

City of Rio Communities Council Minutes  
Regular Business Meeting  
Monday August 20, 2018

**Call to Order**

- Mayor Mark Gwinn called to order the city council regular business meeting at 10:00 am.

**Pledge of Allegiance**

- Dennis Kintzler 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, Finance Officer/Treasurer Celina Benavidez, Municipal Clerk Lisa Adair and P&Z member Jim Winters.

**Approval of Agenda**

- Mayor Gwinn asked to add to the agenda after public comments for discussion only on possible changes to the Personnel Policy.
- Councilor Gutjahr moved to approve the agenda as amended. The motion was second by Councilor Ramsell. With a 4-0 vote the agenda was approved as amended.

**Approval of Workshop Minutes**

- No minutes to approve.

**Approval of City Council Minutes**

- No minutes to approve.

**City Manager Report**

- Manager Skerry said it is important that everyone is on the same page regarding the ICIP and asked them to be thinking about what to ask the legislature during the “Meet Your Legislature Day”. He then said the assumption in the past was that there is not enough tax payers and there isn’t enough revenue coming in to fund everything, so the option is to go for grants and then said we need to remember where we have been and what we have gotten and reminded that the last 4 out of 5 years we have gotten 4 agreements from capital outlay. He then gave the figures for other grants we have received over the past 4 years.
- Manager Skerry explained that we need to get an on-call road crew to do patch work on the roads and explained this is a hard area to get bids on.
- Councilor Gutjahr said the one thing that we need to bring up to the Legislators is they need to recognize at the State level that we are a municipality and began a discussion.
- Councilor Gutjahr said we also need to get the newsletter to give the resident more information on the address change and began a discussion.
- Manager Skerry said we are getting ready to start doing interviews for the code enforcer.
- Manager Skerry said procurement wise there is still the street striping and street lights that they are working on. He then said we received back the \$277,000 DOT co-op grant and began a discussion on the processes of the grant and is now ready to begin the RFP.

**Public Comment**

- Jim Winters asked how do we want to proceed during the Public forum on Solid Waste.
- Mayor Gwinn explained that Council will be there to head the forum and whomever on P&Z wants to attend and began a discussion.

- Jim Winters said P&Z is working on the zoning ordinance and one issue they have come up with is the grandfather clause and in particularly the special uses of some buildings in our City and began a discussion.

**Personnel Policy - discussion**

- Councilor Gutjahr passed out possible changes and some clarifications and began a discussion on her changes or additions to the personnel policy.

**Accounts Payable**

- Treasurer Benavidez gave the accounts payable report and explained that she will now be paying the judge on the last accounts payable report of every month.

Universal Fuel Card	\$	2.00	Heather Benavidez (Judge-Aug)	\$	300.00
Bob Skerry (W/E 8/17)	\$	104.92	Jimmie Winters (reimbursement)	\$	14.07

- Councilor Gutjahr motioned to pay accounts payable and bills for August 17 – 20, 2018. The motion was second by Councilor Ramsell. Vote: Councilor Sais-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote accounts payable was approved for payment.

**Resolution 2018-XX Budget Adjustment #1 Fire Department**

- Treasurer Benavidez read into the minutes Resolution 2018-137 annual budget amendment #1.
- Mayor Gwinn explained the money we had put in to the fire funds will now be put back into the general fund.
- Councilor Brown moved to approve Resolution 2018-137. The motion was second by Councilor Sais. Vote: Councilor Gutjahr-yes; Councilor Ramsell-yes; Councilor Sais-yes and Councilor Brown-yes. With a 4-0 vote Resolution 2018-137 Adjustment #1 Fire Department was passed, approved, adopted and signed.

**ICIP Approval**

- Manager Skerry explained what is an ICIP and began a discussion on rank #01 storm water and drainage plan, Phase 1 being the plan and design and applying for tip funds.
- Manager Skerry explained that we do not have a phase 2 until we complete the storm water and drainage plan will we know what amount we will need later to continue into another phase.
- Councilor Brown asked if DOT was involved in the rerouting of the drainage on Hwy 47.
- Manager Skerry explained that DOT was involved on that particular rerouting deal and regarding this study DOT will be notified of the plan if it involves their property and continued the discussion.
- Jim Winters explained that he and Bob had met with the DOT’s Chief hydrology engineer and he said that it is our problem not theirs and continued the discussion.
- Manager Skerry explained rank #02 Public Safety, mainly for the fire department other than in Phase 1 on the scope of work which states to purchase, equip and install 6 units of public safety equipment to include powered LED street lighting in remote locations and began a discussion on the remainder of the phases.
- Manager Skerry went over rank #03 pavement reconstruction and began a discussion on other funding instead of waiting for the TIP funds and looking at our transportation plan.
- Manager Skerry explained on rank #04 parks and open space assessment plan we were unable to change the title since this was an already existing project and began a discussion on the phases.
- Councilor Brown asked how much area we own in the saw tooth area.
- Jim Winters said we have about 7.14 acres.

- Manager Skerry said that the County has said they would give us Sombrero Loop and continued the discussion on the trails, available properties and the phases.
- Manager Skerry explained rank #05 City hall complex & emergency operations center and began a discussion on it remaining the same except for adding “any remaining items per procurement code” and further explained that we could not change the title because it was already an existing job.
- Councilor Brown asked if this would include a really good speaker system for the other side and a microphone system.
- Manager Skerry explained that the Treasurer has ordered a system.
- Manager Skerry continued the discussion on the ICIP rank #06 Roadway beautification.
- Councilor Brown asked should that say to plan design and construct “shoulders” for both sides.
- Manager said DOT had already planned several areas that were included for the shoulder work and then said the argument was to work on one side going all the way up to Nancy Lopez and continued the discussion.
- Mayor Gwinn asked if the State is going to come up with money to put the sidewalks as they did in Peralta.
- Manager Skerry explained the Peralta project was both a TIP and TAP funding and continued the discussion on the roadway beautification phases.
- Manager Skerry explained the rank #07 simulcast radio system for public safety is for the VRECC and began a discussion on the importance for the simulcast radio system around the County.
- Councilor Gutjahr moved to approve the ICIP for year 2020-2024. 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 the ICIP was passed and approved for submission.

**Ordinance 2018-XX Chapter 6 subdivision – 14-day review**

- Jim Winters explained there are two small corrections and explained the changes.
- Councilor Sais moved that Ordinance 2018- chapter 6 subdivision for a 14-day review. The motion was second by Councilor Ramsell. Vote: Councilor Brown-yes; Councilor Gutjahr-yes; Councilor Ramsell-yes and Councilor Sais-yes. With a 4-0 vote Ordinance 2018-xx Chapter 6 subdivision was approved for a 14-day review.

**Appoint Councilor to Personnel Board**

- Mayor asked for a nomination of a Councilor for the personnel board.
- Councilor Gutjahr nominated Bill Brown to continue on the personnel board as Councilor. The motion was second by Councilor Sais. Vote: Councilor Ramsell-yes; Councilor Sais-yes; Councilor Gutjahr-yes and Councilor Brown-yes. With a 4-0 vote Councilor Bill Brown was appointed to the Personnel Board.

**Job description for Fire Chief and Assistant Fire Chief**

- Mayor Gwinn explained that Bob has given us job descriptions for these departments and then further explained Ordinance 2014-28 2-8-2 how this comes under the direction of the City Manager and opened it up for discussion.
- Councilor Brown said there has not been a final decision on having a fire chief, assistant chief or 4 EMT’s or any other combinations. He then said on May 22<sup>nd</sup> meeting it was to approve the budget with the exception of the line item to be EMS personnel at the amount of \$115.00 and then said there was not a BAR to reflect that and it was not determined whether there would be a fire chief, and would that be under the City Manager. He then said that at the last meeting information was passed out regarding the Fire Chief would be under the Governing Body.

- Mayor Gwinn explained under Ordinance 2014-28 that makes it a void item. He then said these are the basic descriptions and if we want to move it on to the 11<sup>th</sup> but at this time he would like to have an open discussion on supporting these two positions and both these positions the person needs to be an EMT to hold this position and began a discussion.
- Manager Skerry explained regarding the job descriptions that the Fire Chief reports to the City Manager but not the Assistant Chief and continued the discussion on the hiring process of department heads and their subordinates.
- Manager Skerry explained that the fire department has a personnel policy and procedures but needs to be updated.
- Councilor Brown said he disagrees and that we are the fiscal agent only.
- Mayor Gwinn said this changed to report to us, not the County.
- Manager Skerry said this is part of being the fiscal agent, not just the money, means the personnel, policy and issues and continued the discussion the demographics of the City and how the money for the fire department is figured.
- Councilor Brown said the money comes from ISO rating from the fire funds and the EMS money comes for the different pot of monies not from population.
- Manager Skerry explained the money for personnel wages are coming from EMS GRT's based on population.
- Councilor Sais said the ratings have been held for a long time and gotten better over the years.
- Manager Skerry said the systems is broke right now and then further said there still is no nominal fee agreement an assets list or discussion for their SOP.
- Treasurer Benavidez explained that the internal financial policies are being violated.
- Manager Skerry explained regarding the finance part of it, he spend about 9/10 of the time on risk management and then said Jason Gonzales is the official fire inspector and continued the discussion.
- Councilor Sais said regarding the fire department he is not totally in the dark and has talked to a lot of other personnel and continued the discussion.
- Councilor Brown said regarding Jason Gonzales being the fire Chief he was the good ole boy and didn't want anybody to think poorly of him and there was no discipline when things went awry. During the Taylor/Sam there was absolutely no overseeing and Rubin is fixing all this discontent.
- Treasurer Benavidez said that under Jason's control everything was coming in on time and a good review.
- Manager Skerry explained the treasurer is on the board of finance.
- Councilor Sais asked are we in finance at this time.
- Mayor Gwinn explained this is an open discussion on this subject and finance is part of this discussion.
- Mayor Gwinn said he would like to take this to a more open meeting on September 11 so that we can get more input regarding the fire department.
- Councilor Gutjahr said she was surprised in regard to the upper heads of department in the fire department to not recognize that you cannot have a relative work beneath you.
- Manager Skerry said that is a big EOC violation.
- Councilor Brown said that nepotism implies to an employee reporting to an employee, not volunteers and no federal monies involved it does not imply.
- Both Councilor Gutjahr and Mayor Gwinn stated it does apply.
- Manager Skerry said it applies especially if you are getting grants. He then explained there is a code on volunteer fire departments on FSLA compliance and that is what needs to be followed.

- Councilor Sais said he didn't realize the organizational chart that Council Gutjahr brought out was accurate.
- Councilor Gutjahr said that according to this chart the 4 departments under the City Manager report directly to the City Manager.
- Councilor Brown said then Belen is in violation.
- Mayor Gwinn said yes they are and further explained that in 2006 passed by the Governor adopted by State Statue did the separation of Mayor/Council/Manager.
- Manager Skerry explained regarding the case between Sanchez vs. Belen and how the lawsuit stated that the Manager was coerced by Council to fire an employee and the employee won and continued the discussion.

### **Council Reports**

- Councilor Ramsell said he had a discussion with a resident from Chamesa and he said the community members are feeling left out and Councilor Ramsell explained to the individual that we are doing things there and further explained that the lights have come into the City's control and then asked the resident if he receives our newsletter and if so please open and read it to follow more of what is going on in the City.
- Manager Skerry said we have had people complain that the Chamesa is spelled wrong and explained the street spelling and the plant name spelling.
- Councilor Ramsell said he had someone ask about the intersection between Palmer and Boros what is going on.
- Manager Skerry said Palmer and Boros was on the list but they didn't have enough to complete that area but on this next go around it will be on for repair once again.
- Councilor Sais said they are having the 40<sup>th</sup> annual New Mexico conference on Aging will be tomorrow and Wednesday at Isleta. He and Councilor Brown will be attending.
- Councilor Sais said they had an Older American advisory board meeting on the 15<sup>th</sup> in Bosque Farms and the main thing was Frank Cox the chairman had resigned, and the interim is Jason Duren.
- Councilor Sais said a couple of times have come up to him regarding the sign in front of the building saying Mick Rich running for senate and asked is this a conflict of interest having these signs up.
- Manager Skerry said they have to have their signs for the construction site with their license and we didn't know who Mick Rich was and the contract was done through CES.
- Councilor Brown commented on the cleanup from last Saturday and said he was armed with Jim Winters' list of the streets and the residents were armed with the notices that we were going to check ID's and said every car was ready with their ID's and there was no complaints and not one person in line was not from the City.
- Councilor Gutjahr said a resident had asked why the speed sign was placed on Hillandale area before the stop sign and he noticed that they are not going super-fast and what happens after that they are speeding, and could we possibly move the sign.
- Manager Skerry said there is a transportation code that tells you how far to put them.
- Councilor Gutjahr said she thinks it is really hard for people to notice where to go or come into the building and wondered if a banner to be placed.
- Councilor Gutjahr said she and her neighbor are actively collecting cats to be spayed.
- Mayor Gwinn said a couple of young individual missionary from the Marmon Church will be volunteering at every cleanup for the next two years.

- Mayor Gwinn said the Optimist Club is hold a children’s fair this Saturday at La Merced from 9 – 11 am.
- Mayor Gwinn reminded everyone about tomorrow night at 6:00 pm is the public forum on Solid Waste.
- Mayor Gwinn asked regarding the two signs on Community Way for the watch for kid signs or 20 miles speed limit, if we have been able to get clearance from PNM.
- Manager Skerry explained that we need to mark the area in white where we want it to go and need to file a new claim with 811 and he still needs to coordinate with Lena and continued the discussion.
- Manager Skerry explained that the LEP funds came in and maybe we can purchase more signs with that 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 1:06 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

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

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Arturo R. Sais,  
Councilor