

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
JANUARY 24, 2005

The Council of the City of Ruidoso Downs met in regular session on January 24, 2005. Mayor Miller called the meeting to order at 5:30 p.m. and asked Warren Beaver 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 were:

John P. Waters, City Administrator
Carol Virden, City Clerk/Treasurer
Robert Logan, Department of Public Safety Director
Dan Gens, Public Works Director
Tom Armstrong, Permits/Licensing Supervisor

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 Garrett moved to approve the Consent Agenda. Seconded by Councilor Morales. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF JANUARY 10, 2005 REGULAR MEETING

Motion was made by Councilor Garrett and seconded by Councilor Morales to approve the Minutes of the January 10, 2005 regular meeting. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF JANUARY 19, 2005 SPECIAL MEETING

Motion was made by Councilor Garrett and seconded by Councilor Morales to approve the Minutes of the January 19, 2005 special 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 Garrett and seconded by Councilor Morales to approve the Accounts Payable. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

UNFINISHED BUSINESS

Mayor Miller stated the item under Unfinished Business, possible relocation of Municipal Court and Offices. Mayor Miller asked Honorable Judge Mansell to comment. Judge Mansell said I have no idea, Mayor. I didn't put it on the agenda. I am just here answering a letter from Mr. Waters.

Councilor Morales said, your honor, we had talked about the possibility of moving the Municipal Court across the street and remodeling that for you. I didn't know if you were still interested in that option. If you are willing to stay where you are, we are willing to sound proof your office and Peggy's office if that will help. I just wanted to know if you had made a decision on that.

Judge Mansell said no. The last thing I know, because I have mostly been keeping in touch with Dan, the last letter from my office was my court clerk saying she did not want to move across the street. Number one due to the fact that some of the clientele we have become a little irate from time to time. Number two this is our money we handle without security.

Councilor Morales asked are you interested in remaining here where you are now. Judge Mansell answered yes.

Councilor Morales said if we went in and possibly soundproof your office and Peggy's office. I know there was a problem with you being able to hear things that were being said in the police department which is causing you to ex parte yourself on some cases. If we can go in and make that soundproof for you, is that a viable reason for you to stay where you are.

Judge Mansell said right now it is probably 99.999 soundproof. The officers that we heard more than others are no long employed here. I have intentionally heard probably a mumble more than anything else and tried to make out what was said just for my own reputation. Like I say 99.999 is nothing I can hear right now. It probably would be the best, if it's not cost prohibitive, to go in there and soundproof that wall and probably a 4 by 8 styrofoam with the aluminum on at least one side or probably both would be sufficient. You can go right over that and texture it without any problem. You could probably do it in-house and you wouldn't have to go out for bid.

Councilor Morales said I think the consensus is that we are willing to do that. We are willing to soundproof that for you more if we need to and I think the other option that you have is you are welcome to use the Council chamber if you have lots

of witnesses for a big court case or whatever. You can also use this room at any given time.

Judge Mansell said back when we were in the process of taking in the area of Agua Fria and then the checkerboard affect down the highway, my court was interrupted several times then. Like today, we had trials up until 1:00 p.m. today. I have got one at 7:00 p.m. tomorrow night. I have got four Wednesday. From way back when that was happening, the annexation, I really haven't had any problems to speak of. Because you know we always have and probably will continue to have more weddings than any other judicial system in the 12th Judicial District. Judge Johnson, before he passed away, he did a lot over there because of that area. I think I am top in the State because I am always available. That is about the only other use than the normal court.

Councilor Garrett asked how are you doing with storage space. Do you need us to secure a place for records storage? Judge Mansell said we just bought a table, sliding around cabinet type. Where we had this year's in a file that we had to go to, now it is a mobile file and doubles as a table. Santa Fe, the AOC, will pay for that as soon as we get the bill.

Councilor Garrett said if you have a problem that way, let us know. Judge Mansell said right now we are changing over. I know Nedra came in on the four year's back but I don't know what they did with them. They didn't say anything to me about storage.

Councilor Garrett said then you are not having problems and Judge Mansell answered no.

Councilor Morales moved that we do what we need to do to soundproof the Judge's office and his clerk's office. Seconded by Councilor Olivo. Councilor Morales said I would also like to add, Judge, if you have any more problems with storage or anything else, come and tell us. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

OTHER BUSINESS

There was no other business.

NEW BUSINESS

Mayor Miller stated the next item on the agenda is report on Governor's Richardson stoplight on U.S. Highway 70 by Secretary of Department of Transportation, Rhonda Faught who is not here at the time but is on her way in from Roswell. I am going to take this item and move it to the end of New Business.

Mayor Miller stated next item on the agenda, consider approving agreement between the City of Ruidoso Downs and the Ruidoso Municipal School District for the use of softball field at the All American Park.

Administrator Waters said as you know, we lease the softball field out to the Lady Warriors for their softball program every year. They pay us a dollar. It is kind of a usual type deal. They do some maintenance on the field and they keep it groomed. I know they have done work on benches in the past. Of course, they are required to pick up after themselves and pick up the trash. Actually last year, we had some complaints regarding them picking up the trash that was accumulating. It is little bit better this year which is my personal observation. Of course, we may have had more people down there picking up trash, Leonard and David. This is the same contract we had last year. We just ask the Council to approve it. One of the other complaints we had regarded the lights. I think this is an issue that they leave the lights on and either Steve, Leonard or Bill would get up at two o'clock in the morning because the police department calls them out when the lights are still on at the field. I have instructed Dan Gens to go ahead and put electronic lights on it with timers so the lights automatically shut off after a certain period of time. Hopefully, we will take care of that. There won't be any overtime for somebody having to go out and shut them off. That is the only other issue I am aware of we had a problem with at this time.

Councilor Garrett said the only other thing that has been mentioned to me, and I understand the concern, is that our kids can't use it; they lock the gate. Even on the weekends the kids can't go in there. Does this make it that our citizens can't use it during that time at all?

Administrator Waters said no. The way I understand this is we actually have the ability to use it when it is not being utilized by the softball team. We will have to look into that.

Councilor Garrett said we have to call the school and ask permission to use the field. It is our park and I think our kids here deserve the right to use it on the weekend if it is not being used by the school.

Administrator Waters said we have a schedule that people schedule ahead of time and most of the people are here in town. I know Kalama Davis uses it quite a bit for kid's sports. Generally, they get themselves on the schedule and it is scheduled for a certain period of time obviously. It is first come, first served. At the very beginning of the year they give us a schedule of when they are going to need the softball field. Part of the agreement is they have to give us a schedule ahead of time. That has been turned over to Dan Gens and he and Leonard sit down and crank out a schedule so we know when they are going to be able to use it. If they need special times, they need to call us ahead of time and let us know. Dan will have the schedule. The way I understand it is the only time that it is not available is when it

has been scheduled by them or somebody else. The other issue is the restrooms; they are locked up all of the time. I talked to Dan about it; these are public restrooms. We need to get that park where people in town can use it.

Dan Gens, Public Works Director, said I didn't remember at 6:00 p.m. to turn the lights on for football practice.

Councilor Miller asked are the restrooms locked right now? Mr. Gens said they are locked right now. If the Council would like them open and gates unlocked, we can certainly do that. Councilor Miller said I think it should be open. Definitely. I think we have police that can look right over there and see if anything is going on or if anybody is doing any kind of damage or drive by often.

Administrator Waters said in cities that have parks with restrooms, there is always a chance and a greater chance for vandalism to occur in restrooms. I think originally we lost a toilet which is what led this Council or somebody in 2000 or 2001 to close the restrooms. However, that is just something we need to pay more attention to. In the future, with that park project we have not only the paving scheduled but we have the placement of lights which I think will be an asset to the entire park. It will help the police watch it in the evenings. It will also help our citizens utilize that area a little more fully into the evening. The restrooms, I would definitely agree, need to be open to allow our citizens to use it. There is no other reason to have those out there if you don't let the public use it.

