

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
APRIL 28, 2014  
4:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on April 28, 2014. Mayor Williams called the meeting to order at 4:30 p.m. and asked Officer Winrow to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Miller  
Councilor Morales

Councilor Perry

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

Absent: Councilor Hood

Also present:

H. John Underwood, City Attorney  
Christopher Rupp, Police Chief  
Mary Castaneda, Finance Director  
Cleatus Richards, Public Works Director  
Janis Rowe, Associate Director-HMAW

APPROVAL OF AGENDA

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

Councilor Miller moved to approve the agenda. Seconded by Councilor Morales.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, 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 Morales moved to approve the Consent Agenda. She said under the Department Reports I would like to commend Kenny Ellard for your report with the pictures and everything. Seconded by Councilor Miller.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye.  
Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF APRIL 14, 2014.

Councilor Morales moved to approve Minutes of Regular Meeting of April 14, 2014.  
Seconded by Councilor Miller.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye.  
Motion carried.

APPROVAL OF ACCOUNTS PAYABLES

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

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye.  
Motion carried.

APPROVAL OF MONTHLY REPORTS

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

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye.  
Motion carried.

APPROVAL OF COMMITTEE REPORTS

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

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, 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 had no comments.

Mayor Williams stated the next item on the agenda was - Councilor's Comments.

Councilor Miller said we did have our Easter Egg Hunt at the River Park. It went over really well. We have probably over eighty children. Of course they were done in thirty

minutes and everybody really enjoyed it. The weather was good until we were ready to leave and then it started raining. She thanked Kenny for bringing the fire truck and bringing the Easter Bunny down.

Mayor Williams stated the next item on the agenda was – Approval of Agenda Briefing Memorandum – Granting Permission to Provide Information Regarding Painting in HMAW Collection.

Janis Rowe, Associate Director HMAW said the painting that we are talking about is Colonel Archibald Rogers. He was Ann Stradling's grandfather and it was done by Eastman Johnson who was a very famous painter in the late 1800's. We have been asked by Boston University to provide information on this painting that they don't have in their collection. They want a photograph, dimensions of the painting and the ownership history. I need your approval to do that.

Mayor Williams entertained a motion to approve agenda Briefing Memorandum – Granting Permission to Provide Information Regarding Painting in HMAW Collection.

Councilor Miller moved to approve Agenda Briefing Memorandum – Granting Permission to Provide Information Regarding Painting in HMAW Collection. Seconded by Councilor Perry.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval of Agenda Memorandum – Granting Permission to Continue Pursuing the Possibility of a Donation to Existing HMAW Collection.

Janis Rowe, Associate Rowe HMAW said it's been brought to my attention that this gentleman wants to donate a stone pipe of Southwest origin. It is unlike anything we currently have in our collection and it would complement our collection. Dr. Green who is a volunteer at our museum and a doctorate of anthropology and archeology is helping Dakota go through our collection and has recommended that we get this item. He wants to donate it and he will get it here to us. We ask for your approval to accept this donation.

Mayor Williams entertained a motion to approve Agenda Briefing Memorandum – Granting Permission to Continue Pursuing the Possibility of a Donation to Existing HMAW Collection.

Councilor Morales move to approve Agenda Briefing Memorandum – Granting Permission to Continue Pursuing the Possibility of a Donation to Existing HMAW Collection. Seconded by Councilor Miller.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye.  
Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval of Agenda Briefing Memorandum – HMAW – Replacing Display at the Lodge at Sierra Blanca.

Janis Rowe, Associate Director HMAW said back in 2009 Steve Tally was the General Manager at the Lodge at Sierra Blanca. He received a display from our collection and it does have “Courtesy of the Hubbard Museum of the American West” inside the display. He has requested a change. She said Dakota Crouch has been corresponding with Steve Tally and they think they want to do a display of a stagecoach. The loan would be a value of about \$785. We need your approval to get this loan ready and pick up the old one.

Mayor Williams entertained a motion to approve Agenda Briefing Memorandum – HMAW – Replacing Display at the Lodge at Sierra Blanca.

Councilor Miller moved to approve Agenda Briefing Memorandum – HMAW – Replacing Display at the Lodge at Sierra Blanca. Seconded by Councilor Morales.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye.  
Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval of Agenda Briefing Memorandum – Requesting Permission to Renew Collection Loan – Pursuant to Loan Policy 2014-01.

- Lea County Museum - Mannequin of a Sorrel
- Wheels Museum in Albuquerque – Mannequin of a Mule

Janis Rowe, Associate Director HMAW said the Lea County Museum and the wheels Museum in Albuquerque are asking to renew these loans. It’s just a matter of getting the paperwork to them and then the items will stay there another year.

Mayor Williams entertained a motion to approve Agenda Briefing Memorandum – Requesting Permission to Renew Collection Loan – Pursuant to Loan Policy 2014-01.

- Lea County Museum – Mannequin of a Sorrel
- Wheels Museum in Albuquerque – Mannequin of a Mule

Councilor Miller moved to approve Agenda Briefing Memorandum – Requesting Permission to Renew Collection Loan – Pursuant to Loan Policy 2014-01.

- Lea County Museum – Mannequin of a Sorrel

- Wheels Museum in Albuquerque – Mannequin of a Mule

Seconded by Councilor Perry.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye.  
Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval of Agenda Briefing Memorandum – DeAssession of Remington Entitled “Bigelow Traveling Outfit” a/k/a “Four in Hand.”

H. John Underwood said back when the museum was gifted to the City there was an actual document specifying what parts of the Hubbard Art Collection was going to be transferred to the City with that gift. There was a Remington that was transferred from the Hubbard Art Museum to the Hubbard’s Hall of Fame prior to that gift being made. For one reason or another the physical transfer of that piece of art was never made and so it remained at the museum and apparently was put in the vault. It was subsequently reassessed to the property of the City by Jay Smith and John Waters in 2006. It stayed with the City’s possession until this past month on April 8<sup>th</sup>. Our Director was contacted by the Hubbard representative who said have you seen the Remington? It was reported as existing in the vault and on our hard copy it still shows that it was reassessed to the City. That artwork was physically handed over to the representative of the Hubbard’s on April 8, 2014. Because of the fact that it needed to be deassessed by formal action of the Council I requested that it be brought to the Council. By the documents that I reviewed it was never a part of our collection anyway.

Mayor Williams entertained a motion to approve Agenda Briefing Memorandum – DeAssession of Remington Entitled “Bigelow Traveling Outfit” a/k/a “Four in Hand.”

Councilor Miller moved to approve Agenda Briefing Memorandum – DeAssession of Remington Entitled “Bigelow Traveling Outfit” a/k/a “Four in Hand.” Seconded by Councilor Perry.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye.  
Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Agenda Briefing Memorandum – Requesting Job Description Change and Pay Increase for Annie Spotts.

Janis Rowe, Associate Director HMAW said the reason I’m asking this for Annie is because her job description has changed over the last several months and I needed help with membership and scheduling events especially for the summer. She is doing all that for me. We have transferred the program from my computer over to hers and I’m training her on

that. She helps us physically set up for these events and that is something she's never been involved with before. I am respectfully that her job description be changed from Department Secretary to Office Manager and also requesting a pay increase of \$1.50 an hour and not to begin until July 1<sup>st</sup>.

Mayor Williams entertained a motion to approve Agenda Briefing Memorandum -- Requesting a Job Description Change and Pay Increase for Annie Spotts:

Carol Virden, City Clerk/Treasurer said I believe it was April 9<sup>th</sup> or 10<sup>th</sup> for it to be placed on the agenda. I did inform the Associate Director to make herself aware of the Personnel Policy Manual Chapter 3 and I did give her the incorrect Rule 302 and I did email her with the correction to be Rule 307. I don't believe that it is a decision of the City Council to make to upgrade the title of the job description. As we all know excluding Councilor Morales in November 2012 it was a recommendation from Jim Kofakis with a reduction of salary for several of their employees that they would all be cross-trained in all departments. She was made aware that the request for additional fee would be a discussion between the department head and the Budget Committee that is scheduled for May 2<sup>nd</sup> as well as May 5<sup>th</sup>. I'm not sure which day the museum will be before the Budget Committee.

Janis Rowe, Associate Director HMAW said yes we were told that we had to cross-train but the cross-training was to take place for the Gift Shop and the visitor service representative. It is impossible to cross-train like in graphics because my computer is the only one with the graphics program. There are still things that my job entails me to do that others are not capable of doing because they don't have the program. We couldn't cross-train someone to do graphics unless you bought \$1,700 software for someone else's machine.

Mayor Williams asked Carol if the Council should only be able to decide on this if recommendation is brought forward by staff to include the information from Chapter 3 and also recommendation and dedication from budget and finance to be considered?

Carol Virden, City Clerk/Treasurer said this is my take on this and Mr. Underwood is certainly welcome to jump in and correct me if I'm wrong. If the Council makes a decision on the request from the Associate Director Janis Rowe on requesting a job description change and a pay increase for Anne Spotts then what we are doing is violating the Personnel Policy Manual that was adopted and approved by the governing body.

H. John Underwood, City Attorney said I don't disagree with that.

Janis Rowe, Associate Director HMAW said I did read that corrected one.

Mayor Williams said I will open it up for discussion without a first and a second to ask any questions before we move on.

Councilor Morales said I don't have any questions but I wanted to postpone this anyway until after we had the Budget Workshop and see what we had for salaries for all departments and the museum and go through the budget.

Councilor Miller said we do need to follow our Personnel Policy Manual and that it goes to the Payroll/Personnel Department for sure.

Mayor Williams entertained a motion to approve Agenda Briefing Memorandum – Requesting Job Description Changes and Pay Increase for Annie Spotts.

Councilor Morales moved to postpone this item until after Budget Workshops and approval of the budget for the next fiscal year. Seconded by Councilor Miller.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Consider Scheduling Date(s) and Time for Budget Workshop(s) for 2014-2015 Fiscal Year.

Carol Virden, City Clerk/Treasurer said earlier the Budget Committee will be meeting with Department Heads on May 2<sup>nd</sup> and May 5<sup>th</sup>. We do have available possibly May 14<sup>th</sup> and May 15<sup>th</sup>.

Councilor Morales asked if that was in addition to the two we have set now for May 2<sup>nd</sup> and May 5<sup>th</sup>?

Carol Virden, City Clerk/Treasurer said the Budget Committee will meet with each Department Head on their requests. They have already submitted their needs for 2014-2015 and Mary has already plugged those numbers in. When she does that it comes out with something like a financial statement if we're in line with our revenues. We do not include our projected cash balance. What we call a balanced budget is the projected revenues for the next coming year and the projected expenses for the next coming year. Once that happens if no one has a change then we schedule a budget workshop as a whole and the governing body goes through it and asks questions, department heads they can express their other needs and plug those numbers in and see if it works. If nothing changes and stays in order and is in balance then the governing body at their last Council Meeting of May will approve the Preliminary Budget so it can be up in Santa Fe by June 1<sup>st</sup>.

Mayor Williams stated that after Council discussion it was decided to hold the budget workshops on May 14<sup>th</sup> and May 15<sup>th</sup> at 5:00 p.m.

#### OTHER BUSINESS

**(Items are for discussion only – no action will be taken)**

## Updated Financial Status Reports – Hubbard Museum of the American West and Lincoln County Transit.

Mary Castaneda, Finance Director said this is through April 22<sup>nd</sup> and the Lincoln County Transit beginning cash balance was \$28,859.95 They had \$950 worth of revenues. Their expenditures were \$39,061.76 leaving them with an ending cash balance of \$25,848.19. The museum had a beginning cash balance of \$52,200.51. The revenues through April 22<sup>nd</sup> was \$10,754.48. Their expenditures were \$22,216.50 and that leaves them with an ending cash balance of \$40,738.49.

### PUBLIC INPUT

**(All concerns to be addressed on to the Governing Body as a whole with a 3-minute time limit)**

Wayne Williams said I live over in what is referred to as Spaghetti Flats. A while back we asked you to put up a speed limit sign because the traffic was going so fast down Highlands Lane and I appreciate that. It is posted at 25 mph and it has slowed down. However the gravel road on North Lane behind there as the Mayor knows the flood water comes down that road every time it rains and it's rough at times to say the least. The school bus that comes down that road well my wife stopped him the other day to talk to him. He said I'm doing 25 mph and that's the posted speed limit. If they're trying to stop on a rough gravel road when there's kids playing out there all the time then 25 mph is too fast. Either the road needs to be fixed where they can't drive that fast or put some speed bumps or post it to 15 mph which is the normal school zone. It's not a school zone but it's the street that the bus takes.

Pam Williams said that road is very narrow. What you've done is we have berms that are really high, there's no pulling off and the bus is kind of like they just run through and there's no place for anyone to go. That's right at my fence and you've put a berm at my fence and a berm on the other side and is too narrow for two vehicles to pass. If everyone is going 25 mph you better look out. We need someone to look at it.

### CLOSED SESSION

Limited Personnel Matters Pursuant to Section 10-15-1 H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee.

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

Mayor Williams entertained a motion to go into Closed Session for Limited Personnel Matters Pursuant to Section 10-15-1 H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee.

Councilor Miller moved to go into Closed Session for Limited Personnel Matters Pursuant to Section 10-15-1 H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee. Seconded by Councilor Morales.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye.  
Motion carried.

Mayor Williams closed the regular meeting at 5:01 p.m. and invited H. John Underwood, City Attorney, Carol Virden, City Clerk/Treasurer and called for a five minute recess.

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

Councilor Morales moved to go back into Open Session. Seconded by Councilor Perry.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye.  
Motion carried.

Mayor Williams called the regular meeting back to order at 5:56 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Closed Session were Limited Personnel Matters Pursuant to Section 10-15-1 H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee.

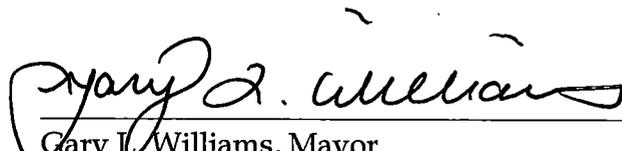
Councilor Morales attested to the fact that the only items discussed in Closed Session were Limited Personnel Matters Pursuant to Section 10-15-1 H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee and that no action was taken.

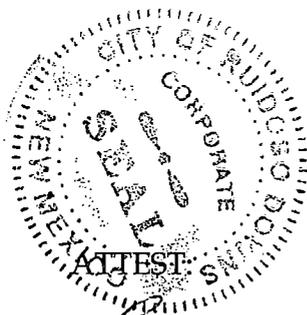
Councilor Miller moved to uphold recommendation from Mayor. Seconded by Councilor Perry.

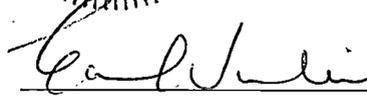
Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye.  
Motion carried.

#### ADJOURNMENT

There being no further business to attend to Mayor Williams adjourned the meeting at 5:57 p.m.

  
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Gary I. Williams, Mayor



  
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Carol Virden, City Clerk/Treasurer