

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
SEPTEMBER 9, 2013
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on September 9, 2013. Mayor Williams called the meeting to order at 5:30 p.m. and asked Tom Armstrong to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Holman
Councilor Miller

Councilor Hood
Councilor Perry (absent)

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

Also present:

H. John Underwood, City Attorney
Terri Mosley, Finance Director
Corporal Chris Rupp
Ray Pawley, Independent Consultant, Hubbard Museum

APPROVAL OF AGENDA

Mayor Williams stated next item on the agenda was Approval of Agenda. He asked for the postponement of Item 11, Public Hearing for Ordinance No. 2013-07 and Item 12-C under New Business-Possible Action on Ordinance No. 2013-07 and to postpone until September 23, 2013.

Mayor Williams entertained a motion to approve the agenda with those changes and to postpone until September 23, 2013.

Councilor Hood moved to approve the agenda with those changes and postpone until September 23, 2013. Seconded by Councilor Miller.

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

APPROVAL OF CONSENT AGENDA

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

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

Councilor Miller moved to approve the Consent Agenda. Seconded by Councilor Holman.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF AUGUST 12, 2013

Councilor Miller moved to approve Minutes of Regular Meeting of August 12, 2013.
Seconded by Councilor Holman.

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

APPROVAL OF ACCOUNTS PAYABLES

Councilor Miller moved to approve Accounts Payable. Seconded by Councilor Holman.

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

APPROVAL OF MONTHLY REPORTS

Councilor Miller moved to approve Monthly Reports. Seconded by Councilor Holman.

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

COMMITTEE REPORTS

Councilor Miller moved to approve Committee Reports. Seconded by Councilor Holman.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, 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 on River Dr. construction will begin in the next few days on the second phase for completion of that. Once they complete River Ln. they will move over to

Nevada and after that is complete you are looking at a 75 to 90 day cycle to complete those two. The Labor Day had our Police Department over there to help with the traffic. I would like to thank the agencies that helped and supported that. On September 27th and 28th we have the Special Appliance and Tire Disposal Event. We will have it at All American Park and we will be accepting metal, old appliances, and tires. The Public Works Department will begin catching up on the right-of-ways and potholes. I want to thank the Finance Director and her department that we received notification that we have a balance budget accepted by DFA.

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

Councilor Miller said I just want to add to the Mayor’s comment on the Tire Amnesty. We’re hoping to have our Toss No Mas Cleanup on Saturday the 28th. It went over pretty good last year having it the same time as the Tire Amnesty and I think we’re going to do that again so come by and pick up some trash bags and pick up trash wherever you see fit to and come back and have lunch with us. It will be from 8:00 until noon.

Councilor Holman said I would like to remind the Council and especially the City Clerk and the City Attorney that we do have a contract concerning the Senior Center coming up pretty soon concerning the lease with the County.

Councilor Hood had no comments.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action Special Dispenser Permit Application – 24th Lincoln County Cowboy Symposium – October 11th – 12th, 2013.

Carol Virden, City Clerk/Treasurer said the Ruidoso Downs Race Track’s event is being sponsored by the Ruidoso Downs Race Track for the 24th annual Lincoln County Cowboy Symposium for October 11th and 12th, 2013 and this is a standard Special Dispenser Permit Application that needs to be approved by the Council prior to them having that event.

Mayor Williams entertained a motion to approve Special Dispenser Permit Application – 24th Lincoln County Cowboy Symposium – October 11th – 12th, 2013.

Councilor Hood moved to approve Special Dispenser Permit Application – 24th Lincoln County Cowboy Symposium – October 11th – 12th, 2013. Seconded by Councilor Miller.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Revisions to Curator of Exhibits Job Title – Hubbard Museum of the American West.

Ray Pawley said I am the contracted Director for the Hubbard Museum of the American West. I had a recent resignation by David Mandel, the Curator of Exhibits, and I'm appealing for the replacement in the sense that we need someone who can follow instructions and function in an exhibits capacity but follow direction and that's what I would provide. We need someone on board as soon as possible. I also want to thank the City for the opportunity to take a driving trip up to Santa Fe to see the historic museum up there. I specifically looked at the cowboy exhibit that is due to close fairly soon and I came away very optimistic that with the staff we can draw on and the resources we have there we can provide an exhibit that is at least competitive if not more so than what I saw up there. I am asking for this position to be filled. Not for a Curator of Exhibits but an associate in that field.

Mayor Williams entertained a motion to Revisions to Curator of Exhibits Job title - Hubbard Museum of the American West.

Councilor Holman moved to approve Revisions to Curator of Exhibits Job Title - Hubbard Museum of the American West as recommended by Ray Pawley. Seconded by Councilor Miller.

H. John Underwood, City Attorney asked Mr. Pawley if the job description and the name of museum technician adequately filled your concerns in place of a Curator?

Ray Pawley said yes but there will be a request for another one.

Councilor Holman asked if that would be a full-time and not a part-time?

Ray Pawley said yes and that is what we would need. The exhibits person would also be expected to take on other responsibilities in Collections.

Councilor Holman asked what the salary for that position was going to be?

Carol Virden, City Clerk/Treasurer said I believe Mr. Mandel is currently with salary including benefits over and above approximately \$50,000.00.

Councilor Miller asked if they would go by experience according to what they make?

Carol Virden said we and Mr. Pawley had discussed this and we were going to bring in a museum technician at a lower hourly rate of pay. Give me a minute.

The person coming in couldn't expect to draw the salary. David did an excellent job. The person coming in would be a trainee.

Councilor Holman said that is what I was hoping to hear.

Councilor Miller told Mr. Pawley that coming in and learning under you they would learn a lot.

Carol Virden said the Curator of Exhibits is at \$35,817.60 on an annual salary and with all of the benefits it would be \$50,669 to \$50,790. The average salary for a museum technician in New Mexico is \$27,000 without benefits.

Councilor Holman asked what the Council was thinking?

Ray Pawley said coincidentally there is a bright young lad who has been doing some work over at the museum and he is the person I do have an eye on.

Carol Virden said please keep in mind that we do have to follow the Personnel Policy Manual in the process of posting the position for seven days. If we do not get interest then we will advertise it in a newspaper of general circulation.

Councilor Holman asked if there would be a salary range posted with that advertisement?

Carol Virden said yes.

Mayor Williams asked Mr. Pawley what is the need for downgrading this position?

Ray Pawley said the position that has been held by David Mandel is a full blown Curator of Exhibits and I believe it would be a good idea to start with someone that we can train along the line of what the museum needs.

Mayor Williams asked Ray Pawley if he was eliminating the Curator of Exhibits position and adding the museum technician position?

Ray Pawley said no, not eliminating, it would be the technician position we would be filling.

Mayor Williams said you are talking about a brand new position.

Carol Virden said I guess I'm confused and maybe John can come in on this. When we talked about this and because the Hubbard Museum of the American West are very limited in their revenue source and expenses so there is not a lot of money there. When we talked about the Museum Technician it was to replace or make the revision from Curator of Exhibits to Museum Technician because you can't have the two positions because you don't have the monies. So, we're not creating a new position, we are replacing with a Museum Technician which assists you and is a person that can put exhibits together. In the future there won't be another position like you would wish for a Curator of Exhibits.

Ray Pawley said if a need came up down the road for a classic period of the exhibit we would have to stop.

Carol Virden said sometime in the future you would have to make sure you have those revenues to cover all of those expenses.

Ray Pawley said so then we would take on a person as a Museum Technician and have that job description and would not have a Curator of Exhibits.

Carol Virden said that's correct.

Ray Pawley said and then if there becomes a need in the future we could discuss that.

Carol Virden said that's correct.

Ray Pawley said I don't have any intention of an appeal for a Curator of Exhibits at this time but I wanted to know if that option was available at a future date.

Carol Virden said I think that it would be.

Mayor Williams asked Ray Pawley what is the difference between a Curator and this Technician that you would want to have a Technician instead of a Curator?

Ray Pawley said the Curator of Exhibits is typically someone who has had experience at another institution and they would be coming into a position of Curator of Exhibits with experience and background in exhibit construction, someone who had performed satisfactorily at another location. I don't see that happening at this point. What I see happening is looking for someone who has a lot of talent and flexibility in their career as an exhibit position.

Mayor Williams said I know I'm drawing this out but I'm asking about the fact that you're telling me that you want to tell me that we can't bring in quality to a quality establishment like the museum and that you want to downgrade that. That tells me that the stature of the museum is going to be diminished.

Ray Pawley said what I'm doing is stepping into the position of Curator of Exhibits in a sense. Not formally but I would function as a Curator of Exhibits and provide training and opportunity for whoever would be coming in as the Technician.

Mayor Williams said there is nothing in this person's education showing a background in this. What are you looking for in someone having a background in education to fill that position?

Ray Pawley said a lot of the positions require a specific kind of background in terms of education, Bachelor's, Master's, PhD whatever. In many museums this is not as rigidly laid out and certainly with Exhibit Curator's. I'm looking for someone with a lot of enthusiasm, academic background, and able to identify with the needs of both the public and what the museum will be for. As far as education in my mind there is no specific minimum degree. What I'm looking for is someone who has some background and some academic experience.

Mayor Williams asked during this process of training you are going to be the one putting the exhibits together?

Ray Pawley said yes.

Mayor Williams asked Mr. Pawley what type of exhibits he was looking to bring into the museum?

Ray Pawley said I'm looking at exhibits that people are going to say I can't wait to come back. I tailor the exhibit to the people. In Santa Fe at the History Museum I saw an exhibit with a chuck wagon and all of the table settings laid out on the table. If I were going to set up a chuck wagon exhibit the chuck wagon would have one wheel knocked off as if it hit a rock and now the chuck wagon is tilting and all of the contents would be scattered about. All of the contents would be labeled. The right wheel would be slowly rotating to indicate that this problem had just happened. To add a little zing to it in the simulated shadow of a rock you could have a rattlesnake there and when someone comes too close it would cause the rattlesnake to buzz. I think that here we have to have exhibits that will compete.

Mayor Williams said your description and type of tasks the person has to be pretty good at a lot of things. He asked Carol if in-house means a current employee?

Carol said yes.

Mayor Williams asked Ray Pawley if in his mind this is the best for us for this museum at this time to move forward with this technician?

Ray Pawley said exactly. If this were a large museum that had a lot of staff we could narrow it down and eliminate some of the diversity. This museum, small as it is, needs some very bright people with the ability to function among the variety.

Mayor Williams said after filling this one there is another one coming open and what are you going to do to fill that one?

Ray Pawley said that person is going to be needed to fill in on what everybody else is doing at the museum. I'm still working on that.

Mayor Williams asked how many people are now working at the museum?

Ray Pawley said there are four people.

Carol Virden said I want to take you back to November 2012 when we did under the recommendation of Mr. Kofakis that all the remaining employees would be cross-trained in every aspect and I'm hearing Mr. Pawley say he will cross-train the technician to do the gift shop to help Janis, Teresa, Anne, and Tom.

Ray Pawley said in doing the cross-training this means the people like Janis they cannot put as much time in on their capacity because they aren't functioning in that and are filling in for those that are gone. This makes a delay factor that could be a detriment down the road. So, we're going to fill in at this time.

Mayor Williams asked how the volunteer base was?

Ray Pawley said the volunteer base has been stretched but the need to provide all the incentive we can for Janis who is in charge of that segment because it is critically important to get all the help we can get.

Mayor Williams entertained a motion to Revisions to Curator of Exhibits Job Title - Hubbard Museum of the American West as recommended by Ray Pawley.

Councilor Holman moved to approve Revisions to Curator of Exhibits Job Title - Hubbard Museum of the American West as recommended by Ray Pawley. Seconded by Councilor Miller.

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

Mayor Williams stated the next item on the agenda was - Consider Mayor's Appointment to Economic Development Board.

Mayor Williams said I have a request from Amanda Greer.

Mayor Williams entertained a motion to approve Mayor's Appointment to Economic Development Board.

Councilor Miller moved to approve Mayor's Appointment to Economic Development Board. Seconded by Councilor Hood.

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

The next item on the agenda was from the Consent Agenda - Consider Approving Wastewater Treatment Plant Operating Invoice for July 2013.

Councilor Miller moved to approve Wastewater Treatment Plant Operating Invoice for July 2013. Seconded by Councilor Holman.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Approving Resolution No. 2013-10 A Resolution Adopting Regulations Regarding the Procurement Process of the Municipality Pursuant to the Requirement of the Procurement Code (Being section 13-1-28 to 13-1-199 NMSA 1978, as Amended) and Public Works Contracts (Being section 13-4-1 to 13-4-42 NMSA 1978, as Amended).

Mayor Williams said the reason for this is the purposes of the Procurement Code are to provide for fair and equitable treatment of all persons involved in public procurement to maximize the purchasing value of public funds and to provide safeguards for maintaining a procurement system of equality and integrity. He said the Code applies to every expenditure of local public bodies on the items of tangible personal property, services, and construction. Your taxpayer's money is being spent according to the Code according to the threshold of financing of the services or products or construction. If it gets to a threshold below it then the item can be paid to who the service goes to. At the threshold you have to get three bids. The lowest bid is usually the one accepted.

Mayor Williams entertained as motion to approve Resolution No. 2013-10 A Resolution Adopting Regulations Regarding the Procurement Process of the Municipality Pursuant to the Requirement of the Procurement Code (Being section 13-1-28 to 13-1-199 NMSA 1978, as Amended) and Public Works Contracts (Being section 13-4-1 to 13-4-42 NMSA 1978, as Amended).

Councilor Hood moved to approve Resolution No. 2013-10 A Resolution Adopting Regulations Regarding the Procurement Process of the Municipality Pursuant to the Requirement of the Procurement Code (Being section 13-1-28 to 13-1-199 NMSA 1978, as Amended) and Public Works Contracts (Being section 13-4-1 to 13-4-42 NMSA 1978, as Amended). Seconded by Councilor Miller.

Councilor Holman said I want to go to Carol and Terri because that's where I put my trust.

Carol Virden said what the Mayor said is absolutely correct but I also want to say that this Resolution is on the agenda for the reason specifically that it is a part of the Community Development Block Grant regulations that we have to adopt every year in order to apply

for the next funding cycle. We do follow the Procurement Code and the City of Ruidoso Downs also has its Procurement Code as well and we are a little stricter than the New Mexico State Statutes are.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approving Resolution No. 2013-11 Adoption of Required Community Development Block Grant Policies & Certifications

- Citizens Participation
- Fair Housing Plan
- Residential Anti-Displacement & Relocation Assistance Plan
- Section 3 Plan
- Resolution No. 2012-15 Procurement Code

Mayor Williams entertained a motion to approve Resolution No. 2013-11 Adoption of Required Community Development Block Grant Policies & Certifications.

- Citizens Participation
- Fair Housing Plan
- Residential Anti-Displacement & Relocation Assistance Plan
- Section 3 Plan
- Resolution No. 2012-15 Procurement Code

Councilor Miller moved to approve Resolution No. 2013-11 Adoption of Required Community Development Block Grant Policies & Certifications. Seconded by Councilor Holman.

- Citizens Participation
- Fair Housing Plan
- Residential Anti-Displacement & Relocation Assistance Plan
- Section 3 Plan
- Resolution No. 2012-15 Procurement Code

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approving Agenda Briefing Memorandum – Finance Director - Previous Fiscal year 2012-2013 Municipal Courts June 4, 2013 in the amount of \$50.00 Alternate Municipal Judge.

Terri Mosley, Finance Director said at year end of June 30th this request was not turned in to pay the Alternate Judge Ronald Burton. Now because it is past the year end it is now considered previous year expenditure. In order to pay him the \$50.00 we need the Council's approval.

Mayor Williams entertained a motion to approve Agenda Briefing Memorandum – Finance Director – Previous Fiscal Year 2012-2013 – Municipal Courts June 4, 2013 in the amount of \$50.00 Alternate Municipal Judge.

Councilor Hood moved to approve Agenda Briefing Memorandum – Finance director – Previous Fiscal Year 2012-2013 – Municipal Courts June 4, 2013 in the amount of \$50.00 Alternate Municipal Judge. Seconded by Councilor Miller.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approving Agenda Briefing Memorandum – Finance Director – Previous Fiscal Year 2012-2013 – Fire Department – Advanced Communications in the amount of \$1,876.62.

Terri Mosley, Finance Director said this had a Purchase Order number assigned before the order was placed but the invoice did not come into Finance until after the year end so it is considered a previous year expenditure.

Mayor Williams entertained a motion to approve Agenda Briefing Memorandum – Finance Director – Previous Fiscal Year 2012-2013 – Fire Department – Advanced Communications in the amount of \$1,876.62.

Councilor Hood moved to approve Agenda Briefing Memorandum – Finance Director – Previous Fiscal Year 2012-2013 – Fire Department – Advanced Communications in the amount of \$1,876.62. Seconded by Councilor Miller.

Roll call votes: Councilor Holman, Aye; Councilor Hood, Aye; Councilor Miller, 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 Other Business – Updated Financial Status Report – Hubbard Museum of the American West and Lincoln County Transit.

Terri Mosley, Finance Director said I just passed out the August report that I just closed out. Lincoln County Transit at the end of August has \$13,592.83 and the museum has a balance of \$33,478.86.

PUBLIC INPUT

(All concerns to be addressed only to the Governing Body as Whole with a 3-Minute time limit)

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

Wayne Williams said the other day my neighbor came to me and said he was approached by Cleatus Richards, Public Works Director and was told that he was going to dig a water run-off ditch across his property. After four quick claim deeds signed over to the property owner, three of them gave me total easement back to him and the third gave half of it back. This option was discussed at the time and the State said it would only be used for the purpose of a well. I do thank you for the concerns about the mud and the water run-off every time it sprinkles, however digging a ditch at this spot in the neighborhood will not cure the problem but only make it worse. The results are the problem and not the problem itself. If this is Cleatus idea or someone else needs to go back to engineering school if they have ever been there in the first place. If they have no schooling maybe you should let some of these people go and find somebody that does because this damage has got to be cured. You can't have this damage going on. I'm not an engineer but I do have something the City doesn't seem to have and that's common sense. I'm going to spell this out one more time and hopefully you will understand where it's coming from. The run-off at the top of the hill must be fixed at the source. The whole side of the mountain is fixing to come down. I'll take you and show it to you. Our Planning & Zoning Department allowed someone to dig into the side of the mountain with no regard to the water run-off. The intersection of Joe Welch and North Lane is being damaged almost to the point as it is at the west end of North Lane where the road has to actually be closed. The intersection of Joe Welch and Highlands Lane must be repaired. As of this date the intersection is uphill at all four directions. The water must back up high enough to where people with small cars should not be allowed to cross the water before it can run on to the river. The natural flow of water at the end of Highlands Lane must be reestablished so water will not have to run uphill over 150 yards before it can go back to the river. The Day's property, that west end of North Lane where the City dug a ditch must be lined with rocks or cement all the way up the canyon where the City invaded that mountainside. It's got to be because it's just washing all of that mud right into the streets. The road at that particular intersection is closed and has been closed ever since the first rain. This is not an old problem. This problem has been here forever. No it has not been here forever, excuse me. The only one I did not complain about at the time was the digging back into the mountain. At the time I

figured Planning & Zoning knew what they were doing. I was wrong. If I have enough time I'd like to apologize for something I brought up before this Council a while back. I made the comment that we spent \$60,000 on bottled water. I was wrong, way wrong. It was more like \$7,000 or \$8,000. I put some figures in wrong and I'm sorry for making that statement. However, the part that frightens me is not a single person from the City said wait, you're crazy. Nobody even bothered to investigate if there really was \$60,000 but I'm sorry for making the mistake.

CLOSED SESSION

Discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 H.7 NMSA 1978

- D-1226-CV-2013-196

Mayor Williams entertained a motion to go into Closed Session for the discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 H.7 NMSA 1978

- D-1226-CV-2013-196

Councilor Miller moved to approve to go into Closed Session for the discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 H.7 NMSA 1978. Seconded by Councilor Hood.

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

Mayor Williams closed the regular meeting at 6:21 p.m. and invited H. John Underwood, City Attorney, Chief Rupp and City Clerk, Carol Virden and called for a five minute recess.

Mayor Williams entertained a motion to go back into Open Session.

Councilor Miller moved to go back into Open Session. Seconded by Councilor Holman.

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

Mayor Williams called the regular meeting back to order at 6:36 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Closed Session were that of discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 H.7 NMSA 1978.

Councilor Hood attested to the fact that the only items discussed in Closed Session were that of discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 H.7 NMSA 1978 and no action was taken.

Any action taken as a result of the Closed Session will be brought back into Open Session.

ADJOURNMENT

There being no further business to attend to Councilor Holman moved to adjourn the meeting at 6:37 p.m. Seconded by Councilor Miller. All were in favor and motion carried.



Gary L. Williams, Mayor



Carol Virden, City Clerk/Treasurer