

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

The Council of the City of Ruidoso Downs met in regular session on December 11, 2003. Mayor Miller called the meeting to order at 5:30 p.m. and asked Paul Van Gulick 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:

Dan Bryant, City Attorney
John P. Waters, City Administrator
Carol Virden, City Clerk/Treasurer
Ken Mosley, Public Works Director
Tom Armstrong, Licensing & Permit Supervisor
David Hightower, Assistant Police Chief

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

APPROVAL OF MINUTES OF NOVEMBER 24, 2003 RESCHEDULED REGULAR MEETING

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve the Minutes of the November 24, 2003 Rescheduled 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 Garrett 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 Morales and seconded by Councilor Garrett to approve the following reports:

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

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

UNFINISHED BUSINESS

Councilor Garrett said I am not sure if this is Old Business or Unfinished Business but I would like to ask that at the next meeting we place the lease agreement with the County for the Senior Center on the agenda and take a vote. All the things we discussed really aren't in the lease, they weren't part of the lease and I would really like us to vote on that as it has been waiting too long. We are holding the State group at bay, we are holding the County at bay and we need to make a vote. Mayor Miller asked that it be placed on the next agenda.

NEW BUSINESS

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve Resolution 2003-30 - 2004 Official Holiday Schedule. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve Resolution 2003-31 - Open Meetings Act for Calendar Year 2004. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Morales and seconded by Councilor Garrett to designate John P. Waters as Certifying Environmental Officer. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, Planning and Zoning. Item one is consider approving P&Z recommendation to approve the request for a conditional use of a daycare in Lot 19, Block 1, Ruidoso Downs Heights and asked Paul Van Gulick, Chairman of the P&Z Committee, to comment.

Paul Van Gulick said Ms. Richardson came in and wants to operate a daycare in her home. She has had one before. This is something she is waiting on approval so she can get licensed to do this. It seems like a good use of her property. There were no protests and we recommended to allow this conditional use of her property.

Motion was made by Councilor Morales to approve P&Z recommendation to approve the request for a conditional use of a daycare in Libby Richardson's home. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving P&Z recommendation to approve the request for a setback variance on Lot 16, Block 0, Unit 3 of Palo Verde Subdivision.

Paul Van Gulick said Mr. Candelaria has requested a setback on either side of his property line in order to put a home the way he wants to on the property. There was a little disagreement among us whether it was a substandard lot or not. In fact it is in an area where it is fairly common to have five feet or so between one house and the next. There were no protests which is the main thing. We voted and the majority voted to recommend approval.

Councilor Garrett said I understood too there is an encroachment on one side by the house there that is across the lot line and has been forever so that also made it a little more difficult. Would you allow him to speak; he is the owner of the property.

Frank Candelaria said the house is not encroaching on our line; it is actually a foot and a half off of the line.

Councilor Miller moved to approve P&Z recommendation to approve the request for a setback variance on Lot 16, Block 0, Unit 3 of Palo Verde Subdivision. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

OTHER BUSINESS

There was no other business.

PUBLIC INPUT

Martha Seward said I think that if this contract isn't signed in a timely manner as Sue suggested that there is a very big chance that Ruidoso Downs will lose the contract because their obligation is nothing more than to fix meals and deliver. It would be a shame for Ruidoso Downs and the people in it and the senior's that participate to lose the privilege of using that building.

Mayor Miller entertained a motion to adjourn.

Motion was made by Councilor Morales and seconded by Councilor Miller to adjourn at 5:39 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer