

MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
JANUARY 14, 2003

The Council of the City of Ruidoso Downs met in regular session on January 14, 2003. Mayor Miller called the meeting to order at 5:30 p.m. and asked Corena Baca to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller      Councilor Garrett  
Councilor Olivo      Councilor Morales

Administrator Waters informed Mayor Miller there was a quorum.

Also present were:

Dan Bryant, City Attorney  
John Waters, City Administrator  
Carol Virden, City Clerk/Treasurer  
Tom Armstrong, CE/BI  
Ken Mosley, Public Works Director  
David Hightower, Deputy Chief of Police

APPROVAL OF AGENDA

Motion was made by Councilor Morales and seconded by Councilor Olivo to approve the Agenda. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Councilor Morales moved to pull Item 10.D., consider approving Resolution 2003-03, Supporting a stop light with pedestrian cross walk, from the Consent Agenda for discussion. Councilor Garrett moved to approve the Consent Agenda with Item 10.D. removed for discussion. Seconded by Councilor Miller. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

MINUTES

Motion was made by Councilor Garrett and seconded by Councilor Miller to approve the Minutes of the Rescheduled Regular Meeting on December 11, 2002. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

MONTHLY REPORTS

Motion was made by Councilor Garrett and seconded by Councilor Miller to approve the following reports:

Fire Report  
Court Report  
Police Report

Animal Control Report  
Code Enforcement Report  
Maintenance Report

Public Works Report

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

#### ACCOUNTS PAYABLE

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

#### PUBLIC HEARING

Mayor Miller stated next on the agenda is a Public Hearing for Ordinance 2002-14, an ordinance amending City of Ruidoso Downs Code of Ordinances Chapter 5 Municipal Judge - Municipal Court Article 2 Municipal Judge - Municipal Court Section 5 Titled "Appointment of Temporary Municipal Judge".

Mayor Miller opened the Public Hearing at 5:32 p.m. I hereby open the Public Hearing to comments accepted in the following order: first those that oppose the ordinance and second those who support the ordinance. Interested persons must approach the podium one at a time, state their name and present their testimony. A limit of five minutes will be allowed per person.

Mayor Miller asked is there any person here to speak in opposition to the action. There was no response.

Mayor Miller asked is there any person here to speak in support of the action. Mayor Miller asked Judge Mansell if he would like to speak. Judge Mansell said he had previously presented it to the Council and had nothing to add.

Administrator Waters said, for the record, this is an Ordinance amending the City of Ruidoso Downs Code of Ordinances Chapter 5 Municipal Judge - Municipal Court Article 2 Municipal Judge - Municipal Court Section 5 Titled "Appointment of Temporary Municipal Judge". BE IT ORDAINED THAT THE GOVERNING BODY OF THE CITY OF RUIDOSO DOWNS THAT THE FOLLOWING IS ADOPTED:

### CHAPTER 5 ARTICLE 2 MUNICIPAL JUDGES - MUNICIPAL COURT

5-2-5 appointment of temporary municipal judge:

In the event of a temporary incapacity or absence of the Municipal Judge, the Mayor or Mayor Pro Tem of the City of Ruidoso Downs may appoint any registered voter of the City of Ruidoso Downs, New Mexico to hear and determine cases arising under Municipal Ordinances in the Municipal Court in his/her place and stead. The

temporary Municipal Judge so designated and appointed shall be paid the sum of fifty (\$50.00) dollars for each day that he/she shall sit and serve as temporary Municipal Judge; such sum to be paid out of the General Fund of the City of Ruidoso Downs; provided however, that in the event of the duly elected and qualified Municipal Judge shall be incapacitated or absent from his/her duties as Municipal Judge for more than thirty (30) days in any calendar year, then and in such event, the compensation for such temporary Municipal Judge shall be deducted from the salary of the elected Municipal Judge in a manner to be determined by the City clerk. The requirements of law relating to money collected, monthly reports, itemized statements and penalties apply to temporary Municipal Judges. The corporate surety bond covering all Municipal officials shall cover the temporary Municipal Judges.

Administrator Waters said he wanted to point out that the only thing that was changing in this ordinance is the sentence where it says "The temporary Municipal Judge so designated and appointed shall be paid the sum of \$50.00; this is an increase from \$25.00 from an earlier ordinance that was on the books. That is the only change in this entire chapter.

Councilor Morales said the other thing we need to point out is the increase to \$50.00 had been decided before but never went through the process and that is why we are changing it now.

Judge Mansell said he has a question; in this you are saying the Mayor will appoint the temporary judge. Administrator Waters said that is the way the ordinance reads. Clerk Virden said the only thing we changed was the compensation from \$25.00 to \$50.00 because the Council apparently made a motion several years ago to pay the \$50.00 although it was never put in ordinance form. This is exactly the same ordinance wording that is in the Codebook.

Judge Mansell said he has two alternate judges; a number one and a number two. Nothing about those alternate judges is affected. Councilor Garrett said we voted to approve those with the Mayor's appointments. Judge Mansell said so this appointing a temporary judge that I don't understand. In other words the sixteen years I have been here and the other four years, the judge appoints his alternate judge and then he comes in and asks for your blessing. They would act, and the way it always has been, is Nick Klecker is number one and Dale Perry is number two. Now if both of those people don't want to hear it and I don't want to hear it, then at that time the Mayor has the right to appoint a temporary judge to hear that case. Councilor Morales said you recommended Dale and Nick and the Mayor appointed them and we approved them but we did it at your recommendation. Judge Mansell said Mayor Miller approved Dale Perry; we already had Nick Klecker. He was already sworn in and had been for years. Because he was working at the racetrack full-time in the summer time and sometimes even now there are times when he couldn't come if I didn't want to hear the case. In sixteen years, I guess the one coming up is the only case that I have officially recused myself from.

Although there are times when I have been out of town they have taken over. I do have a State cell phone that is paid for by the State and I do keep in contact. I have been in Albuquerque for the last day and a half and have tried to call down here but it wouldn't go through on my Cell One. I guess I will be back in the purchasing agent's office tomorrow to find out why I can't get to Ruidoso from Albuquerque on Cell One.

Councilor Morales said the way I understand it, we have Nick already as the alternate judge and Dale Perry is the second. My understanding from this is in the event those two people were not appointed and approved by the Council and you and they were both gone, and then the Mayor in his capacity would appoint someone as an alternate judge. Mayor Miller said it is temporary anyway and it is likely never to happen.

Mayor Miller closed the Public Hearing at 5:40 p.m.

Mayor Miller entertained a motion to adopt Ordinance 2002-14 as read by Administrator Waters.

Motion was made by Councilor Miller and seconded by Councilor Garrett to adopt Ordinance 2002-14 as read. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

#### UNFINISHED BUSINESS

Mayor Miller asked if there was any unfinished business. Administrator Waters said in your packet you would find a graph of the Griffith Spring log. Note the spring reading is the lowest in recorded history. We have received some snows; unfortunately we have not seen the kind of return we would have liked. Perhaps the January readings will be better. The flow is actually down to 278.9 gpm. If you remember at the last meeting we had talked about installing a new meter that has a greater reputation of accuracy on the system. The meter confirmed that the old meter that was there was actually reading correctly. Therefore, the readings and numbers that you see on the graph are correct numbers and that is something of definite concern. The staff, as our ordinance reads, needs to consider at the next Council meeting the water conservation phases. Of course, as you well know, watering your yard is not something that is occurring right now. Those phases may not be as effective as they would in the summertime. The city is currently pursuing some grant monies, which we believe we will have a good deal of success on to at least stop the leakage out of our system, which will help. However, this is something that is fairly serious. We have talked to Representative Dub Williams about water rights purchases and some assistance with it. He is certainly open to carry some legislation from us to help us with our Water Master Plan particularly the Phase I-A, which is the phase that talks about development of alternate sources of water. That is something we need to be pursuing really heavy. I will keep the Council posted if something major happens and we see a significant drop of 10 or 15 gallons per minute, I will ask the Mayor to call a special session called for in the

Water Conservation Ordinance and we will get other measures to at least conserve what we have.

#### NEW BUSINESS

Motion was made by Councilor Garrett and seconded by Councilor Miller approving Advertisement for Bid No. 03-006, Itron Compatible Radio Read Water Meters. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Garrett and seconded by Councilor Miller approving Advertisement for Bid No. 03-007, 2003 ½ ton 4x4 Pickup Truck and one Regular Cab 15000 GVW Truck, 4x4 with Utility Bed and 4,000 Pound Crane. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Garrett and seconded by Councilor Miller approving Advertisement of RFP No. 03-05, Professional Engineering Services (Design Construction Management for Reconstruction of Wright and Allison Streets). Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next on the agenda, Jason Kinnick, Presentation on the program "Stranger Danger" and I hear that it is highly successful.

Mr. Kinnick said he has been working on a program for the past four months through our school systems in our area called Stranger Danger. We are going to the schools and teaching the children about who is a stranger, who is not, what to do if they are approached by a stranger or someone they do not know. This little pamphlet we hand to them for the kids to take home to their parents and we also have coloring books for the kids. On the last page are pictures of myself and some of the children. I do the fingerprints on all the children in case of an event, God forbid, that these kids get kidnapped or taken off the streets by a stranger. We have a record that we can go by when we get to their house. Law enforcement can take these fingerprints and run them through NCIC and any kid they come up with that has a possible match to get the kid back. This program is put on by myself in the Ruidoso Downs area and four or five police officers in Ruidoso. We all work together as a team. We also have a lot of civilians that are involved; the Lion's Club members assist us in this program. Also we have a lot of sponsors, Ford Motor Company and different agencies helping us put this program out. Capitan is also a member of this program. We have a presentation that we go by. Most of the time the ladies put on the program. We tell the children that what we do is law enforcement, how we are there to protect them and if they have a problem to come see us.

Administrator Waters said he would like to commend Jason on this. By personal experience, my children, probably because Jason has red hair like my daughter, she very much appreciated the police officers coming down. And of all the police officers there, you are the one that actually stuck out in her mind. If you have that kind of impact on the kids, hopefully you will have that kind of impact community wide to save the kids from something terrible happening to them. You are doing a good job.

Jason said he has had Judge Reid find out later on that they have a bad taste with police officers because guys with a badge have taken family members out of the home. Those kids are pretty hard to get to but they come up and talk to us later on. It has been a pretty good program.

Councilor Miller asked is there some reason police officers did not come to our preschool. Just some ladies came and talked to them about stranger danger and fingerprinted them. I would like for our three, four and five year olds to get to know police officers and trust them. Jason said Doris is the one that has been heading this up and introduced her. Doris said when we went to Nob Hill; we started with Mike Bristol, a police officer from of Ruidoso. When these officers do this with us, they are usually on their day off or in between calls. The day Mike went up and started with us, he got called out. We had a meeting yesterday afternoon and one suggestion in the meeting was we have one more group to see at Nob Hill and maybe it will allow for an officer to go with us to the classes and do a little bit of a review. That was the only one we missed out on.

Jason said luckily, with the schedule, they are usually on my days off. I have to put on a full uniform and go in and make a presentation. Councilor Miller said I don't see why you couldn't have time while you are working. Jason said we get called out. Doris said we feel real fortunate the officers that work with us do this on their days off or between their emergency calls and we have been very blessed by the number that have been able to help us. It was two-fold to start off with, the stranger danger and then it was the communication between the children and the police officers. It has been very well supported. We have more to do and we could use help with funding. With little league starting, we could put up banners on the little league fields. As soon as we make the public aware that we are on guard for these strangers, we are going to divert them. One of our goals is if we avoid at least one abduction, we have done a good job.

Jason said the only group we are not doing is the high school students because they tend to turn their back on everyone. Councilor Miller said she disagreed that they need the interaction with the police officers as well. Tom Armstrong asked is this option open to the high school students at all. Jason said we have a fifteen minute video that is geared toward the children. High school kids are not going to understand that. Tom asked if they could be fingerprinted. Jason said nobody gets denied. I'll fingerprint them and any adults. The fingerprint card has all the information needed and it goes home to the parents.

Mayor Miller said we appreciate you and all the effort you put towards this.

Mayor Miller stated next on the agenda, consider approving 2001-2002 City of Ruidoso Downs Audit. Mayor Miller entertained a motion to approve. Councilor Olivo made a motion to approve the 2001-2002 City of Ruidoso Downs Audit. Seconded by Councilor Morales. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller entertained a motion to approve Resolution 2003-01 Open Meetings Act changing the 2nd and 4th Tuesdays Council meetings to 2nd and 4th Wednesdays of each month until June 2003 when Council goes back to the 2nd and 4th Tuesdays. Councilor Garrett moved to approve Resolution 2003-01 Open Meetings Act. Seconded by Councilor Olivo. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Councilor Morales suggested to Administrator Waters that we put a notice in the paper other than a legal notice to let people know when the meetings will be held. Administrator Waters said he would and on the sign as well. We are also getting ready to put out our second installment of the newsletter and we will put it in there as well.

Mayor Miller stated next on the agenda, consider approving Resolution 2003-03 supporting a stop light with pedestrian crosswalk. Councilor Morales said the only reason she pulled it is because I would like Administrator Waters to read it so everyone knows what we are doing and why we are doing it.

Administrator Waters said this is a resolution to help alleviate the problem we have with kids crossing the road, especially in twilight hours, to the All American Park. They have no way to cross this four-lane highway. With the onset of the new part of the highway coming in as four lanes and the potential increase in traffic, we have been working with the State Highway Department to try to fix the problem to allow the kids to have some access across the road. In addition the State Highway Department is more supportive of this than a bridge, which they claim, will increase accidents and won't be used. This could actually be used by our emergency services to access the highway in a safer way as well with an automatic override. They requested that the Council formally request this. This doesn't necessarily approve it, it is just a step in a series of steps to get this particular project done. The Resolution reads:

**A RESOLUTION SUPPORTING A STOP LIGHT WITH PEDESTRIAN CROSSWALK ON US HIGHWAY 70 AND DOWNS DRIVE WITHIN THE CORPORATE LIMITS OF THE CITY OF RUIDOSO DOWNS**

**WHEREAS**, The number of accidents and accident - related deaths on US Highway 70 from Riverside to Ruidoso Downs have increased in recent years; and

**WHEREAS**, the City of Ruidoso Downs has noticed a significant increase in visitation and traffic along US Highway 70; and

**WHEREAS**, the City's police and fire departments are located at the intersection of Downs Drive and U. S. Hwy 70; and

**WHEREAS**, the All American Park and Ruidoso Downs Senior Citizens Recreation Center, the City's only recreational park and Senior Citizens facilities, are located on the north side of U. S. Hwy. 70 across from intersection at Downs Drive; and

**WHEREAS**, the vast majority of the population of the City of Ruidoso Downs lives on the south side of U. S. Hwy 70; and

**WHEREAS**, throughout the year children and senior citizens cross the busy U. S. Hwy 70 to access the All American Park and Senior Citizens Center; and

**WHEREAS**, the expansion of US Highway 70 to a four lane highway will exacerbate this problem of pedestrians, young and old, unsafely crossing U.S. Hwy 70:

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RUIDOSO DOWNS THAT:**

THE GOVERNING BOARD OF THE CITY OF RUIDOSO DOWNS HEREBY REQUEST THAT NEW MEXICO STATE HIGHWAY & TRANSPORTATION DEPARTMENT INSTALL A THREE WAY STOP LIGHT WITH PEDESTRIAN CROSSWALK AND AN EMERGENCY OVERRIDE MECHANISM FOR EMERGENCY SERVICES VEHICLES AT THE INTERSECTION OF U.S. HIGHWAY 70 AND DOWNS DRIVE WITHIN THE CORPORATE LIMITS OF THE CITY OF RUIDOSO DOWNS.

Councilor Morales made a motion to approve the Resolution 2003-03 Supporting a stoplight with pedestrian cross walk. Seconded by Councilor Garrett. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

OTHER BUSINESS

Councilor Olivo said he would like to show Council and the audience that Santa Claus finally came to the Fire Department. We got some uniforms for the Volunteer Fire Department. We got some T-shirts, sweatshirts and well deserved jackets and four members from Ruidoso will proudly wear our jackets. Mayor Miller said those are very nice.

## PUBLIC INPUT

Mya said Happy New Year to all of you. Highway 70 sidewalks need to be cleared of snow and gravel. One year ago Tom Armstrong said he would call the State Highway and Transportation Department. It is now a year later and no one has taken responsibility to clean the sidewalks. There are more than just me that walks and when it snows it is tricky and the gravel makes you slide and possibly trip. The Auxiliary people, volunteers - all we need is one pathway. I understand that the stuff gets kicked up from the highway but once a week to be cleared somehow. I have been here four years and it has never been taken care of.

The largest sign advertising Ruidoso Downs on Highway 70 in front of the Senior Center reads "The Fastest Growing Village". Big signs on main highways should have first priority when changing the signs from village to city. A ten minute paint job to just slap over the word village and put city until you decide you want another big sign.

I walked into the main office the other day and no one has ever said anything about a suggestion box with forms to fill out for the citizens that want to share ideas with the city's staff. Mr. Waters' time is of the premium and he is not going to let us walk into his office just like that.

Also I would like to note, is there e-mail addresses for the city that have been posted so that concerned citizens can obtain that e-mail and write to the city officials, councilors and mayor.

My last comment and what I feel is the most important. No YMCA is going to be built in Ruidoso. I was the only citizen from Ruidoso Downs to my knowledge at this meeting. The effort is very strong by the business community of Ruidoso and by many of the educators that work with children every day that there is going to be a county community center built in this area. By making it county, that means all the small communities will be invited to use this facility. Four or five months ago I said I would like for us to write a grant to get an indoor pool and have Ruidoso Downs be the first ones with an indoor swimming pool because the whole community needs it. I understand that sometimes just one small community cannot do it and I like this idea of a county community center. I am going to suggest they call it The Triple C; everyone can go to the CCC to have their recreation. They have land that is already bought and paid for; all we need to work on now is getting the monies for the building. This was a grass roots thing but it is extremely strong. Its committee members have a lot of professionals and concerned people that are bound to make this happen. Therefore, I am standing here this evening asking you to give some thought to consider a volunteer delegation from the City of Ruidoso Downs to assure our interests are represented in this very important project that will be all county. I would like to be one of the volunteers recognized to help. I think maybe three to five people is all we need for things we need to do on a weekly basis. I thank you kindly.

Mayor Miller stated next on the agenda, Executive Session pursuant to Section 10-15-1(H) 2, Limited Personnel Matters. I would like to entertain a motion to go into Executive Session.

Councilor Morales made a motion to go into Executive Session pursuant to Section 10-14-1(H) 2, Limited Personnel Matters. Seconded by Councilor Olivo. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated he would like to invite City Administrator John Waters, City Attorney Dan Bryant and City Clerk Carol Virden to attend the Executive Session. I hereby close the regular meeting at 6:13 p.m.

Mayor Miller called for a motion to go back into Regular Session at 7:15 p.m. Councilor Morales made a motion to go back into regular session and declared that the only matter discussed was Limited Personnel Matters and no action was taken. Seconded by Councilor Olivo.

Motion was made by Councilor Garrett and seconded by Councilor Miller to adjourn at 7:16 p.m. Motion passed unanimously.

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Bob A. Miller, Mayor

ATTEST:

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Carol Virden, City Clerk/Treasurer