

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
SEPTEMBER 11, 2003

The Council of the City of Ruidoso Downs met in regular session on September 11, 2003. Mayor Miller called the meeting to order at 5:30 p.m. and asked Mr. Beaver to lead the Pledge of Allegiance.

Mayor Miller asked for a National moment of silence for the victims of 9-11.

Upon roll call, the following were present:

Councilor Miller Councilor Morales
Councilor Garrett Councilor Olivo

Administrator Waters informed Mayor Miller there was a quorum.

Also present were:

Dan Bryant, City Attorney
John P. Waters, City Administrator
Carol Virden, City Clerk/Treasurer
Tom Armstrong, License/Permits Supervisor
Ken Mosley, Public Works Director
Robert Logan, Chief of Police

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the Agenda after pulling Item 11. C. Consider approval of personnel recommendation, police officer position. Motion was made by Councilor Morales and seconded by Councilor Miller to approve the Agenda. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

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

APPROVAL OF MINUTES OF AUGUST 25, 2003 REGULAR MEETING

Motion was made by Councilor Miller and seconded by Councilor Olivo to approve the Minutes of the August 25, 2003 Regular Meeting. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

ACCOUNTS PAYABLE

Motion was made by Councilor Miller and seconded by Councilor Olivo to approve the Accounts Payables. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

MONTHLY REPORTS

Motion was made by Councilor Miller and seconded by Councilor Olivo to approve the following reports:

Fire Report	Animal Control Report	Maintenance Report
Court Report	Code Enforcement Report	Public Works Report
Police Report	Permits & Licensing Report	

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

UNFINISHED BUSINESS

None

PUBLIC HEARING

Mayor Miller stated an Ordinance amending “Chapter 1, Article 3 Legislative Branch - The Board of Trustees, Section 1 titled “Board of Trustees” of the City of Ruidoso Downs Code of Ordinances.

Mayor Miller opened the public hearing to public comments and stated comments will be accepted in the following order. First those that oppose the amendment and then those that support the amendment. Interested persons must approach the podium, one at a time, state their name and present their testimony. A limit of five 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 action.

Are there any persons here to speak in support of the action? Administrator Waters stated as was requested of staff at the last meeting, we have brought the ordinance change before the Council to call for a Special Election to increase the number of city councilors from a current number of four to six city councilors. Essentially that is the only change being made at this time.

Mayor Miller closed the Public Hearing.

NEW BUSINESS

Mayor Miller asked for a motion and a second. Councilor Morales moved to approve adopting Ordinance 2003-05, an Ordinance amending “Chapter 1, Article 3 Legislative Branch - The Board of Trustees, Section 1 Titled “Board of Trustees” of the City of Ruidoso Downs. Seconded by Councilor Garrett. Roll call votes:

Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

Motion was made by Councilor Miller and seconded by Councilor Olivo to approve to advertise for bid for new bay doors with electric openers for the Fire Department. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Council Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consideration of type of election if passage of Ordinance No. 2003-05, an Ordinance amending "Chapter 1, Article 3 Legislative Branch.

Clerk Virden stated she would like to go through the process and give the Council the option to choose the type of election that will be placed on the Special Election Resolution that will be brought before the Council on September 25th. I have provided Council and the Mayor with an Agenda Briefing Memorandum. I had called Ernie from Ink Impression and asked him about a mail-in ballot. The mail-in ballot consists of taking the total number of registered voters for Ruidoso Downs and at the time that I called there were 994 qualified registered voters. They prepare a packet and the packet contains an enter envelope, an outer envelope, the ballot itself, instructions for the ballot, plus the equipment to scan the results. That is \$1.75 per packet at a total cost of \$1,739.50. The cost for the postage for each piece would be \$0.28 with a total of \$278.32. Those costs do not include the publications required under the election code which will be our election resolution that will run four consecutive times and the publications for the precinct board, the alternate board, polling place and the consolidation of the precinct. I went back through our special election and got the costs for those publications and the compensation for the board which we will only have to have three if we do a mail-in ballot. That is a total costs of \$3,035.97 estimated. If we go with the regular special election, the total cost including the publications, the compensation to the precinct board, having a voting technician available in case the machines goes down would be an estimated cost of \$1,554.78, a big difference of a little over \$1,400. The advantage, I guess, to the mail-in ballot you probably get more percentage-wise of qualified electors mailing that ballot back in comparison to having a regular special election where you may have 90 people out of the 994 come. Those are the options available. Also, keep in mind we will have to make a budget adjustment because we did not budget for a special election although we did budget for the regular election in March of 2004.

Councilor Garrett asked there is no certain percentage that has to vote, right and Clerk Virden responded there is no percentage involved in this. I know Councilor Morales asked me at the last Council meeting if we adopted this ordinance which we did tonight and we had the election resolution available tonight, when the election would be. I did say it would be on November the 6th. Because we do not have the election resolution on tonight's agenda but it will be on the 25th, the election will be held on Thursday, November 20th.

Attorney Bryant said the way it works with a mail-in ballot, that date rather it be November the 6th or November the 20th, by 7 p.m. that date by whatever means of delivery the ballots have to be returned here to the City Clerk's office. Some come in by mail and some people hand deliver; the cut-off time is 7 p.m. that night. Thereafter, those results are canvassed by the precinct board, run through the machine and scanned and the votes are counted. That process is a little different in a regular election where people show up and vote on the machine and then you read the tally off of the machine. If we do it that date is November 20th, we will be able to mail out the ballots by about October 24th so the people will be able to vote any point between October the 24th and November 20th.

Clerk Virden said I want Council to know that Ink Impression will be down here to trains us and they will be down here on election night as well to get those results instantly; it only takes about ten minutes. The advantage to that is we don't have to go through the absentee voter process; no publications on that. Early voting has been repealed by Senate Bill 540 so they kind of combined absentee/early voting. That is probably the only advantage to that and also you get more of a turn out with a mail-in ballot in comparison to a regular special election.

Councilor Morales asked is one any more work for you. Clerk Virden said to be very honest this would be my first opportunity to go through a mail-in ballot. I never have and I would like to take that opportunity. I don't know if you can determine or make a decision based upon if it is more work for us or not. We are going to do it one way or the other; whichever the Council chooses.

Councilor Miller said the problem I see with a mail-in ballot is that there are a lot of names on that voter registration list that are no longer here. It was a big waste of money when I mailed out letters. I have two big plastic bags at home to show you that came back to me from registered voters. So it is a big waste of money as far as I am concerned. Those people think that is junk mail and they are going to throw it in the garbage. Most of them are not going to look at it. I think if people are interested in this they will go vote. We have had people elected on this Board with 50 votes many times in the past. If the people are interested in it they will go out and vote for it and if they are not they won't. I think that is a big expense and I would no way do the mail-in.

Councilor Morales said the problem is they don't purge the voter registration list like they should. We have people on there that have died or moved and they never take them off.

Clerk Virden said I think they do after a certain time period.

Councilor Garrett moved to approve the Regular Special Election as the type of election for the upcoming Special Election. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

OTHER BUSINESS

Chief Logan said I would like to bring to your attention a memorandum I received from Assistant Fire Chief Badjar today in reference to a rescue call the department responded to on Sunday. Ignore the times as I think there was a little mix up in the memo on the time. The Volunteer Fire Department was called to a residence here in the City of Ruidoso Downs on the evening of Sunday, September 7th. Captain Travis Atwell and Lt. Jason Kinnick responded along with Assistant Fire Chief Badjar to a report of a female who was down and not breathing. When they arrived they found Police Officer Jim Minter starting chest compressions on the patient. They hooked up their SAED which is a semi-automated external defibrillator. By using this instrument twice, they were able to get a pulse and get the patient breathing again. Checked with the hospital and found out the patient had a massive stroke and heart attack at the same time. The patient has been flown out to the Heart Center and is recovering right now as far as we know. I would like to bring to the attention of everybody, the Fire Department purchased the first SAED in November, 2002 with two donations from Sue Garrett and the Ruidoso Downs Auxiliary and a grant from Prudential Insurance and out of the Fire Department's budget. A second SAED was purchased in December, 2002 out of the Fire Department's budget. I would like bring to everybody's attention that both of those instruments have far out paid for themselves. Kudos to Jim Badjar and the Fire Department and the combination of the Fire Department and Police Department working together as a team.

Mayor Miller said thank you very much; we appreciate that.

PUBLIC INPUT

Diane Carpenter said I am not here to complain. Every time I come to a meeting the Chief brags on his people. What about all the other people here; is no one doing well here or are they doing real good. Maybe that should be brought up.

Lee Cargile said I have been here almost eleven years and I live at 107 River Lane. North Central dead ends into my driveway. The last two to three years there have been stop signs on River Lane and North Central. I have been watching all this time, eleven years, and I have never seen, heard, read of, or have anyone tell me that so much as a fender-bender at that partial intersection. I call it partial because my vehicle is the only one that enters from the North and we have about four people coming from the West. I know there was a lot of concern when they first put up these stop signs at these three places. I watch every morning and there about maybe one or two percent of them that observe the stop signs. Some of them just slow down and go on; I even saw a school bus do it in the past couple of weeks. I would like to suggest that instead of a stop sign maybe a caution sign be put up. I understand the concern for the school children. I suggest a cautionary sign during school hours. People can see; it is not a hindrance. There is a lot of resentment. I think the stop sign on North Central has been torn down three times since it was put up. Instead of hesitating more and more they are coming through without

hesitation at all. Again, if you are worried about the school children, the buses take care of that pretty well.

Mayor Miller said I think we can handle that by doing a little survey down there, Chief. Do you think you and Mr. Mosley can handle that and Chief Logan and Public Works Director Mosley both responded yes sir.

Councilor Morales said I would just like to recognize our Clerk, Carol Virden, for being chosen for Leadership Lincoln. I think it is quite a honor and I think we should be real proud of her; we are real proud of her. I would like to wish her our condolences or compliments whatever the case may be. We are real proud of her and think she should be recognized for that. Carol Virden said thank you very much.

Councilor Garrett said just for the public's knowledge, Lincoln County Solid Waste did sign the papers to the purchase the property so they will be moving out of Ruidoso Downs eventually. I get a lot of questions about that all of the time so I am really pleased.

EXECUTIVE SESSION

Mayor Miller stated I would like to entertain a motion to go into Executive Session pursuant to Section 10-15-1(H) 7, Threatening and or Pending Litigation and Section 10-15-1(H)8, Real Property and Water Rights.

Councilor Morales made a motion to go into Executive Session stating that nothing will be discussed except threatening and or pending litigation or real property and water rights. Seconded by Councilor Garrett. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated I would like to invite Attorney Dan Bryant, Administrator Waters and Clerk Virden to attend the Executive Session and closed the regular meeting at 5:58 p.m.

Mayor Miller called the regular meeting back to order at 6:46 p.m.

Councilor Morales declared that nothing was discussed except possible action with regard to threatening and or pending litigation and no action to real property and water rights and no action was taken during Executive Session.

Councilor Garrett moved to authorize the procedure for a lawsuit between the City of Ruidoso Downs and 3B's New Mexico Limited Liability Company. Seconded by Councilor Olivo. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller entertained a motion to adjourn.
Motion was made by Councilor Morales and seconded by Councilor Miller to adjourn at 6:27 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer