

City of Rio Communities Council Minutes  
Regular Business Meeting  
Tuesday April 24, 2018

**Call to Order**

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

**Pledge of Allegiance**

- Kuan Tikkun led the Pledge of Allegiance.

**Roll Call**

- Present: Mayor Mark Gwinn, Councilors; Bill Brown, Peggy Gutjahr, Arturo Sais and Joshua Ramsell.  
Present: City Manager Bob Skerry, City Treasurer Celina Benavidez and Municipal Clerk Lisa Adair.

**Approval of Agenda**

- Councilor Gutjahr moved to approve the agenda for the regular business meeting of Tuesday April 24, 2018 as is. The motion was second by Councilor Brown. With a 4-0 vote the agenda for the Regular Business meeting was approved as presented.

**Approval of Workshop Minutes**

- No minutes to approve.

**Approval of City Council Minutes**

- No minutes to approve.

**Public Hearing**

- Mayor Gwinn asked for a motion to recess the regular business meeting and go into the public hearing on the Ordinance for personnel policy manual.
- **Motion and roll call vote to recess Regular Business Meeting session and to go into Public Hearing:**
  - Councilor Gutjahr made a motion with a roll call vote to recess the regular business meeting session and go into public hearing for ordinance 2018- personnel policy manual. The motion was second by Councilor Brown. Vote: Councilor Ramsell-yes; Councilor Sais-yes; Councilor Gutjahr-yes and Councilor Brown-yes. With a 4-0 vote Council recessed the regular business meeting session and went into a public hear at 6:02 pm.
    - **Ordinance 2018-\_\_ Personnel Policy Manual**
      - Manager Skerry explained a few months back we went through a process with an independent HR company to review our current personnel policy manual and the job descriptions. He then said we have made all federal EEOC requirements. He further explained that we have duly published and had it in review for the public for 14-days.
      - Mayor Gwinn opened it up to the public and asked if anyone has questions or comments to please come up to the podium and give your name for the record. He also opened it up to Council as well.
      - Councilor Gutjahr explained one item that was changed today was to make it a requirement for an exit interview.
      - No other comments or input.
- Mayor Gwinn asked for a motion to go back into regular session.

- **Motion and roll call to go back into Regular Business Meeting session**
  - Councilor Sais moved to go back into the regular session from the public hearing with a roll call vote. The motion was second by Councilor Ramsell. Vote: Councilor Brown-yes; Councilor Gutjahr-yes; Councilor Sais-yes and Councilor Ramsell-yes. With a 4-0 vote the regular business meeting was back into session at 6:07 pm.

### **City Manager Report**

- Manager Skerry said this afternoon he presented to Council a potential roof top subdivision coming to the City. He then said P&Z is going to be very busy and began a discussion.
- Councilor Gutjahr asked what the radius of notification is and what is the process.
- Manager Skerry explained it is a 300 ft radius, we'll post a placard with the date and time of a public hearing for a subdivision, publish in the paper at least once, do a certified mailer to the residents in the radius area and continued the discussion.
- Manager Skerry explained there is also the possibility of an RV park coming into the city and may need to do a change of use.
- Manager Skerry said we are still waiting on decision from the LLC's for the industrial park as to where they are wanting to go for an annexation. He then said we are still in talks with PNM for another solar facility.
- Manager explained he is still looking at changing the City logo.
- Manager Skerry said they are working on the roof at the old Goldie's while anticipating the new tenants. He then explained what would be needed for us to get a grocery store or full-service restaurant would be to show more new rooftops, subdivision plans and building permits.
- Manager Skerry explained that he went to Raton to a New Mexico LEEDS workshop and he has to join NMIDEA which an economic development group.
- Manager Skerry said the temperatures are rising so the roadwork is starting up again. He then explained Manzano is almost finished and they are going to be doing the striping within the next few days.
- Manager Skerry said the solar powered street signs have arrived and said we will have to get ahold of our electrical contractor to install and began a discussion regarding the placements of these signs.

### **Public Comment**

- No public comments.

### **Ordinance 2018 - \_\_ Personnel Policy Manual**

- Mayor Gwinn opened it to Council for discussion.
- Councilor Brown said with the approval of this policy would put everything on the City Manager and was wondering if we wanted to go to an administrator before passing the policy.
- Mayor Gwinn explained that we had already gone through and made changes to the previous policy being earmarked for the City to have a Manager.
- Councilor Sais asked if it would be a legal matter to amend to an administrator.
- Mayor Gwinn said we have already setup with a City Manager and at this time it is up to Council to approve or disapprove of this policy as is.
- Councilor Gutjahr said she felt at this point to move forward with this policy with the changes that were made.

- Councilor Sais said when we had the attorney here he had said were we not a mayor/council with manager.
- Mayor Gwinn explained talking with Randy Van Fleck we are a mayor/council with manager form a government when we passed the ordinance.
- Councilor Gutjahr said she felt that we as a Council could be quizzing on information on what impacts our finance and make changes in the future. She then said this is what we have being doing, having discussion on events that need to be changed.
- Mayor Gwinn explained that we can eventually make changes in the future to the policy and continued the discussion.
- Councilor Sais feels we have not been involved because the form of government we have now has created division and he feels as a city government he doesn't want to be a rubber stamp and he wants to be more involved.
- Mayor Gwinn explained that this is for personnel and we get information through the City Manager and then said that many in Santa Fe are trying to have other municipalities restructure to become with a manager form of government and continued the discussion.
- Councilor Gutjahr said we are this form of government now, having our discussion and disagreements and this policy is separate from our form of government. She then said if we went to an administrator form of Government, Council would have to be more involved in a day to day running personnel and continued with the discussion.
- Mayor Gwinn said we have our processes and we can request changes, have discussions and either implement or compromise to come up with solutions and continued the discussion.
- Councilor Gutjahr said she feels at this point of time we have a City Manager and we have this form of government and we are working with what we have and continued with discussion about moving forth with where we are now.
- Councilor Sais said he sees a stalemate in our Council of how much input they have and said he has never talked with Randy.
- Mayor Gwinn explained the discussion that he had with Randy regarding our form of government as we have in our own ordinance. He also explained conversations he has had with other Mayors regarding administrator vs manager form of government.
- Citizen Marilyn Winters made a point of order stating that this discussion is not on the agenda, and what is on the agenda is the personnel policy and requested Council to move forward.
- Mayor Gwinn said on the floor we have the ordinance 2018 on personnel policy.
- Councilor Gutjahr moved to approve ordinance 2018-63 personnel policy manual. The motion was second by Councilor Ramsell. Vote: Councilor Brown-yes; Councilor Gutjahr-yes; Councilor Sais-no and Councilor Ramsell-yes. With a 3-1 vote Ordinance 2018-63 Personnel Policy Manual was passed, approved, adopted and signed.

**Accounts Payable -- City Treasurer Celina Benavidez**

- Treasurer Benavidez went over the accounts payable report for the following bills.

Wilfred O. Chavez Pharmacy	\$	79.69	Kuan Tikun	\$	120.00
Frances Rossberg	\$	90.00	Frank Logan	\$	120.00
Jimmie Winters	\$	90.00	John Thompson	\$	180.00
Lawrence Gordon	\$	180.00	L.E. Rubin	\$	210.00
Dennis Kintzler	\$	210.00	Robert Teague	\$	210.00
Sharp	\$	452.69	AC Disposal Service	\$	360.00

NM Municipal League (dist.)	\$ 150.00	Sandy Schauer	\$ 2,709.43
Gusto	\$ 5,297.06	Gusto	\$ 1,988.99
Century Link	\$ 187.10	Bob Skerry (w/e 04/23)	\$ 226.61
Bob Skerry (w/e 04/09	\$ 48.59	Robles, Rael, Anaya	\$ 711.11
Elizabeth Adair (Clerk travel)	\$ 144.48	Joe's Maintenance & Repair	\$ 80.16
CSTI, LLC (building/structure)	\$ 2,363.63	Card Service Center	\$ 1,319.60

- Councilor Gutjahr asked why some of the P&Z & EDC people are paid different amounts from others.
- Treasurer Benavidez said it depends on the number of meetings they attend is how much they are paid.
- Mayor Gwinn asked why Paul Baca on EDC isn't listed.
- EDC Chairman Winters said Paul declined payment.
- Councilor Sais moved to accept accounts payable as read by the Treasurer. The motion was second by Councilor Gutjahr Vote Councilor Ramsell-yes; Councilor Gutjahr-yes; Councilor Brown-yes and Councilor Sais-yes. With a 4-0 vote accounts payable was approved for payment.

### **Resolution 2018-\_\_ 3<sup>rd</sup> Quarter Budget**

- Treasurer Benavidez read into the minutes resolution 2018-118 3<sup>rd</sup> quarter budget.
- Councilor Gutjahr asked why is there a negative in the EMS fund.
- Treasurer Benavidez explained that they did not apply for the EMS grant and have over spent their fund
- Manager Skerry further explained that this is not the EMS GRT funds and began a discussion on the previous fire chief had not applied for the EMS grant.
- Treasurer Benavidez continued with the chart of accounts, why some of the funds are in the negative and the new chart of accounts from DFA.
- Councilor Gutjahr asked if we are going to be approving the 3<sup>rd</sup> quarter but we are not approving the profit and loss.
- Treasurer Benavidez explained that we will be requesting at the next meeting transfer resolutions.
- Councilor Gutjahr made a motion to approve resolution 2018-118 3<sup>rd</sup> Quarter Budget. The motion was second by Councilor Brown. Vote: Councilor Ramsell-yes; Councilor Sais-yes; Councilor Gutjahr-yes and Councilor Brown-yes. With a 4-0 vote Resolution 2018-118 3<sup>rd</sup> Quarter Budget was passed, approved, adopted and signed.

### **Retainer of an attorney**

- Mayor Gwinn said his suggestion is to retain Marcus Rael as the City attorney and opened to council for discussion.
- Treasurer Benavidez asked if we need two written additional quotes.
- Mayor Gwinn said he believes that a mayor appoints the attorney.
- Councilor Gutjahr said she feels it is important to retain an attorney and then asked would it be on a limited contract and can be renewed yearly.
- Manager Skerry explained that we would have to setup parameters.

- Councilor Brown asked would it be possible to be phrased on the approval of the retainage of an attorney according to the procurement code legality.
- Treasurer Benavidez said that she thinks we should pass it and then if there is an issue we can deal with it then.
- Councilor Brown moved to accept the approval of a retainer for Attorney Marcus Rael for \$20,000 for FY budget 2019. The motion was second by Councilor Gutjahr. Vote: Councilor Brown-yes; Councilor Sais-yes; Councilor Ramsell-yes; Councilor Gutjahr-yes. With a 4-0 vote the retainage of Attorney Marcus Rael was approved.

**Public input/questions (3) minutes to address the Council**

- No public input.

**Transfer of ownership lights Chamesa subdivision**

- Manager Skerry explained the process of what we did when we accepted the lights from the County. He then said that Chamesa has in the past asked to transfer ownership of the lights to the city and explained that they have provided proof of minutes and an electric bill with their HOA name on it paying for the lights.
- Manager Skerry said that by accepting these lights we do not know in what condition they are in.
- Mayor Gwinn said looking at the last bill the amount was \$175 but previous bills was a lot more.
- Manager Skerry said that is the risk that we may have to see once we except the lights.
- Councilor Sais moved to accept the transfer of ownership from Chamesa to the City of Rio Communities. The motion was second by Councilor Ramsell. Vote: Councilor Sais-yes; Councilor Gutjahr-yes; Councilor Brown-yes and Councilor Ramsell-yes. With a 4-0 vote the transfer of lights from Chamesa subdivision to the City of Rio Communities was approved.

**Public input/questions (3) minutes to address the Council**

- No public input.

**Salary and Wage Range**

- Councilor Brown explained the system Belen uses based on the level of relation to their City Manager and the level related to the organizational chart and began a discussion on the percentages. He then gave his recommendations for the salary percentages.
- Councilor Gutjahr explained the ratios and percentages of what she was thinking about.
- Councilor Ramsell said he likes the idea of the ratios and how we base it on.
- A discussion began on what Council would like to see the percentage of the salary range.
- Councilor Gutjahr made a motion to approve the salary and wage range City Manager 65k – 80k; Finance Officer/Treasurer 45k – 60k; Municipal Clerk 32k – 42k; finance assistant (no range); Code Enforcer, Deputy Clerk, Finance Clerk, Court Clerk \$15 - \$20 per hour; Fire Chief 48.5k – 60 k and Assistant Fire Chief 38k – 46k. The motion was second by Councilor Brown. Vote: Councilor Brown-yes; Councilor Sais-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote the Salary and Wage Range for the FY 2019 was approved.

**Public input/questions (3) minutes to address the Council**

- No public input.

**Budget public hearing date/dates setup – Public input/questions (3) minutes to address the Council**

- Mayor Gwinn said the public hearing on the budget will be May 14, 2018 at 6:00 pm.

- Councilor Gutjahr moved to have the initial budget hearing set for May 14 at 6:00 pm. The motion was second by Councilor Ramsell. Vote: Councilor Gutjahr-yes; Councilor Ramsell-yes; Councilor Brown-yes and Councilor Sais-yes. With a 4-0 vote Council approve to set the budget hearing date for May 14, 2018 at 6:00 pm

### **Council Reports**

- Councilor Ramsell said he really enjoyed the health fair and is looking forward to the one in October and said he had a lot of positive comments from residents about the roads.
- Councilor Sais said he was at a meeting regarding the senior center meal site. He then stated who was at the meeting and the issues discussed.
- Councilor Brown had no report.
- Councilor Gutjahr reminded the City Manager about the stop sign on Hillman and Godfrey has been vandalized.
- Councilor Gutjahr said the health fair had a really good turnout and they had 325 – 350 including vendors attended and then said that she was asked by many about a new code enforcer. She further said she strongly believes on training and moving them along in their position.
- Mayor Gwinn said the cleanup is this Saturday.
- Mayor Gwinn said he and Lisa will be getting together on working out a date on computer training for the governing body and then asked them to start utilizing their laptops for all City business.
- Mayor Gwinn said on Community Way road the street signs have disappeared and need to get them replaced, also the speed signs on Houston.
- Mayor Gwinn said the semi-trucks on Golf Course Rd are starting to move through there again.
- Mayor Gwinn asked to put on the next agenda is the ban of fireworks and began a discussion on the difference between ban or restrict.

### **Retainer of an attorney**

- Manager Skerry explained the Procurement officer/treasurer just brought to his attention regarding professional services the policy states all professional services not exceeding \$60k will be procured at the best negotiated price through informal competitive proposals and began a discussion on getting the proposals.
- Clerk Adair said that we will need to resend the previous vote for the retainer of Marcus Rael as the Attorney.
- Councilor Brown moved to resend his original motion to retain Marcus Rael as the City Attorney. The motion was second by Councilor Gutjahr. Vote: Councilor Ramsell-yes; Councilor Sais-yes; Councilor Brown-yes and Councilor Gutjahr-yes. With a 4-0 vote the resend of the previous motion to retain Attorney Marcus Rael was approved.
- Councilor Brown moved to retain an attorney not to exceed \$20,000 for the fiscal year 2019. The motion was second by Councilor Gutjahr. Vote: Councilor Gutjahr-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Sais-yes. With a 4-0 vote a retainer in the amount of \$20,000 for an attorney for the fiscal year 2019 was approved.

### **Adjourn**

- Councilor Brown moved to adjourn. The motion was second by Councilor Gutjahr. With a 4-0 vote the City Council regular business meeting was adjourned at 8:20 pm.

Respectfully submitted,

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Elizabeth (Lisa) Adair,  
Municipal Clerk

Date: \_\_\_\_\_

Approved:

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Mark Gwinn,  
Mayor

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Margaret (Peggy) Gutjahr,  
Councilor Mayor Pro-tem

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Bill Brown,  
Councilor

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Joshua Ramsell,  
Councilor

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Arturo R. Sais,  
Councilor