in excess of \$10,000.00 it would be brought before the Council before approval was made on the museum staff level. The new policy stipulated that should an employee also collect they must decide whether to represent him or herself or the museum at an auction. The objective would be for the public to understand the position of the collector, whether they were collecting personally or for the museum. Another aspect of the policy provided for a short course each year for the Council members to meet and discuss conflict of interest issues.

Councilor Miller asked if W.T. Martin, Jr., City Attorney reviewed the document. Mr. Martin said he reviewed the document and it was a good policy to follow. Councilor Garrett said with a written policy more people would be willing to give and loan items to the museum. Councilor Miller asked if there was an insurance clause to cover items on loan. Steve Dunigan, Planning & Personnel Services Director said there was a coverage plan through New Mexico Self Insurers Fund that incorporated the building as well as artifacts. He said himself and Jay Smith, Museum Director worked together on deciding the amount of coverage needed and notified the insurance company when

new items were taken on or taken away. Jay Smith said the insurance covered loans to the museum as well as artifacts the museum loaned to other facilities. Councilor Holman asked Jay Smith if there would be a workshop date any time soon. Jay Smith said he could put together an afternoon course within the next few weeks or wait until the beginning of the next fiscal year. He would provide dates and times at the next City Council meeting.

Councilor Garrett moved to approve the Hubbard Museum of the American West Collection Policy. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

PUBLIC INPUT

Mayor Miller stated next item on the Agenda was Public Input with a three-minute time limit. There was no Public Input.

EXECUTIVE SESSION

Mayor Miller stated next item on the Agenda was Executive Session: Discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7.

Mayor Miller entertained a motion to go into Executive Session for the Discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7.

Councilor Hood moved to approve to go into Executive Session for the Discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7. Seconded by Councilor Miller. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller closed the regular session at 6:17 p.m. to go into executive session. Mayor Miller invited John Waters, City Manager, Carol Virden, City Clerk/Treasurer, W.T. Martin Jr., P.A., City Attorney, Chief Ortiz, Steve Dunigan, Planning & Personnel Services Director and Jay Smith, Museum Director into the Council Chambers after a five-minute recess.

Mayor Miller entertained a motion to go back into open session.

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

Mayor Miller called the regular session back to order at 8:19 p.m.

Councilor Miller attested to the fact that the only item discussed in executive session was that of threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7 and no action was taken.

Mayor Miller entertained a motion to consider a Joint Special Meeting prior to the meeting with the Village of Ruidoso City Council, the City of Ruidoso Downs Council, and the JUAB scheduled for May 10, 2007. The date of May 7, 2007 would be checked for availability and the meeting would be held at the Hubbard Museum of the American West.

Councilor Miller made a motion to consider a Joint Special Meeting prior to the meeting with the Village of Ruidoso City Council, the City of Ruidoso Downs City Council, and the JUAB scheduled for May 10, 2007. The date of May 7, 2007 would be checked for availability and the meeting would be held at 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.

ADJOURNMENT

Mayor Miller entertained a motion to adjourn. Councilor Hood moved to adjourn at 8:20 p.m. Motion seconded by Councilor Garrett. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer