

MINUTES OF THE RESCHEDULED REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
NOVEMBER 24, 2003

The Council of the City of Ruidoso Downs met in regular session on November 24, 2003. Mayor Miller called the meeting to order at 5:30 p.m. and asked Barbara Green to lead the Pledge of Allegiance. 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, Licensing/Permits Supervisor  
Robert Logan, Department of Public Safety Director  
Ken Mosley, Public Works Director

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the agenda. Motion was made by Councilor Miller and seconded by Councilor Olivo 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 Morales 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 NOVEMBER 13, 2003 REGULAR MEETING

Motion was made by Councilor Morales and seconded by Councilor Olivo to approve the Minutes of the November 13, 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 Morales and seconded by Councilor Olivo to approve the Accounts Payables. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

## UNFINISHED BUSINESS

There was no unfinished business.

## NEW BUSINESS

Mayor Miller stated first item on the agenda, consider approving and adopting Resolution 2003-27 - Regular Municipal Election - March 2, 2004.

Administrator Waters stated this resolution precedes your election in March 2004; this will be the regular municipal election for the two open council seats as well as the mayoral election and municipal judge. It is a standard resolution prior to any of our municipal elections.

Clerk Virden said the reason you have two sets of the resolution is because we had prepared the packets prior to the election results. If it had passed, we would have asked for three councilors for a four-year term and one councilor for a two-year term. Now we will elect one mayor for a four-year term, two councilors for a four-year term and one municipal judge for a four-year term. Precincts 10, 11 and a portion of 8B will be consolidated for the regular municipal election and the designated polling place for the conduct of the regular municipal election will be at City Hall, 122 Downs Drive, Hubbard Room. Absentee Voting -The applications for absentee ballot must be completed and accepted by the municipal clerk prior to 5:00 p.m., February 27, 2004. After 5:00 p.m. on February 27, 2004 all unused absentee ballots will be publicly destroyed by the municipal clerk. The municipal clerk will accept completed absentee ballots delivered by mail or in person by the voter casting the absentee ballot until 7:00 p.m. on March 2, 2004. Absentee voting by machine will be conducted in the office of the municipal clerk during the regular hours and days of business, Monday through Friday beginning on Wednesday, February 11, 2004 and closing at 5:00 p.m. on February 27, 2004. The county clerk will close the books on February 3rd at 5:00 p.m. Declarations of candidacy shall be filed with the municipal clerk on Tuesday, January 6, 2004 between the hours of 8:00 a.m. and 5:00 p.m. The casting of votes by qualified municipal electors shall be recorded on voting machines.

Councilor Miller asked about if the annexation should go through before the election. Administrator Waters said it is probable that a decision from the Municipal Boundaries Commission will be reached on December 18th. Councilor Miller said then you would have to amend this to include their districts so they could vote. Administrator Waters said I am assuming by the annexation that all of the rights and privileges that are reserved for citizens of the municipality then becomes theirs as well. I will have to ask Mr. Bryant the timeframe between the two. I assume as long as it passes the 30-day challenge period those citizens can then vote in the municipal election and run for municipal office.

Attorney Bryant said the one thing we don't know is what precincts they are in. They may not be included in the precincts we have consolidated in this election

resolution. We have a meeting on December 29th and we may have to amend the resolution to include those folk by their precincts.

Clerk Virden said I had checked into that with Ken Hughes, a staff member of the Municipal Boundary Commission, if we get approval for Agua Fria and any residents along Highway 70 that are included in the municipality, how would that affect our election process. The Municipal Boundary Commission can place an order in their approval to allow those people to automatically come in and vote. We would have to notify the county clerk of those areas to be included with our signature roster and voter list which would avoid us having to amend our election resolution.

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve and adopt Resolution No. 2003-27 - Regular Municipal Election to be held March 2, 2004. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Morales and seconded by Councilor Olivo to approve Resolution No. 2003-28 - Emergency Colonias Water System Improvement Project Phase Ic. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Morales and seconded by Councilor Olivo to approve Resolution No. 2003-29 - Community Infrastructure Water System Improvement Project Phase 1b-2. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, Chamber of Commerce - Request for Funds. Barbara Green said I am the President of the City of Ruidoso Downs Chamber of Commerce. Our main reason for being here tonight is to request funds but first we would like to give you a little synopsis of our workshop we had that some of you attended at Zia Gas. Barbara Green introduced Mercedes Fernandez-Wells as one of the directors. Ms. Fernandez-Wells said the goal of that whole exercise was to put our head together and come up with a mission statement for our community. I think we did a wonderful job. We have given you a synopsis of some things that were discussed. I think we are all on the same page and the chamber is here to work for the city. We are volunteers here to do a lot of the things we feel are important to the city.

Mrs. Green said we have started our website and our domain name is going to be ruidosodownschamber.com. Hopefully it will be up and running within the next week or so. If any of you have any ideas of what we should put on this, please contact any of us and let us know.

As you know several months ago we came before you and asked you if we could use some land that the city owned right off Parker Road. At that time you granted

us the use of that land and we did buy a portable building to put on that land. You were going to provide water and sewer to that building. As it turns out it is going to be very costly and difficult to get water and sewer to that site. In the meantime we have found another site for our building. Ray Baker who owns property across the street from Disco Taco has approached us and offered to rent us that property for a very small amount. Since all of the utilities are on that property we decided to go ahead and do that. When we were going to have the building on city property there was a contract that had to be made between our attorney and the city attorney outlining what the city was going to provide to us and what we were going to provide in return. Now the city is not providing the land. I gave you a copy of our budget which we all think is pretty conservative. One of the main reasons I am here tonight is to request funds to help us in our operating costs and I am requesting \$7,500. As you can see it looks like we are going to be in the hole about \$4,000. Again, I think this is very conservative; we are going to have so many expenses that we haven't realized.

Ms. Fernandez-Wells said there is just one other thing I would like to add without this licensing agreement. The things that the chamber is being requested to do, we are still going to do. We are still going to provide advertising; we are still going to promote the city activities; we are still going to work with the community. We have already started working on economic development issues. I have a lady that has called three times wanting to come here, work with us and give us applications for money. There is money out there. We are still going to do that but right now we just need some start up cash.

Councilor Morales asked if the building was moved and setup. Barbara Green said no, the building is just a box. Before we can open the doors, we have to put a bathroom in it and we are going to do some landscaping around it. I think it will be very presentable. Councilor Miller asked where would these funds come from, lodgers' tax only. Administrator Waters said we do have some additional funding in the lodgers' tax non-promo. We are a little bit ahead on our revenues from lodgers' tax in general although we don't have the \$7,500. I am currently showing a budgeted positive balance of \$6,000 for our non-promo lodgers' tax we can use for this type of facility. We also have some promotional monies that we can possibly use to offset promotional costs as well.

Councilor Morales asked is the \$6,000 all that is available. Administrator Waters said within the non-promotional lodgers' tax; everything else has been budgeted. That doesn't mean we won't have a surplus. Primarily what we are looking at, depending on what happens with the basketball courts, we may have a little bit more in surplus. By a little bit more it could be as much as \$30,000 to \$40,000 depending on what happens with the basketball courts but right now that is up in the air. Ms. Fernandez-Wells said part of the funds we are asking for are to mail out informational packets which I think would be promotional. Councilor Morales asked if we could do \$6,000 to begin with which is what we have in non-promotional lodgers' tax, would that be sufficient to get you started and maybe

come back for the \$1,500 at a later date. Councilor Miller said or come back to the Lodgers' Tax Committee for the promotional money.

Mayor Miller asked for a motion to approve. Councilor Morales made a motion to commit the funds of non-promotional lodgers' tax revenue of \$6,000 with the understanding that as soon as we can give them another \$1,500 we will. Seconded by Councilor Miller. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Abstain. Motion carried.

Mayor Miller stated next item on the agenda, consider extending contract of the Senior Citizens building that expired July 2003. Attorney Bryant said I have put a draft Extension Agreement in front of you. This is being requested by our auditor to be in the files because the agreement expired in July. The agreement within the body of the agreement in paragraph 15 has a provision that provides for extension of the lease if it goes on pass it expiration date and it says essentially that it becomes a month to month tenancy until you get a new lease signed. This isn't a legal requirement; it is an audit trail requirement. I have run the agreement by the county attorney and he will get it on the county's agenda at their next meeting. I have given us until January 31st to work out the agreement. We have a workshop scheduled on December 8th to discuss primarily the transportation concerns that have arisen this spring and summer. I would ask the Council to approve the extension and get it submitted to the county while we work on the new lease agreement. I have sent you a copy of the draft revisions that were provided to us by the county.

Councilor Garrett moved to approve the agreement for an extension of the property agreement and lease of the Ruidoso Downs Senior Citizens Center. Seconded by Councilor Morales. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving Personnel Recommendation - Promotion - Code Enforcement. Chief Logan said recently Mike Walter who has been our Code Enforcement Officer for the last few years has moved on to greener pastures. We did an in-house job posting recently and actually generated better than expected interest in the position. We conducted interviews of those candidates that were interested and based on those interviews, I would like to recommend John Sims be promoted to the Code Enforcement Officer position. John came to the City of Ruidoso Downs in April 2003 as one of our Communication-Detention Officers. He has performed very well in that position, has obtained his New Mexico Law Enforcement certification for that position but now seeks a position which is based more upon Mr. Sims experience. Mr. Sims comes to us with a great deal of background in law enforcement and I think he will be a great asset to the code enforcement position.

Councilor Garrett moved to approve the promotion of John Sims as Code Enforcement Officer. Seconded by Councilor Miller. Roll call votes: Councilor

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

### OTHER BUSINESS

Councilor Morales asked Chief Logan what has happened on the Goodrich property. Chief Logan said I think she contacted Mr. Bryant last week so we have deferred pretty much everything on that to the City Attorney. Attorney Bryant said Mr. Owens has made an oral promise to remove certain items by a certain time and I have asked him to get that to me in writing. As soon as I have that I will get to you and for Ms. Goodrich to look at it.

Mayor Miller asked about the streetlights on Wood Lane. Mr. Mosley said I believe we have submitted a letter to Texas-New Mexico Power Company to have the lights installed but I don't know what the time frame is. Administrator Waters said Mr. Mosley made the submission to me last week on the recommendations for the lights. This week I added one more street. Essentially we are going to bring the lights down from the end of the street because we are having some right-of-way issues going through the Hood property. Today we got the letter sent off to the Texas-New Mexico Power Company. I believe we had a total 15 lights.

Councilor Garrett said I want to thank the other employees that applied for the promotion and encourage employees to apply when the chances arise. I would like to see us promote within our employees.

Mayor Miller said under Other Business is the results of the Special Election - November 21, 2003 - Official Canvass conducted by Magistrate Judge Martha Proctor. Clerk Virden said I provided the Council a copy of the Official Certificate of Canvass for the election held on Friday, November 21st. There was a total of 32 for the question of increasing the number of city councilors to six and 56 against. That was a total of 9.67 percent or 88 total of your 995 registered voters. I have developed a brochure for the next election that will be going out in December and hopefully giving them the pertinent information that is needed for the March 2nd election. Also, I have prepared a candidate information packet for those potential candidates desiring to declare candidacy on January 6th.

### PUBLIC INPUT

Chief Logan said I would like to report that earlier this month we had two of our officers graduate from the Law Enforcement Academy, Officer Jim Minter and Officer Robert Denny. Both officers were eligible for certification by waiver of previous training and they are both now certified in the State of New Mexico. That makes 100 percent of our officers certified in the State which is the first time in many years. We had 100 percent certification on our dispatchers until Mr. Sims got promoted.

Mayor Miller entertained a motion to adjourn.

Motion was made by Councilor Miller and seconded by Councilor Morales to adjourn at 6:00 p.m. Motion passed unanimously.

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Bob A. Miller, Mayor

ATTEST:

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Carol Virden, City Clerk/Treasurer