

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
JULY 11, 2005

The Council of the City of Ruidoso Downs met in rescheduled session on June 15, 2005. Mayor Miller called the meeting to order at 5:30 p.m. and asked Pappy Bell to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller	Councilor Morales
Councilor Olivo	Councilor Garrett

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  
Dan Gens, Public Works Director  
Tom Armstrong, Licensing, Planning, Permitting Supervisor

APPROVAL OF AGENDA

Mayor Miller pulled Item 10.D., Recognition of Employee of the Month, because the Chief will not be here for the presentation. Mayor Miller entertained a motion to approve the agenda. Councilor Morales moved to approve the Agenda with the removal of 10.D. Seconded by Councilor Garrett. 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 JUNE 27, 2005 REGULAR MEETING

Motion was made by Councilor Miller and seconded by Councilor Olivo to approve the Minutes of the June 27, 2005 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 Payable. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

## UNFINISHED BUSINESS

None

## OTHER BUSINESS

Administrator Waters said I do want to report on the follow up to our visit from Elisa Davis of the Southeastern New Mexico Community Action Corporation. She and I are working and proceeding on an after school program through the help of a volunteer organization called Vista. She did mention to be patient because one of the big challenges is to find somebody that can afford to live up here while the program is going on. It is a federally funded program so we are going to continue to work on that application. She is very hopeful; she believes we will be allocated some money for Ruidoso Downs to work on the after school program.

Councilor Miller said thank her for me because I asked her to look into that. Anything I can do to help let me know.

Councilor Garrett said John, Mrs. Patterson is going to contact you who would like to be on the agenda because she wants to talk to us about the home for battered women and make a presentation.

## NEW BUSINESS

Mayor Miller stated next item on the agenda, consider approving Resolution No. 2005-06, Authorizing removal of uncollectible utility accounts.

Administrator Waters said this is an end of the year cleanup of some accounts of renters that have left and left us with a bill. I will tell you that we have experienced a higher non-payment rate this year than in the past. I did notify you of that during the budget workshop. The rates are expensive and some of our folks are starting to feel it. Carol can tell you further of what this involves and what her department does when they look at this.

Mayor Miller asked are we going to make some changes in collections. Clerk Virden said we are going to try and make some changes to the security deposit. We have been talking and looking at this resolution; it totals well over \$4,000 of uncollectible accounts. I have a draft proposed ordinance for security rate increases for both the residential and commercial. Also, I think this is happening because the City of Ruidoso Downs is charging a one percent penalty on the unpaid balance plus the unpaid balance which are two different totals and that is hurting the residents of Ruidoso Downs. In the proposed ordinance I just put a flat late charge fee. That will be going to legal and once I get it edited and back then it will go to council.

Mayor Miller entertained a motion to approve. Councilor Olivo moved to approve Resolution No. 2005-06, Authorizing removal of uncollectible utility accounts. Seconded by Councilor Garrett. Mayor Miller asked is there any discussion. Councilor Garrett said the very first week or so I was here on the Council, we had a business that

we forgave their bill. The same building and the same business is on this list again only under a different owner. Is there any way we can control that? Is the owner of the property are they not responsible? Clerk Virden said the ordinance currently states that if the owner comes in and gives us a written notice that they will not be responsible for that, the renter of either the home or business is responsible. We do file liens on these but we don't get the monies for the liens until they decide to sell and that doesn't happen very often. Councilor Garrett asked are these just water charges. Clerk Virden said they are water, sewer and trash with the late penalty. I do have a breakdown of these grand totals if you wish to see them in my office.

Mayor Miller said if there is no other discussion would you take the roll please. 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 Resolution No. 2005-07, Condemnation of Property at 403 Nevada. Mayor Miller entertained a motion to approve. Councilor Garrett moved to approve Resolution No. 2005-07, Condemnation of Property at 403 Nevada. Seconded by Councilor Morales. 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 Resolution No. 2005-08, Keep Ruidoso Downs Beautiful. Mayor Miller entertained a motion to approve. Councilor Morales moved to approve Resolution No. 2005-08, Keep Ruidoso Downs Beautiful. 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 is Committee Report, Parks and Recreation. Bonnie Richardson is going to give us report.

Bonnie Richardson said I am the chairperson for the Parks & Rec. We had a meeting this past Thursday. We would like to report that Carl Efurd has resigned. The Parks and Rec Committee would like to thank Mr. Efurd for his input for several years and would appreciate the mayor and the city council appointing a replacement for Mr. Efurd as soon as possible.

As the All American Park slowly but surely is renovated and takes on a new look, our committee recognizes the impressions that passerby observe as they pass a conglomerate of old, disorganized and unsightly signs at the park entrance. Like a home's front door, the park entrance gives a first impression of our city and is a 24/7 advertisement of our park and our city. Because signs are indeed an advertising media, could the city use lodgers' tax funds to replace and coordinate the signs?

In October of 2004, Ruidoso Downs conducted its first skateboard competition. Such an activity takes quite a while to organize and the committee discussed with Leonard

Sanchez the need to begin to organize a 2005 competition right away. Christina Portillo and Leonard are the two that were able to pull this off last year. Christina is expecting a baby in three weeks so we are going to find people to help with this activity. If we have any volunteers, we would certainly like to talk to them.

Your Park Committee discussed changing the rather bland and mundane name of our main thoroughfare, Highway 70 East, to a name that is attractive and distinctive to our city. We discussed that it is just a matter of time before the highway's name is changed. If Ruidoso Downs doesn't do it now, the name change may be done by non-residents later. With the combined efforts of the Ruidoso Downs Beautification Committee, the Ruidoso Downs Economic Development Board, the Ruidoso Downs Chamber of Commerce, the Parks and Rec Committee and city residents, input should be imaginative and plentiful. Jackie Branum believes that a state highway is required to have "highway" in its name. We would like to know what the procedures and restrictions for changes are. Name suggestions from your Parks Committee, so far, are: All American Avenue and All American Highway. That was on the 8th of this month.

Mayor Miller said Dan was talking about a new entry sign there. Public Works Director Gens said I applied for a grant a few months ago for a new sign for All American Park. We did receive those monies and I have put that out to a company who is building our sign for us. We are going to have a 4 by 8 sign, double sided, lit up so you can see it at night. We are going to landscape all around the bottom and plant flowers.

Ms. Richardson said good. One thing I would like to point out is that is when a sign faces the highway, nobody ever sees it unless they are headed straight for the sign so the signs either needs to be pointed east or west or at an angle.

Mr. Gens said certainly we will work with the Parks Committee to come up with a design. The sign is going to be similar to what we already have as far as the logo of the City but I would certainly work with you to get it located where it will be most effective to traffic.

Ms. Richardson said thank you. I was wondering if there is any feedback on possibly changing the name of our main thoroughfare.

Mayor Miller said I really like that. Councilor Morales said I like the idea; we just need to find out what procedures we need to take. Councilor Miller said I think All American Highway is wonderful instead of avenue.

Ms. Richardson asked are their restrictions; do we have to go through the State. Mayor Miller said we will give the problem to Mr. Waters. Mayor Miller said we certainly approve of that report; you have come up with some really great ideas. Thank you very much.

## PUBLIC INPUT

Code Enforcement Officer, Bill Dunlap, said I am the trustee of the little red fire engine now. This is a plaque that I would like to present to you for second place in the Smokey Bear Parade myself and Tom entered the engine in. We had a fine time. Mayor Miller said I will accept this in the name of the City of Ruidoso Downs. You did an excellent job. The little fire truck was unreal. You have that thing looking like it should look from now on. We will display this in a very prominent place. Thank you very much.

Public Works Director Gens said the DOT is going to have a litter cleanup on August 30th from Hondo to Mescalero. I am going to have Leonard present to the Beautification Committee the information since I will not be here. I was also going to present to you and the Parks Committee to let everyone know on the 18th of July at 1 o'clock a representative from the DOT will be here at City Hall to visit with me on the details. It will be similar to what we do with the New Mexico Clean and Beautiful. They will issue some signs, gloves, those types of things and I pretty much volunteered the City to do the City. Hopefully, we will be around here to volunteer. This involves Highway 70. Another nice thing about this is they are going to have a ribbon cutting and big ceremony to kick this off. After speaking with this representative, she was excited about possibly having it here in the Downs.

Ms. Richardson asked is that date pretty well firm that it couldn't be moved up or back. Mr. Gens said it is the governor's deal. Councilor Miller said we will be stretched thin but we can still have some people doing it. Councilor Garrett said it is on the Tuesday before Labor Day.

## EXECUTIVE SESSION

Mayor Miller entertained a motion to go into Executive Session pursuant to Open Meetings Act, Section 10-15-1 Subparagraph (H) 7, Threatening and/or Pending Litigation.

Motion was made by Councilor Morales to go into Executive Session pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H) 7, Threatening and/or Pending Litigation. Seconded by Councilor Garrett. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller closed the regular meeting at 5:53 p.m. I would like to invite City Attorney Bryant, City Administrator Waters and City Clerk Virden to attend the Executive Session and called for a five-minute recess to clear the Council chambers.

Attorney Bryant said we have two items on our agenda tonight. One is a status report on the Joint Use Advisory Board lawsuit concerning the dirt that was put on top of the sewer line that broke the sewer line opposite Wal-Mart. The second thing is to consider a request from opposing council on some threatening litigation regarding the recent termination of an employee. On the second matter, I will be asking the Council to take

action on the request from the lawyer when we come back into open session. I am expecting a relatively short executive session.

Mayor Miller called the regular meeting back in session at 6:17 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.

Councilor Morales attested that the only item discussed in Executive Session was Threatening and or Pending Litigation and no action was taken.

Councilor Morales moved to reconsider the affirmation of the termination of Dennis Riddle and to schedule an appeal hearing with the July 25th meeting. At Mr. Riddle's request, it will be held in closed session. 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 Miller and seconded by Councilor Morales to adjourn at 6:18 p.m. Motion passed unanimously.

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Bob A. Miller, Mayor

ATTEST:

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Carol Virden, City Clerk/Treasurer