

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
JANUARY 14, 2008

The Council of the City of Ruidoso Downs met in regular session on January 14, 2008. Mayor Miller called the meeting to order at 5:30 p.m. and asked Councilor Miller to lead the Pledge of Allegiance. Mayor Miller asked John Waters, City Manager to take roll call. The following were present:

Councilor Hood
Councilor Holman

Councilor Miller
Councilor Garrett (via telephone)

John Waters, City Manager informed Mayor Miller there was a quorum.

Also present:

Carol Virden, City Clerk/Treasurer
Steve Dunigan, Planning & Personnel Services Director
Mark Lewis, Acting Public Works Director
Jay Smith, Museum Director
Alfred Ortiz, DPS Director
W.T. Martin Jr., City Attorney

APPROVAL OF AGENDA

Mayor Miller stated he wanted to remove item 11F, which is the same as item D under New Business. Mayor Miller entertained a motion to approve the Agenda.

Councilor Miller moved to approve the Agenda. Seconded by Councilor Hood. Roll Call Votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett (via telephone), Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Miller entertained a motion to approve the Consent Agenda.

Councilor Holman moved to approve the Consent Agenda. Seconded by Councilor Miller. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett (via telephone), Aye. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF DECEMBER 10, 2007. Motion was made by Councilor Holman and seconded by Councilor Miller to approve the Minutes of Regular Meeting of December 10, 2007. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett (via telephone), Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLES

Motion was made by Councilor Holman and seconded by Councilor Miller to approve Accounts Payable. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett (via telephone), Aye. Motion carried.

APPROVAL OF MONTHLY REPORTS

Motion was made by Councilor Holman and seconded by Councilor Miller to approve Accounts Payable. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett (via telephone), Aye. Motion carried.

UNFINISHED BUSINESS

Mayor Miller stated next item on the Agenda was Unfinished Business and asked if there was any Unfinished Business to be discussed.

There was no Unfinished Business to be discussed.

OTHER BUSINESS

Mayor Miller stated next item on the Agenda was Other Business and asked if there was any other business to be discussed.

Councilor Holman said under the Consent Agenda and in looking at the reports from the departments, he said in his opinion things were looking good and Ruidoso Downs is getting the job done. He said he could think of something good to say about every department. He said thank you and to keep up the good work. Mayor Miller said he would also like to add that the Police Department acted quickly on his house when it was broken into recently. All of his windows were broken out and the dispatch response time was less than a minute before Doc came out and they had the guy arrested. He said he wanted to compliment dispatch and the officer on duty. Chief Ortiz said he has commended the officer as well as this dispatcher. Councilor Holman said he had thought about the Police Department being short-handed and what a job they have done and Code Enforcement, Steve and Bill, had done a tremendous job. With the move of Bill he would be missed. He said he read through Jay's lengthy comment and quoted from it, "Creativity and compliments are a rather new concept but in some ways are dependent on one's perception." Councilor Holman said he had a great command of the English language and after he thought about it long enough he said he realized Jay has done a good job over there and said to keep it up.

Mayor Miller said the Animal Control officer has done a fantastic job and always has. He said in that respect there were three dogs in Deming that had a man down and that we just don't have problems like that because of the good job done.

NEW BUSINESS

Mayor Miller stated next item on the Agenda was New Business was to consider the Mayor's recommendation to appoint Deb Dvorak to Ruidoso Downs Economic Development Board.

Mayor Miller asked Deb Dvorak to stand and be recognized. He thanked her and for being interested in being on the board and a part of us.

Councilor Miller moved to approve Mayor's recommendation to appoint Deb Dvorak to Ruidoso Downs Economic Development Board. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett (via telephone), Aye. Motion carried.

Mayor Miller stated next item on the Agenda was to consider the Mayor's recommendation to appoint Derek Moorhead to Ruidoso Downs Economic Development Board.

Mayor Miller asked Derek Moorhead to stand and be recognized. He said he appreciated his efforts and concerns wholeheartedly and looked forward to having him on the board.

Councilor Holman said he noticed in the information provided on this gentleman from Mercedes Fernandez-Wells, that he wanted to recognize that Mercedes was the chairperson of the Economic Development Board and that she sure does a great job. There was good leadership there and he welcomed them. He said he was glad she contacted them about it. Mayor Miller said our doors are open and his office is open if they want to come in and visit and he would try to keep them current on what is going on and was interested in any feedback.

Mayor Miller entertained a motion to approve Mayor's recommendation to appoint Derek Moorhead to Ruidoso Downs Economic Development Board.

Councilor Hood moved to approve Mayor's recommendation to appoint Derek Moorhead to Ruidoso Downs Economic Development Board. Seconded by Councilor Garrett (via telephone). Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett (via telephone), Aye. Motion carried.

Mayor Miller stated next item on the Agenda was consider approving Wastewater Treatment Plant operating billing of 15% for month of September and October 2007.

Mayor Miller entertained a motion to approve Wastewater Treatment Plant operating billing of 15% for month of September and October 2007.

Councilor Miller moved to approve Wastewater Treatment Plant operating billing of 15% for month of September and October 2007. Seconded by Council Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett (via telephone), Aye. Motion carried.

Mayor Miller stated next item on the Agenda was consider approving Resolution No. 2008-01 Implementation of Readdressing Residential and Commercial buildings within the boundaries of the City of Ruidoso Downs for 911 purposes.

John Waters, City Manager said Steve Dunigan put this together for presentation to the Mayor and Council. He said this was something dictated by the county to improve the 911 services. He asked Steve Dunigan to give a brief synopsis as to why this is necessary and why we have to do the complete city.

Steve Dunigan said it goes without question that we all feel 911 addressing directly impacts the safety and welfare of all of our citizens. He said it cuts the response time of our police officers, ambulance service, and even our utilities workers. Having a system laid out numerically that makes sense not just to a few areas of our town, but to all areas. This project has been going on for not only weeks, but months and months and a lot of different entities and people have had input. We are to the point now where we are finalizing recommendation for complete readdressing of the city. He said it is important and necessary. If you were to drive around it's not difficult to see there are large gaps and many structures that are not even numbered as well as some that are duplicated or don't make a lot of sense. He said he did not know if he had the ability to fix the whole town because it has the domino affect. He said it was an enormous project that requires they start with a plan based on 911 requirements. He said there are some questions that will have to be answered. He said he is going to find out how this is going to affect people's addressing and their driver's license and things. We really don't have a choice when it comes to emergency services and 911 protection to get the plan approved and then the numbers on the houses. But it was to everyone's benefit if it saves one persons' family member or a life or house fire. He said that is what it is for, for everybody getting together on this and helping out wherever we can. He hoped to have his recommendation in the near future.

John Waters said in the staff meeting Steve pointed out that 40% of the residences and businesses do not have addressing. Imagine the trouble the chief and his folks would have to go through to find some of these locations or if there was a water leak.

Apparently this is a much more significant problem than he was aware of, 40% was staggering. Councilor Holman said the street that he and Councilor Garrett live on, he became aware of only within the last six months that the numbering is entirely wrong. He said he thought the even numbers were supposed to be on the right side and odd on the left. He said it isn't up there; it's exactly the reverse. He said you might remember that when you're getting ready to do this. Councilor Garrett said one of the things she thought of too was that if this could be done timely it would go along with everyone changing the area code to 575. The only thing she thought might be helpful to the residents was to remind them to change their driver's license, voter registration, and your physical address with the places that require it and that might help people. Councilor Hood said he thought it was a real good idea and was for it wholeheartedly because down there where he lives in Riverview in the River Park subdivision there is a lot of misaddressing. He said around the curb from where he lives someone had the same address as he did for a long time.

Carol Virden, City Clerk asked Steve Dunigan when he thought it would come before the Council. The reason she asked she said was that if comes before the Council in late February, and this was also another question for the attorney, how is this going to effect our municipal election if they are changing the address of the people who have registered. She said they have to vote and the voter registration or signature roster lists their address as registered with the county clerk. W.T. Martin Jr. said as much as he understands of that process there was not much way they could be through with that process by that time. He thought it would be months and months and asked Steve to confirm. Steve Dunigan said it probably would not be that long and that we were probably about 60% completed. He said he would like to think that if he had to he could present one half of the town north of Highway 70 and then south of Highway 70 if that came to it. To do this right he could probably have this done by early February if they pushed. Steve said that's not everything and the first Council meeting was February 11th. He said it's a large project and doesn't really have a handle on how long it would take between their other duties and such. Carol Virden said the reason she brings this up is because if she changes her address twenty eight days prior to the election is fine but the county clerk closes her voter registration twenty eight days prior to that election and that would be February 5th. Steve said he didn't think that would be possible. W.T. Martin Jr. said then it would probably have to wait on approval until after the election. John Waters told the Mayor and Councilors that you could put in a clause that approval would be effective at the end of March or later. He said letters could go out to all the businesses and residents so they could know about it but not have it take effect until March. So, the new addresses wouldn't become effective until after the elections.

Mayor Miller said he's been trying to change the name of the highway from 70 to All American Blvd., something with a little more taste to it. Judy Miller asked if that would have to be voted on and John Waters said yes, by the Council and we could put it on the

next agenda. Councilor Garrett asked if we would need approval by the Highway Department? John Waters and Carol Virden said it would be okay within the boundaries of the municipality. Councilor Garrett said that would make it easy then.

Alfred Ortiz, DPS Director said he would like to tell the Mayor and Council members the impact this resolution would have on emergency services in our community. As recent as last week there was a situation where emergency medical services staff could not locate a particular mobile home at White Mountain Trailer Court simply because there were no numbers. Consequently the time they spent looking for that address an officer had to come out to the highway to direct them to that location. This was a life-threatening situation and he said he couldn't begin to tell you how important this is not only for this community but also for all communities to get on board and realize the implications it might have for emergency services and police to respond to emergency situations. He said it's so very important and does have some liability issues if we don't act on this promptly enough to correct it.

Councilor Hood moved to approve Resolution No. 2008-01 Implementation of Readdressing Residential and Commercial buildings within the boundaries of the City of Ruidoso Downs for 911 purposes. Seconded by Councilor Miller. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett (via telephone), Aye. Motion carried.

Mayor Miller stated next item on the Agenda was consider approving Resolution 2008-02 Support Application for FY 2008-2009 Municipal Arterial Program Grant with the New Mexico Department of Transportation. This would fix Downs Drive all the up to the end, it will all be redone with curbs, gutters, asphalt. He said it certainly needs it; this has been falling apart for years.

Mayor Miller entertained a motion to approve Resolution No. 2008-02 Support Application for FY 2008-2009 Municipal Arterial Program Grant with the New Mexico Department of Transportation.

Councilor Miller moved to approve Resolution No. 2008-02 Support Application for FY 2008-2009 Municipal Arterial Program Grant with the New Mexico Department of Transportation. Seconded by Councilor Garrett (via telephone). Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett (via telephone), Aye. Motion carried.

PUBLIC INPUT

Mayor Miller stated next item on the Agenda was Public Input with a three-minute time limit.

Alfred Ortiz, DPS Director said he would like to present the newest member to their department, Alex Trujillo. He said he was the police trainee cadet. He said he comes to us from Capitan and has relocated up to Ruidoso. He said Mr. Trujillo was a former EMT with Lincoln County as well as a former Navy serviceman who served our country proudly. Alfred Ortiz said he hoped to have our other newly appointed officer Deana Preston but she had another commitment tonight in Roswell but said she would be at the next Council meeting so that he could introduce her as well. There was a round of applause for Alex Trujillo from the Mayor, Council, and audience members.

EXECUTIVE SESSION

Mayor Miller stated next item on the Agenda was Executive Session: Discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7 as follows: #CV-2007-359; #CV-2006-337; #CV-2007-225; #CV-2007-254; Wastewater Matter-Forest Guardians suit Status of Consent Degree; #CV-06-0477 RB/CEG, #CV-2007-420.

Mayor Miller entertained a motion to go into Executive Session for the discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7.

Councilor Hood moved to go into Executive Session for the discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett (via telephone), Aye. Motion carried.

Mayor Miller closed the regular meeting at 6:00 p.m. and invited W.T. Martin, Jr., City Attorney, John Waters, City Manager and Carol Virden, City Clerk, into the Council Chambers after a five-minute recess.

Mayor Miller entertained a motion to go back into open session.

Councilor Miller made a motion to go back into regular session. Seconded by Councilor Garrett (via telephone). Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett (via telephone), Aye. Motion carried.

Mayor Miller called the regular session back to order at 6:50 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Executive Session were that of threatening and/or pending litigation pursuant to Open Meetings Act.

Councilor Garrett (via telephone), attested to the fact that the only items discussed in Executive Session were that of threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7 and no decisions were made.

ADJOURNMENT

There being no further business to attend to, Mayor Miller entertained a motion to adjourn.

Councilor Garrett moved to adjourn at 6:50 p.m. Motion seconded by Councilor Hood. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer