

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
NOVEMBER 8, 2004

The Council of the City of Ruidoso Downs met in regular session on November 8, 2004. Mayor Miller called the meeting to order at 5:30 p.m. and asked Dick Swenor to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller Councilor Morales
Councilor Olivo Councilor Garrett present by telephone

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
Robert Logan, Department of Public Safety Director
Tom Armstrong, Permits/Licensing Supervisor

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the agenda with Item 11. E., Consider appointment to Economic Development Board - at large member, postponed until another meeting and moved 11. G. to the executive session. 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 with Item F., Consider approval of special burn permit for Ruidoso Downs Racing, Inc. be removed for discussion and the appointments to committees be read aloud. 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 OCTOBER 25, 2004 REGULAR MEETING

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve the Minutes of the October 25, 2004 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 Payable. 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:

Fire Report	Animal Control Report	Maintenance Report
Court Report	Code Enforcement Report	Public Works Report
DPS Report	Permits/Licensing Report	

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

NEW BUSINESS

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve the reorganization of the Department of Public Safety. 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 appointments. Administrator Waters stated the appointments being considered are Arlene Herrera to the Beautification Committee, Rene G. Olivo to the DWI Planning Council and Susan Goodrich to the Planning and Zoning Committee.

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve the appointments. 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 approval of Special Burn Permit December 2004 or January 2005, Ruidoso Downs Racing, Inc. d.b.a. Ruidoso Downs Race Track and Casino.

Chief Logan said the track has asked for special consideration for an open burn permit to burn the Salt Cedar foliage they plan to remove from the river area and asked Chief Swenor to comment and answer any questions.

Mr. Swenor said in keeping with the current EPA project on the river, one of the things they recommend we do to increase the flow and the quality of the water is to remove the Salt Cedar. For those of you who are not familiar with Salt Cedar, it is

basically a weed. It drinks water like mad. It is hard to eradicate where it is located. The dates of December or January, the environmentalist tell us we need a couple of hard freezes for the Salt Cedar to loose all of its foliage and it will start to dry down to the root. At that time we are going to put crews together, get in the river with a drag hook and chainsaws, take the roots out and drag them up the bank. To totally eradicate them they recommend that once they are cut, pulled out and dormant that they be burned to keep the seeds from spreading. We will put them in a contained, enclosed area where we know what is on the ground is any seed that might be in that foliage and then torch it. The Chief and Jim can bring a fire truck down or use the fire hoses on our property or our tanker trucks. It shouldn't take long to burn. The hard part is getting the root systems out. It is all down to the middle of the track. Once you cross off the track on the lower part to the barn area, that all has to come out of there. We had trimmed it back before about four or five years ago by going in there and cutting it off at the roots but it is all fifteen foot high again. We will take all safety factors into consideration.

Councilor Olivo asked how far away from the river are you going pile all of that. Mr. Swenor said it will be across the racetrack itself; I would say it is a good 300 to 350 yards. Councilor Oilvo asked how are you going to dispose of the ashes. Mr. Swenor said we can haul the ashes to the landfill. Councilor Garrett asked will it be anywhere near Robert and Judy Beavers property and Mr. Swenor said no, it will be on the rack track property proper. Councilor Morales said one of the reasons I brought it up is when people drive by, if they have a clue that this is happening we won't have "the race track is burning down" and felt like we needed just a little bit more information. I appreciate you coming by. Mayor Miller asked do you have any burn signs and Mr. Swenor said we can do public service announcements on the radio. Chief Logan said we will do everything we can to put the information out as soon as we designate a definite day. Attorney Bryant said we can borrow a couple of those prescribed burn signs from the Forest Service.

Councilor Morales moved to approve the Special Burn Permit for December 2004 or January 2005 for Ruidoso Downs Racing, Inc., d.b.a. Ruidoso Downs Race Track and Casino. Seconded by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

PUBLIC INPUT

Bonnie Richardson said I am chairperson for the Parks and Rec Committee. I would like to inform you about our October 30th skate park ribbon cutting and skate park competition. The turnout was very nice for the skateboarders. They had a great time. They are already planning on skateboard competition for next year. Christina Portillo, our new Parks and Rec Committee member, and Leonard Sanchez with the City put together the music, the judges, the prize for the skaters and did a very nice job. The skateboarders would like to name our skate park "Crown of the Downs". If it needs to be on the agenda, we would like to propose that. Also, if that name is

acceptable to the Council, Councilor Olivo has volunteered to make a sign for the skate park. We also had a ribbon cutting for the walking trail. Mayor Miller, Councilor Garrett, Councilor Olivo, Terri Mosley from Administration in the City all attended. Also attending were former Ruidoso Downs employees who were very instrumental in the building of the trail, Ken Mosley and Dale Graham. We enjoyed having them there.

Next on the Park and Rec agenda is the lighting ceremony coming up very soon. We will announce details as soon as they are all firmed up.

Tomorrow night, Tuesday, November 9th, Ruidoso Downs Auxiliary is hosting a membership drive at the Ruidoso Downs Senior Citizens Center. Sandwiches and drinks will be served at 6:30 p.m. The Auxiliary promotes the quality of our lives in Ruidoso Downs so we encourage interested citizens to join us and help make Ruidoso Downs a great place to call home.

EXECUTIVE SESSION

Mayor Miller entertained a motion to go into Executive Session pursuant to Section 10-15-1(H)8, Real Property and Water Rights.

Motion was made by Councilor Morales to go into executive session to consider possible action of real property and water rights acquisition. Seconded by Councilor Garrett. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated I would like to invite City Attorney Bryant, City Administrator Waters and City Clerk Virden to attend the Executive Session and closed the regular meeting at 5:47 p.m.

Motion was made by Councilor Morales to go back into open session. Seconded by Councilor Garrett. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried. Mayor Miller called the regular meeting back in session at 6:09 p.m.

Councilor Morales attested that the only item discussed in executive session was the possible acquisition of real property and water rights pursuant to Section 10-15-1(H)8 Real Property and Water Rights and no action was taken.

Mayor Miller stated next item on the agenda, consider purchase of water rights from Thurman Sanchez and entertained a motion.

Councilor Morales moved to approve purchase of water rights from Thurman Sanchez. Seconded by Councilor Garrett. 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 the purchase of real property of Ray Bell's property across the street from City Hall.

Councilor Miller moved to approve purchase of real property known as Cigarette Alley from Ray Bell not to exceed \$48,000 with a purchase of \$20,000 this year and the remainder in the fiscal year 2005-2006. Seconded by Councilor Olivo. Roll call votes: 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 Garrett and seconded by Councilor Morales to adjourn at 6:13 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer