

City of Rio Communities Council Minutes
Regular Business Meeting
Wednesday February 28, 2018

Call to Order

- Mayor Gwinn called to order the regular business meeting at 6:00 pm.

Pledge of Allegiance

- Judge Benavidez led the Pledge of Allegiance.

Roll Call

- Present: Mayor Mark Gwinn; Councilor Bill Brown, Peggy Gutjahr, Arturo Sais and Thomas Scroggins.

Present: City Manager Bob Skerry, Treasurer Celina Benavidez, Municipal Clerk Lisa Adair, Municipal Judge Heather Benavidez and EDC Chairman Jim Winters.

Approval of Agenda

- Mayor Gwinn added to the agenda between the approval of the City Council minutes and the City Manager Report the swearing in of Officer Cole Knight.
- Councilor Gutjahr moved to approve the agenda Wednesday February 28 at 6:00 business meeting as amended. The motion was second by Councilor Sais. With a 4-0 vote the regular business meeting for Wednesday February 28, 2018 6:00 pm was approved as amended.

Approval of Workshop Minutes

- Councilor Scroggins moved to approve the workshop minutes of January 23 and February 13, 2018 as written. The motion was second by Councilor Brown. With a 4-0 vote the workshop minutes of January 23 and February 13 were approved as written.

Approval of City Council Minutes

- Councilor Brown moved for the approval of the City Council minutes of February 13, 2018. The motion was second by Councilor Gutjahr. With a 4-0 vote the minutes for the City Council regular business meeting of February 13, 2018 was approved as written.

Swearing in of Officer Cole Knight

- Police Officer Cole Knight was sworn in as Rio Communities Police Officer by Rio Communities Municipal Judge Heather Benavidez

City Manager Report

- Manager Skerry explained during the workshop today we had a presentation from the architects FBT and gave a brief description of their presentation.
- Manager Skerry said the incubator project is going forward and explained what the program they are working on.

Public Hearing

- **Motion and roll call vote to recess Regular Business Meeting session and to go into Public Hearing**
 - Mayor Gwinn asked Council to recess and move into a public hearing.
 - Councilor Gutjahr made a motion with a roll call vote to recess our regular business meeting session and go into public hearing on Ordinances 2018- Chapter 2, article 3 Municipal Judge; Ordinance 2018- Chapter 10, part A LEDA and Ordinance 2018- Chapter 10, part B Economic Development Plan. The motion was second by Councilor Scroggins. Vote: Councilor Sais-yes;

Councilor Brown-yes; Councilor Scroggins-yes and Councilor Gutjahr-yes. With a 4-0 vote the regular business meeting was recessed and the public hearing began at 6:14 pm.

- **Hearing:**
 - **Ordinance 2018-__ Chapter 2, article 3 Municipal Judge; Ordinance 2018-__ Chapter 10, part A LEDA; Ordinance 2018-__ Chapter 10, Part B Economic Development Plan.**
 - Mayor Gwinn had opened to Council for comments.
 - Gutjahr said this is to raise the pay for the newly elected Judge from \$100 to \$300.
 - No other comments from Council or residents.
 - EDC Chairman Jim Winters explained the LEDA
 - Council or residents had no comments.
 - EDC Chairman Jim Winters explained that we are required by the State economic development commission to have two pieces in place the first is LEDA and then explained that economic development plan is the second.
 - Council or residents had any comments.
- **Motion and roll call to go back into Regular Business Meeting session**
 - Councilor Gutjahr motioned by roll call vote to go back into the regular business meeting. The motion was second by Councilor Sais. Vote: Councilor Brown-yes; Councilor Gutjahr-yes; Councilor Sais-yes and Councilor Scroggins-yes. With a 4-0 vote City Council Regular Business meeting was back into session at 6:19 pm.

Public Comment

- Merita Wilson explained in September 2016 that she and her husband had purchased a house around the golf course and after so much time she is her to give her concerns regarding the trash, litter and weed problem. She then read a statement regarding who she has spoken to from the City and the gest of those conversations.
- Sam Wilson continued with the statement.
- Heather Benavidez announced the launch of ABLE New Mexico which is investment/savings accounts for persons with disabilities and explained the program.

Ordinance 2018-__ Chapter 2, article 3 Municipal Judge

- Mayor Gwinn opened it up to Council for questions or discussion.
- Councilor Gutjahr made a motion to approve ordinance 2018-60 chapter 2, article 3 municipal judge. The motion was second by Councilor Scroggins. Vote: Councilor Scroggins-yes; Councilor Scroggins-yes; Councilor Gutjahr-yes and Councilor Brown-yes. With a 4-0 vote Ordinance 2018-60 Chapter 2, article 3 Municipal Judge was passed, approved, adopted and signed.

Ordinance 2018-__ Chapter 10, part A LEDA

- Mayor Gwinn opened it up for discussion from Council.
- Councilor Scroggins to approve ordinance 2018-61 chapter 10, part a LEDA. The motion was second by Councilor Brown. Vote: Councilor Scroggins-yes; Councilor Gutjahr-yes; Councilor Brown-yes and Councilor Sais-yes. With a 4-0 vote Ordinance 2018-61 Chapter 10, part A LEDA was passed, approved, adopted and signed.

Ordinance 2018-__ Chapter 10, part B Economic Development Plan

- Mayor Gwinn asked if there was any further discussion on ordinance 2018- chapter 10, part B economic development plan.

- Councilor Sais moved to accept ordinance 2018-62 chapter 10, part b economic development plan. The motion was second by Councilor Gutjahr. Vote: Councilor Brown-yes; Councilor Gutjahr-yes; Councilor Sais-yes and Councilor Scroggins-yes. With a 4-0 vote Chapter 10, part B Economic Development Plan was passed, approved, adopted and signed.

Accounts Payable -- City Treasurer Celina Benavidez

- Treasurer Benavidez requested permission to pay the following bills.

NM Municipal League	\$ 150.00	Pest Defense Solutions	\$ 144.20
Village of Los Lunas	\$ 5,921.75	Card Service Center	\$ 1,925.66
Gusto	\$ 5,331.66	Gusto	\$ 2,475.75
Wilfred O. Chavez (pharmacy)	\$ 79.69	Gilbert Garcia & Sons (Keys)	\$ 185.77
Century Link	\$ 187.10	NM Gas Co	\$ 806.60
Lyle Signs, Inc	\$ 151.00	AC Disposal Services	\$ 360.00
Bob Skerry (travel W/E 02/26)	\$ 53.75	Thomas S Adair (prof. serv.)	\$ 225.00

- Councilor Gutjahr asked regarding the VRECC services is that monthly or 3 months.
- Manager Skerry said that is for 3 months.
- Councilor Gutjahr asked why new locks were put in.
- Treasurer Benavidez explained there were new locks put on the code enforcers door and a couple of file cabinets.
- Treasurer Benavidez said that we have exceeded the budget regarding animal control.
- Councilor Gutjahr made a motion to pay the bills for the period of February 15 – February 28, 2018 as presented tonight. The motion was second by Councilor Brown. Vote: Councilor Scroggins-yes; Councilor Sais-yes; Councilor Brown-yes and Councilor Gutjahr-yes. With a 4-0 vote accounts payable was approved for payment.

Public input at the city council regular business meeting

- Councilor Brown is proposing that we institute a public input on agenda items except for the items that will be at public hearings and certain specific approval items and then explained that he feels there is no real opportunity to talk regarding the agenda items after our discussion and before a vote. He further explained he would like a trial period.
- Mayor Gwinn opened it to council for discussion.
- Councilor Sais asked what exactly we are talking about.
- Councilor Brown explained that it would be after the agenda items before the final decision.
- Mayor Gwinn gave an example of how this would be initiated.
- Councilor Gutjahr said her original thought would outline that within the public comment section where it would say that it could talk about they own agenda or our agenda item.
- Mayor Gwinn said that an example of no public input would be on accounts payable.
- Councilor Brown moved adopt a public input for agenda items limit to 3 minutes excluding items that the public has opportunities to speak for a 4-month trial period. The motion was second by Councilor Gutjahr. Vote: Councilor Scroggins-yes; Councilor Sais-yes; Councilor Gutjahr-yes and Councilor Brown-yes. With a 4-0 vote public input at the city council regular business meeting was approved for a trial period of 4 months beginning at the next city council regular business meeting.

National Association of Latino Elected Officials (NALEO) Councilor Sais

- Councilor Sais explained that 42% of our community is Latino and said he would like to join to see how this would help our community and then further explained that he believes we are the only State in the Union where the minority is the majority and feels we need representation. He then asked if the City could pay for his membership to NALEO.
- Councilor Gutjahr explained that there are two ways to look at this, one as council that this would be helpful to be a part of.
- Councilor Brown explained that he feels it is a worthy organization but feels it is a special interest group and is concerned that it will set a precedent for future requests to join special interest groups that are not necessarily open to all.
- Councilor Gutjahr motion to pay for Councilor Sais registration to the National Association of Latino Elected Officials (NALEO). The motion was second by Councilor Sais. Vote: Councilor Scroggins-yes; Councilor Sais-yes; Councilor Gutjahr-yes and Councilor Brown-abstained. With a 3-0 vote Councilor Sais' registration fee to NALEO was approved for payment by the city.

Solid Waste Council Input

- Mayor Gwinn explained that we have received concerns and input from P&Z and residents regarding solid waste.
- Councilor Brown said P&Z has worked on this issue for several months and has submitted nineteen questions to the governing body for their input. He said the consensus of the P&Z was that the ordinance should require trash pickup for commercial and residential and that we have a single hauler. He said multiple haulers would make it impossible to enforce a mandatory system because there is no way to check. He said P&Z recommended that we not consider recycling at this time.
- Mayor Gwinn explained that Council is directing our City Manager to develop a solid waste ordinance.
- Councilor Gutjahr said other things to consider are a fine for those who do not comply and a time period for people to comply before they're at the point of being fined.
- Councilor Sais said this should be mandatory.
- Councilor Gutjahr explained that in most municipalities the billing is done through the city, but we won't have that capability, so billing will be done by the hauler. She said it would be difficult to make it mandatory with multiple haulers.
- Manager Skerry explained that P&Z checked to see how many people in the city have a solid waste carrier and found that 700 households do not. He further explained that we've known this is a problem and there have been 36 city cleanups as well as grants for multiple cleanups in the desert and other neighborhoods. He said what he is hearing from Council is that we should have a solid waste ordinance that says it's mandatory that residents have trash pick up service. He then explained that there would be a Request for Proposal (RFP) which will take ninety days to get through and explained the process.
- Councilor Sais asked how many haulers there are in the City.
- Manager Skerry explained that when the P&Z did the study the three haulers were Waste Management, AC Disposal and Valley Disposal. He said since then Valley Disposal has been bought out by Universal.
- Councilor Sais asked if a franchise fee would go into the RFP.
- Manager Skerry said the County tried for seventeen years to get a solid waste ordinance. He then explained that an ordinance goes out for publication and after two weeks, the public is given

a chance for comment. He said we need to give the public time to give their comments on the ordinance and then time the RFP so that the contract with the hauler and the ordinance go into effect at the same time.

- Councilor Sais moved to direct the City Manager to proceed with a solid waste ordinance to be mandatory, single hauler, a franchise fee, responsive to our data base, and a fine.
- Manager Skerry clarified that Council wants is a solid waste ordinance to include single hauler, mandatory, fines for non-compliance, and data base sharing. He also said the franchise fee and pick up of large items will be covered with the Request for Proposal.
- The motion was second by Councilor Gutjahr. Vote: Councilor Brown-yes; Councilor Scroggins-yes; Councilor Gutjahr-yes and Councilor Sais-yes. With a 4-0 vote Manager Skerry was directed by Council to proceed with a solid waste ordinance.