Councilor Miller moved to approve the agreement between the City of Ruidoso Downs and the Ruidoso Municipal School District to use the Softball Field at All American Park. Seconded by Councilor Olivo. 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 personnel recommendation for position of Communication Detention Officer for the Department of Public Safety.

Chief Logan introduced Bobbie Pearson and said as you know with the promotion of Brady Chambers to police officer opened a position in the Department of Public Safety for a Communication Detention Officer. I would like to report that Brady is doing very well going through 22 weeks of the law enforcement academy. Bobbie has expressed interest in filling this position. She is new to Lincoln County and she comes from Florida. She has a great deal of experience as an office manager, as an operations manager and a business co-owner. I must say in our interview with Bobbie, she did express herself very well and does come across as a great communicator. Ms. Pearson was our first choice. She comes highly recommended through her background check and I would like to recommend Bobbie Pearson for hire as a CDO.

Councilor Olivo moved to hire Bobbie Pearson as communication detention officer for the Department of Public Safety. 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, report of Governor's Richardson stoplight on U.S. Highway 70 by Secretary of Department of Transportation, Rhonda Faught. We are privileged to have you here and your staff.

Rhonda Faught said it is a pleasure to be here and actually we do have some good news. After counting traffic and doing all of the things that we have done over and over again, we finally did meet one signal warrant. I know that when I was here I explained the difficulty of us putting signals in if they don't really warrant it. Our commission approved a sig change to allow that on Thursday of last. We are going to order the equipment next week and it takes about six to eight weeks to get the equipment in. We are not going to make any changes in geometrics; we are just going to put the signals in. Some concerns that I had raised earlier to Mr. Waters and that was how the people would be complaining if we put in some raised medians and we are not going to do that. We are going to put the signal in and it will be triggered so that if a car comes off Downs Drive it will change the signal. Otherwise, it won't change. In addition to that, we haven't done this before, but I understand we will also have a pedestrian button to change the signal. It is around two months before you will see construction going on. You should have it in April. I have also been able to pay for every signal in the area. We are now on target to get all of the signals done over the next year that are warranted right now. It's about time we figured it out; it has been an interesting process.

Mayor Miller said we certainly appreciate your concern and taking on the responsibility to do this. I want to compliment you since you have been in office. The highways are better than they have ever been, cleaner and neater. Ms. Faught said thank you very much. We have had a wonderful couple of years because we were able to pass some legislation that will help relieve some our maintenance activities on these roads. I have Gary Shubert here, the district engineer, and his technical support engineer, Bob Curt; they are the people to really thank.

Jane Hazelip said I am the ancient Ruidoso Downs citizen who originally asked for the signal and I want to thank you very much. I know everyone in town will really appreciate it, especially the children.

C.E. Pappy Bell asked is this going to be a four-way light. Ms. Faught said it is going to be a three way light for right now. After this grows up and we see other activities, if we need to make geometric changes that is what we are talking about. Let's see how this works first and see if it satisfies the concerns that you have and go from there. Right now the intersection doesn't warrant that.

Councilor Miller asked what about the pedestrian button. Will that work for both sides? Ms. Faught said I am sure it will.

Tom Armstrong said the fire department is right across the street. Is the dispatch going to be able to handle that? Ms. Faught said we are going to be able to facilitate that. We probably need some type of facilitation so you can change the signal during emergencies. We will be working with you on that so you can override the signal.

Councilor Morales said Rhonda, I don't mean to put you on the spot but all of these people heard you say it would be in by April. Ms. Faught said you have been very persistent and through your persistence, we found a way to get it done. I appreciate the persistence and it is going to happen. The construction period should go fairly quickly but I am not saying it will be in by April 1st.

Everyone thanked Ms. Faught and Administrator Waters said to thank the governor.

PUBLIC INPUT

There was no public input.

Mayor Miller entertained a motion to adjourn.

Motion was made by Councilor Morales and seconded by Councilor Miller to adjourn at 6:00 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer