

City of Rio Communities Council Minutes  
Regular Business Meeting  
Tuesday August 14, 2018

**Call to Order**

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

**Pledge of Allegiance**

- John Thompson led the Pledge of Allegiance.

**Roll Call**

- Present: Mayor Gwinn, Councilors; Bill Brown, Peggy Gutjahr, Arturo Sais and Joshua Ramsell.  
Present: City Manager Bob Skerry, Municipal Clerk Lisa Adair, Finance Officer/Treasurer Celina Benavidez, Deputy Clerk Pam Johnson, P&Z member Jim Winters, EDC member Jim Winters, RGEFD Fire Chief LE Rubin and Court Clerk Lisa Adair

**Approval of Agenda**

- Councilor Sais moved to approve the agenda as presented. The motion was seconded by Councilor Ramsell and on a 4-0 vote the agenda for the regular business meeting was approved as presented.

**Approval of Workshop Minutes**

- Councilor Gutjahr moved to approve the minutes for the July 10, 2018 workshop. The motion was seconded by Councilor Brown and on a 4-0 vote the workshop minutes of the July 10, 2018 meeting was approved as written.

**Approval of City Council Minutes**

- Councilor Gutjahr moved to approve the minutes for the June 12 and June 26 regular business meetings. The motion was seconded by Councilor Sais and on 4-0 vote the minutes of the June 12 and June 26, 2018 meeting were approved as written.

**City Manager Report**

- Manager Skerry reported that the water company is replacing meters on Lee Trevino and Lee Elder and will soon complete 143 new taps. He explained that the polybutylene that attaches to meters has been failing due to the type used years ago. He said this work requires road cuts, so we scheduled with them to budget replacement of meters on one street and we'd wait to chip and seal that street when they were through. He said they're moving on now to Brown and Nancy Lopez to finish the project.
- Manager Skerry said we've been repairing potholes and it has come up that we need to advertise for a paving company to be on call. He said what we've done until now is wait until we have enough potholes to put it out to bid but that takes a lot of time. He said, by having a contractor on call to work on a time and material basis, we could stay ahead of the repairs.
- Manager Skerry said he is continuing to try to get people to use Rio Communities for their address. He said that would help with building permits and getting a zip code in the future.
- Manager Skerry said annexation of the industrial park is in process and there is a petition out for land owners' signatures.
- Manager Skerry said we received final approval and paperwork to sign for NMDOT co-op grants for \$175,000 and \$25,000. He explained that some of the legislators referred to the project as a municipal complex and one called it a city hall, so it was written as two separate grants.

- He said we also did an amended agreement on the previous capital outlay because of a change in rules this year after a tight budget two years ago. He said \$800,000 of the money needed to renovate this building is from capital outlay grants and the legislators need to be thanked for that.
- Frank Stasi asked if the on-call asphalt work is being put out to bid.
- Manager Skerry said we will put that out to bid and all contractors are required to be state contractors and have to pay state wages.
- Frank Stasi asked if Lee Trevino will be chip and sealed this year.
- Manager Skerry said that work is scheduled for next year. He said the soft spots will be patched and then come back with chip and seal or some cost-effective method of paving.
- Mayor Gwinn asked if we have the list of streets we submitted to DOT that we were going to use the money for.
- Municipal Clerk Adair said that list is included in the resolution on the website.
- John Thompson asked about code enforcement.
- Manager Skerry said the job description is complete and he has several applications. He said we'll break them down to three or four and call for interviews. He said the applications for finance clerk have been narrowed to six or seven and we'll work on those also.
- Mayor Gwinn said the next census will be conducted in 2020 and it was reported that New Mexico is one of the states that loses money because the census is not correct. He said it is important to use Rio Communities address because we'll lose money if we don't.

### **Public Hearing**

Mayor Gwinn asked for a motion to recess the regular business meeting and go into public hearing on the Capital Outlay Plan.

### **Motion and roll call vote to recess Regular Business Meeting session and to go into Public Hearing:**

- Councilor Gutjahr moved to call a roll call vote to recess the regular business meeting and go into public hearing on the Infrastructure Capital Outlay Plan. The motion was seconded by Councilor Brown. Vote: Councilor Ramsell-yes; Councilor Sais-yes; Councilor Gutjahr-yes and Councilor Brown-yes. On 4-0 vote Council recessed the regular business meeting and went into public hearing at 6:02 p.m.

### **Hearing: ICIP (infrastructure Capital Outlay Plan)**

- Manager Skerry said last year's ICIP is on our website and every year we update the plan. He explained that it's a five-year process and we've been able to get funding, so a lot has been accomplished. He said our ICIP has to include any project we're planning if we intend to apply for state or federal grants.
- Manager Skerry explained that the Councilors and Mayor have listed eight items they would like to see. He then read the list and explained work to be done:
  - 1: Drainage Plan** - hiring an engineering firm to look at all the arroyos. He said this has nothing to do with the flood plain, but we need to plan for drainage. He said there is always a chance there will be more water and it is up to individual home owner to get flood insurance. He said, in the past, a drainage plan was tied to roads and parks and trails because when we go for those grants, they ask about a drainage plan. He said the thought is to have a drainage plan that can be used for roads and walkways and for open space. He said a ballpark cost for the plan is in the \$100,000 range.
  - 2: Public Safety** – capital outlay money has to be spent on large items and can't be used for an additional police officer or expendable recurring expenses. He said there has been some discussion about additional lighting and possibly cameras to monitor activity in certain areas for more safety. He said the fire department is included in public safety because they have 850 emergency calls a

year so last year's ICIP included two rescue units. He said this year the fire department is asking for \$150,000 for new brush truck chassis. He said also left on the list from last year is \$50,000 for an emergency back-up generator for the Tierra Grande station and \$120,000 for a training tower. He also explained that the fire department got a stationary cascade breathing system through a separate grant but they're asking for \$35,000 for a mobile cascade breathing system to put on a truck. He said \$750,000 for a ladder truck is also on the fire department list which is difficult to get from capital outlay but not from a corporate donor so it's important to get it on the list.

**3: Pavement reconstruction** – in the past, we specified Golf Course Horner Hillandale because that's the only loop road that is considered a secondary arterial road and qualifies for federal money that is not involved with the state DOT. He suggested being more generic and if we want to apply for MAP funds from DOT, we'll have generic definition instead of being specific.

**4: City Hall Complex** – we're getting close but left it in. He said parks and trails came after roads. He said we're talking to developers about subdivisions and part of the process is that the developer donates land or other things that relate to parks and recreation. He said negotiations are in place to get some of the parks that were here in the city and have more open space and trails. He also said the architect working on this building has a subsidiary company called Ground Works that designs open space and trail systems.

**5: Parks and Open Space** – we have developers who have subdivisions in the planning stage now. He explained that part of the requirement is that the developer donate land, money, equipment or anything else that relates to parks and open space and negotiation are in place to get some of the parks that were in Rio Communities. He said the architect that is working on the building also has a subsidiary called Ground Works and they design open space and they are capable to put a plan together for different types of parks.

**6: Roadway Beautification** – sidewalks and beautification of medians on Hwy 47 as well as parks, trails, municipal hall are all included because they all tie together.

**7: Simulcast radio system** – included for VRECC. He said this is a \$6,000,000 system and the county and all the municipalities have been asked to include it in their ICIP because the only way it will happen will be large scale federal grant.

**8: Business incubator** – Rio Communities is part of a county-wide business incubator. He explained that Los Lunas has donated the old visitors' center and Chamber of Commerce building located at the Los Lunas Y. He said money from Capital Outlay can't be used for salaries, brochures or any business but can be used to purchase a building. He said this area is suited for kitchen use and agriculture business.

- Councilor Gutjahr reiterated that ICIP is based on the City's Comprehensive Plan which is revised every year and lists our priorities. She said when we talk to legislators about something we plan for the City, the first thing they ask is if it is included in our ICIP.
- Mayor Gwinn said the ICIP is on the web site as well as our Comprehensive Plan.
- Manager Skerry said there are public forums noted in the Comprehensive Plan and when they come up, residents are encouraged to attend and offer ideas.
- Councilor Sais said he is concerned about Manzano Expressway and Gorman. He suggested we look at putting fences or some type of barriers around dangerous areas on those streets.

#### **Motion and roll call to go back into Regular Business Meeting session**

- Councilor Gutjahr moved to call a roll call vote to go back into regular business session. The motion was seconded by Councilor Brown. Vote: Councilor Sais-yes; Councilor Ramsell-yes; Councilor Gutjahr-yes; Councilor Brown-yes. With a 4-0 vote Council went back into regular business session at 6:48 pm.

## Public Comment

- Frank Stasi, Rio Communities – Mr. Stasi asked why the governing body can't invest in a microphone system. He said as the City grows, we should have a good system. He then asked about the progress on hiring a Code Enforcer. He suggested that two code enforcers be hired so we have back-up to avoid the wait. He also questioned why the City can't cut the weeds by the curbs.
- Joe Stasi, Tres Cantos – Ms. Stasi said she is in support of Mr. Wilson who lives on Brown and takes pictures of a house on his street and someone needs to find out what is going on. She also described problems with properties at the entrance to the City and said the City needs a code enforcer and if not, can't the City Manager take care of this. She said page 3 of his job description states, "the employee may be subject to complaints that could involve disgruntled citizens or situations where bodily injury could take place" and the house on Brown is one of those places. She then asked about the status on a zip code and said she is telling everyone she can to use Rio Communities on their address because that will help us get a zip code.
- Allen Zach, Horizon Vista – Mr. Zach said he has heard rumors about people tampering with mail boxes and asked if it is possible to get the post office to provide mail boxes with locks.
- Mayor Gwinn said the neighborhood can petition and the post office will take the issue under advisement.
- Councilor Brown said he had mail fraud case when he left a check in the mailbox and it was stolen. He cautioned people that, if a check needs to be mailed, it should be put in a secured container or taken to the post office.
- Jody Skelton – Ms. Skelton said she lives near the house on Brown and many cars are parked there at any hour of the day. She said the people there use drugs and have violent fights at all hours. She also mentioned that weeds are horrible, and lot of people don't take care of yards. She thanked everyone who worked hard on National Night Out and said she would like to see councilors at community events. She then said Manzano is dangerous and needs to be repaired and widened to accommodate traffic.
- Ross Harms, Brown Drive – Mr. Harms said he lives two houses from the house on Brown. He said he bought the house twelve years ago with covenants and restrictions that stated vehicles should not be left in repair in the driveways and RV's and boats should be under cover. He asked if, since we've become a city, the covenants are null and void.
- Mayor Gwinn explained that covenants are still in effect and those issues go to civil court. He said we have zoning ordinances, but they don't support covenants 100% and a code enforcer acts on ordinances only.
- Mr. Harms asked what legal authority the City has to address the situation on Brown.
- Mayor Gwinn said the only thing our policeman can do is see if they have a current vehicle registration.
- Manager Skerry said, if they get citation and go to municipal court and are convicted, the maximum penalty is a \$500 fine or ninety days in jail.
- Michael Sayanski, 622 Palmer – Mr. Sayanski said he received a letter in the mail from Rio Communities saying they will replace our volunteer fire chief with a paid one.
- Mayor Gwinn said that has been discussed but nothing has been decided and nothing has been sent out by the City.
- L.E. Rubin said there has been no move to replace the volunteer fire department and he doesn't know where the letter would have come from.

## Economic Development

- Jim Winters reported that EDC is working on a business brochure which would be a single sheet we could hand someone when we're trying to convince them to come to Rio Communities. He also said, for the first time, we're actively working on a 501c3 corporation that would operate independently

from the City and be able to take donations. He said the restaurant in the old Goldie's building is delayed but they are talking now about opening in September and then they will work on getting a laundromat.

### **Planning and Zoning**

- Jim Winters said P&Z is working on subdivision regulations to bring them up to date with new State regulations that have to do with how we notify people about zoning change. He said those regulations have been completed and sent to Council. He said P&Z is also working on zoning code updates and looking at the Comprehensive Plan to make sure it ties to zoning regulations. He also said they have completed extensive ethics training updates. He said they have gone through the solid waste ordinance issue. He said there will be a public quorum on the 21<sup>st</sup> and after public input, the document will be sent to the attorney.

### **Rio Grande Estates Fire Department**

- Chief Rubin said he appreciates support from the community and the fund drive letter will be going out in the next few weeks. He said, as of today, there are twenty-three volunteers on the roster and of those fifteen are EMT's and ten are fire certified and he is in the process of starting a training that will bring all members to fire fighter 1 status. He then reported the number of fire and EMS calls that were answered by both stations in July.
- Chief Rubin said he has heard concerns about whether our people are certified to drive vehicles and whether they're safe to do that – specifically if we have anyone using substances that will impair their ability to operate fire department apparatus. He said the first meeting of the month was mandatory and all but three were there and the first thing we covered was the issue of people being unhappy with promotions and demotions at the station. He said, at that meeting, everyone was given an opportunity to put their name forth to be considered for a lieutenant position and no one did so they stayed with the people they interviewed. He also said every member on the roster completed forms required by Council and were given notification of mandatory drug testing. He said they were given forty-eight hours to report to Quest Labs for a drug test and all tests results were negative. He said three people did not take the drug test and have been dismissed.
- Chief Rubin reported that they are not able right now to apply for a grant from the State Fire Marshal because they don't have three pumping operators that have passed the pump test. He said he anticipates all vehicles will be repaired and pass the test by the September 20 deadline for applying for the grant.
- Chief Rubin said he asked for time to re-build the fire station. He said during the past eighteen years, he was the chief for nine years and Jason Gonzales was the chief for nine years but for seven months neither of them was chief and some unfortunate things happened. He said he will be the Fire Chief until December of this year and in November nominations will be taken for the position again.
- Councilor Sais said the problem has come up about nepotism.
- Chief Rubin said he talked to the Mayor today about the people involved and explained that both have been long standing members of the fire department. He said we have a captain who has a daughter-in-law serving as a lieutenant at the station, but he has no control over her and she has tenure with department.
- Councilor Gutjahr said the concern is that this is a violation of state statute and the problem of supervision will have to be solved.
- Mayor Gwinn said the Attorney General's office is investigating nepotism and this is one of the steps that has to be taken to rebuild the fire department.

- Chief Rubin said he is not sure that if the City’s personnel policy addresses nepotism, we’ll have to consider that as well.
- Councilor Gutjahr said she has lived in Rio Communities for thirty-seven years and supported the fire department. She said she will attend meetings and continue to support the station.

**Municipal Court**

- Court Clerk Lisa Adair gave the court report for the month of July – two non-traffic citations, eight traffic citations were filled in the courts; amounts collected are: Correction fees \$180; Court Automation fees \$54; Judicial Education fees \$27; Court Fines of \$xx giving a total collected in the courts \$14 for the month of July a total of \$275 was collected.

**Accounts Payable**

- Treasurer Benavidez reported accounts payable.

My Bank	\$	1.07	NM Water Service Company	\$	243.68
NM Water Service Company	\$	245.70	NM Municipal League (dues)	\$	60.00
Universal Fuel Card	\$	2.00	NM Self Insurers’ Fund	\$	407.09
Century Link	\$	84.85	NM Gas Co.	\$	27.18
AC Disposal	\$	1080.00	Bob Skerry (W/E 7/27)	\$	56.33
Comcast	\$	288.78	PNM	\$	715.39
PNM	\$	393.49	Gusto	\$	35.03
Gusto	\$	29.72	Court Automation	\$	54.00
NM Judicial Education	\$	27.00	APIC (solar speed sign install)	\$	4,876.38
Gusto	\$	6,183.69	Gusto	\$	2,213.01
Pest Defense Solutions	\$	144.70	Gusto (payroll processing)	\$	75.00
Elizabeth Adair (Court Clerk)	\$	265.70	Bob skerry (W/E 08/03)	\$	106.64
Number Nine Media, Inc.	\$	111.69			

- Councilor Gutjahr moved to approve accounts payable and pay the bills. The motion was seconded by Councilor Ramsell. Vote: Councilor Brown-yes; Councilor Gutjahr-yes; Councilor Sais-yes and Councilor Ramsell-yes. With a 4-0 vote the accounts payables were approved.

**Continue public input/questions during City Council meetings**

- Mayor Gwinn said Council has included public input on the agenda for a four-month trial and now we need to see if we want to continue.
- Councilor Ramsell said it’s good to let the community members let us know about things we may not know about.
- Councilor Gutjahr said she agrees and thanked Councilor Brown for initiating this procedure and pushing forward. She said the community should have the opportunity to express concerns.
- Councilor Brown moved to continue public input in Council meetings to allow people to provide input. The motion was seconded by Councilor Gutjahr. Vote: Councilor Ramsell-yes; Councilor Sais-abstain; Councilor Gutjahr-yes and Councilor Brown-yes. With a 3-0 vote public comments will be continued.

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

**Changing City Council Workshop and Regular Business Meeting from August 28 to August 20**

- Mayor Gwinn said on August 28<sup>th</sup> most of the Councilors will be at the NMML meeting in Roswell. He suggested moving the second meeting in August to the 20<sup>th</sup> at 10:00 am and combining the workshop and the business meeting. Councilor Brown moved to have the second meeting in August on August 20<sup>th</sup> at 10:00 am and combine the workshop and business meeting. Councilor Ramsell seconded the motion. Vote: Councilor Brown-yes; Councilor Gutjahr-yes; Councilor Sais-yes and Councilor Ramsell-yes. With a 4-0 vote the last meeting in August will be moved to August 20 at 10:00 am and the workshop and business meeting will be combined.

### **Dumpster availability for City residents only**

- Mayor Gwinn said the City clean-up will be on Saturday and dumpsters will be available. He said, at the last clean-up we had a lot of people and some were not from Rio Communities. He said residents have let us know they're tired of waiting so Council discussed the issue in workshop and decided to prioritize residents with some proof of residence to be first. He said we won't turn anyone away but we need to get residents first.
- Councilor Brown said we'll have to turn everyone away when second dumpster is filled, and the intent is to serve residents first and then accommodate those out of the city.

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

- Frank Stasi said there are comments on Facebook asking why we should go to a dump and pay when we can go to Rio Communities.
  - Angie Madrid said a water bill should be presented instead of a driver's license.
  - LE Rubin said any utility bill should be ok because some people have a well and aren't on city water.
- Councilor Gutjahr moved to make dumpsters at monthly cleanups available to City residents who show identification first and any room left will be allowed for people outside the City. Councilor Brown seconded the motion. Vote: Councilor Sais-yes; Councilor Ramsell-yes; Councilor Brown-yes and Councilor Gutjahr-yes. With a 4-0 vote dumpsters will be available first to residents of the City with identification.

### **Administrator vs. Manager**

- Mayor Gwinn said Council has discussed an administrator type of government and a manager form and asked for comments from Councilors.
- Councilor Gutjahr said she has researched both forms of government and visited other councils. She also said she has consulted with NMML about State statutes regarding the form of government we have. She said she doesn't want to be personally involved in the hiring process outside of our city manager because there are too many other issues that would come into it and she doesn't want to be part of that.
- Councilor Gutjahr moved to stay with mayor/council with manager form of government.
- Councilor Ramsell seconded the motion. He said he doesn't want to worry about day to day operations at City Hall because that's not his responsibility and the form of government we have will serve us best.
- Councilor Brown said we have a manager form of government, and in the past, the city manager has been upset with the governing body and the governing body has been upset with the manager. He said it's time for a change and he is in favor of an administrator form of government.

- Councilor Sais said we have a lot of problems from hiring delays, confrontational issues regarding HR funding, confrontations with the fire department, evaluation mandates, etc. He said Council can delegate duties to an administrator and not be involved in all hiring and firing but there are some things we need to be involved in. He said he gets upset if we're not involved and rubber stamp everything.
- Mayor Gwinn said the issue is not to decide on a personnel matter but to look at two different types of government - administrator form with mayor/council which channels everything to the council back to the administrator which makes everyone at-will. He explained that in New Mexico every time there is an election, every individual under the council has to be approved. He said the manager form is considered the strong form of government and protects those working under the city manager and the city manager is at will. He said he wants Council to look at the form of government issue - not a person issue.
- Councilor Sais said we need to look at whether we have a position problem or if the manager is the problem. He said lot of good things have been done but also a lot of negative things have come out.
- Councilor Gutjahr said the issue we are dealing with now is the form of government. She said whether there is an issue with the person in the position is an evaluative issue which is a separate matter. She said we have to look at what works for the community – not who will fill the position.
- Councilor Brown said the reason there are only seventeen manager forms of government in the state and more administrator forms is because people choose what works. He said we've had a manager form and some differences of opinion and it's time for a change. He then called the question.
- Mayor Gwinn said there is a motion on the floor to stay with the mayor/council with manager form made by Councilor Gutjahr and seconded by Councilor Ramsell. Vote: Councilor Brown-no; Councilor Gutjahr-yes; Councilor Sais-no; Councilor Ramsell-yes; Mayor Gwinn-yes. With a 3-2 roll call vote the form of government will remain mayor/council with manager.

### **Council Reports**

- Councilor Ramsell reported that he attended a training at the fire department presented by Nate Gonzales on being prepared, equipment, trucks, etc. He said all the volunteers that were there were very active in the training and thanked the Fire Chief for allowing him to sit in on the session.
  - Councilor Sais said we need to hire a code enforcer and fill any of the other vacant positions.
  - Councilor Brown said he heard comments from visitors this evening about dismay over the lack of a code enforcement officer. He said he has heard comments that Council has failed you, but we have not. He said the responsibility for hiring and firing lies solely with the city manager.
  - Councilor Gutjahr said it is important for people come and be able to express opinions. She said her decisions are based on her research and may not go over well with people that disagree.
  - Councilor Gutjahr said there won't be a health fair this fall because of the construction but there will be one in April. She reminded people that they need flood insurance and flooding in private homes is not the responsibility of the city. She then asked how we notify people who have applied for positions that we've received their application. She said some have said they haven't received confirmation, so we may need better communication.
  - Manager Skerry said he sends e-mails to let them know he has received the application.
- Mayor Gwinn said the Sheriff's Department did an outstanding job at National Night Out and thanked people who came. He said the city cleanup is this Saturday but there won't be a chipper there. He said the public forum for the solid waste ordinance is on the twenty first and we will look at health and safety issues. He said most of the Council will be in Roswell for the NMML conference the week of the 28<sup>th</sup> and Meet Your Legislators day is scheduled for September 19 from 10:00 til noon.

Mayor Gwinn said reports about people hacking ATMs has been in the national news and cautioned residents to go inside the bank if they need money.

**Adjourn**

- Councilor Brown moved to adjourn. The motion was second by Councilor Ramsell. With a 4-0 vote the City Council regular business meeting was adjourned at 8:40 pm.

Respectfully submitted,

\_\_\_\_\_  
Elizabeth (Lisa) Adair, Municipal Clerk  
(Taken and Transcribed by Pamela Johnson, Deputy Clerk)

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

Approved:

\_\_\_\_\_  
Mark Gwinn,  
Mayor

\_\_\_\_\_  
Margaret (Peggy) Gutjahr,  
Councilor Mayor Pro-tem

\_\_\_\_\_  
Bill Brown,  
Councilor

\_\_\_\_\_  
Joshua Ramsell,  
Councilor

\_\_\_\_\_  
Arturo R. Sais,  
Councilor