Council Reports

- Councilor Scroggins had no comments.
- Councilor Sais said he is concerned about the code enforcement officer. He said that will be important especially with the solid waste ordinance and we need to get a code enforcement officer in place. He said we have a job description for that position and money is in the budget for it.
- Manager Skerry explained the reason for not having the job advertised is because the personnel policy, compensation and benefits are not in place. He said we've had four code enforcers and they have all quit because we have been unable to hire a professional code enforcer that has been through the training. He said the code enforcement officer is a pseudo law enforcement officer confronting the public and writing citations and the position needs to have a higher-level demand job description.
- Councilor Sais said we need to get a code enforcer in place as soon as possible. He said this issue was discussed by P&Z when the ordinances were being written and we knew we would need a code enforcement officer. He also said we won't get the top of the line code enforcer because we're a new city and a training ground but at least we'll have one in place.
- Councilor Brown said he would like to thank the Wilsons for coming and voicing their concerns.
- Councilor Brown said in the last two workshops he has personally encouraged the City Manager to post the position. He said that position has been open for a year and it is worth posting and attempting to fill the position. He also said he is concerned about the fire station and said they have lost two members including the assistant fire chief. He said that leaves us without a fire chief and an assistant fire chief and this matter needs to be addressed soon.
- Manager Skerry explained that Council has approved moving forward with HR, compensation and PERA. He further explained one of the biggest issues is the problem of getting experienced people who have been in municipal government because they want the PERA state retirement plan. He said part of the application process for PERA is getting an update on our personnel policy, job descriptions and the wage and salary scale. He said we've been working on this for several months and know there is a problem with having a volunteer fire department. He further explained that it's on the books to transition from total volunteer to part paid and part volunteer but it's critical that we get that correct and have the definitions of who is an employee and who is covered by PERA.
- Councilor Brown said we do not need PERA to replace the chief or assistant chief and we don't need different position requirements to act. He said if the existing absentee landlord does not resign, it would be a good idea to have the City Manager and Mayor approach the current fire

chief and express dismay over the lack of leadership, lack of documentation of training and lack of reporting.

- Manager Skerry said he agrees and we know there is a problem. He explained that there is not adequate back-up in the fire department and we are trying to bring people in that would be paid staff. He said they don't have enough trained staff here during the day but it's a volunteer organization that has protocols and the City is only the fiscal agent.
- Councilor Brown said we are remiss by not asking for the resignation of the fire chief because the one we have is not effective.
- Manager Skerry explained that there is a process for removing a chief which has been voted for and set up in their by-laws but that hasn't been done. He said we're the fiscal agent and if we change that and the city employs two positions then we have control over those two positions which we don't have now.
- Mayor Gwinn asked if the by-laws allow the County Commission to remove the fire chief.
- Manager Skerry said the county commission has the right of refusal after the vote for the fire chief and assistant.
- Councilor Brown clarified that we are the fiscal agent of the fire department and can't influence them at all no matter what they do or don't do.
- Manager Skerry explained that we're trying to solve that problem by hiring two people. He said we couldn't control the volunteers, but we would control the chief and the assistant. He said he can't get an application from PERA until he has approval on a personnel policy, job descriptions and wage and salary scale.
- Mayor Gwinn explained that two individuals have come forward and said they would take it over in the interim while make the changes. He said further discussion on this subject should be on the March 13, 2018 agenda for discussion.
- Councilor Gutjahr said the next family health fair will be on April 21 from 10:00 a.m. until 2:00 p.m. She said the blood mobile will be at this fair and mammograms and bone densities will be offered as well.
- Councilor Gutjahr reported that there is a group on Horizon Vista that is doing clean-up.
- Mayor Gwinn explained that Abundant Life has adopted Hwy 47 as part of their youth project to clean up, but they only do it quarterly.
- Mayor Gwinn said Valley Disposal is in the process of selling to Universal Waste Disposal. He said some residents that have Valley feel they're being strong-armed by Universal, but Council can't get involved. He said they need to take that up with Randy and Valley Disposal because we cannot resolve the negotiation issues between these two companies.
- Mayor Gwinn said the Mormon Church has a group that would like to do a cleanup at someone's home in April or May.

Adjourn

- Councilor Gutjahr moved to adjourn. The motion was second by Councilor Scroggins. With a 4-0 vote the City Council regular business meeting was adjourned at 7:39 pm.

Respectfully submitted,

Elizabeth (Lisa) Adair
Municipal Clerk

Approved:

Mark Gwinn,
Mayor

Margaret (Peggy) Gutjahr,
Councilor Mayor Pro-tem

William (Bill) Brown,
Councilor

Joshua Ramsell,
Councilor

Arturo Sais,
Councilor

Date: _____