

Planning & Zoning Minutes  
P/Z Room South City Hall  
360 Rio Communities Blvd  
May 17, 2018

**Call to Order**

- John Thompson called the meeting to order at 6:33 pm

**Roll Call**

- Present: John Thompson, Dennis Kintzler, L.E. Rubin and Lawrence Gordon
- Also present: Mayor Gwinn, Councilors Brown, Gutjahr and Ramsell, EDC Chairman Jim Winters and Deputy Clerk Pam Johnson
- Absent: Robert Teague (excused)

**Approval of Minutes of April 5, 2018 –**

- Dennis Kintzler moved to accept the minutes of the April 5 meeting as submitted. The motion was seconded by L.E. Rubin and passed on 4-0 vote

**1. Solid Waste, discussion with City Council –**

- John Thompson said he is glad to see the Councilors here tonight. He said by their presence, he knows all we've done in the past on the solid waste has not been in vain. He explained that P&Z has spent several months discussing the trash problem and appreciates the opportunity to share our opinions and research.
- Mayor Gwinn said P&Z had submitted to Council a list showing pros and cons regarding a solid waste ordinance and they would like to discuss the issue further tonight. He said they recognize how much time and effort P&Z has put into this issue and we need to move forward in some direction.
- John Thompson explained that Robert Teague assigned each member of P&Z a quadrant of the state to research. He said the preponderance of the cities that responded to his questions contract with a private firm. He said no cities in the northwest quadrant of the state have their own trucks. He also said he has collected articles in the newspaper that deal with cities that have changed their garbage service and everything printed is negative. He said, after working at city clean-up and seeing the trash that gets dumped, he thinks we need to make trash pickup mandatory. He also said, after watching the damage done by garbage trucks on his street, he thinks an effort should be made to protect the streets and that leads him to believe that we should have a mandatory single-hauler system. He said we may want to make some consideration for people who recycle a lot and don't have much trash.
- Dennis Kintzler said we decided those people could talk to the collector about having fewer pick-ups. He said we came up with ideas and reasons on several items and thought we should give Council pros and cons. He said, if we go with one company and that company has an office in the city, GRT will be important and customers need to have direct contact with the provider if there is a problem. He also said P&Z decided that because Rio Communities is not big enough for more than one company to profit if we set the contract for one or two years and they have an office here, they'll provide a better service for the residents and that's what we want.
- L.E. Rubin said he doesn't like not having a choice but understands that sometimes you don't get a choice. He said in going through the process P&Z came to an agreement about the ordinance. He said he thought it was clear that we decided it should be mandatory and single source when it's put out for

bid. He also said he is sorry there was any confusion but that is exactly what P&Z wanted and that's how they voted. He said he is frustrated that this commission has spent months and came up with a conclusion and he would like for Council to be very clear that the decision of P&Z was mandatory and single source. He said ultimately Council will have to make the final decision and deal with the people and their objections. He also said if P&Z needs to write the ordinance or if someone else will, it just needs to get done and put in front of the public for discussion. He said it appears that Council is pointing to the City Manager and the City Manager is pointing to Council and the City Manager told us that Council should hire an attorney to write the ordinance.

- Lawrence Gordon said he talked to people in his neighborhood and no one really had a problem with garbage pickup. He said he was for recycling at first but has been convinced we should have mandatory service and deal with recycle later. He said if everyone has a garbage can they'll use it. He also said it bothered him that Council took a vote and decided to allow a year for the ordinance to go into effect. He said six months is plenty of time for people to get the idea that they have mandatory garbage pickup.
- Councilor Gutjahr asked about the conversation around allowing one year for the ordinance to go into effect.
- L.E. Rubin said one of the Councilors said we should give people a grace period. He said P&Z didn't feel that way – once the ordinance is passed, it should be effective.
- Councilor Gutjahr said some people in the community who went with Universal were told they had a contract for a year.
- Dennis Kintzler said one of the Councilors asked at a meeting what the hold-up was with P&Z on the trash ordinance.
- Councilor Gutjar said she is sorry this issue came to this point. She said Council got the questions and looked at them and wanted a meeting, but it was reported that we didn't need one. She said she was under the impression that the City Manager would write the ordinance and he had a template. She said she can imagine the frustration on the part of P&Z but said there is no deliberate attempt to make it a P&Z problem.
- Dennis Kintzler said P&Z has other things on their agenda and everything we do is taken seriously and it takes time and regulation to take care of solid waste properly. He said he thought as soon as we had prepared our report and sent it to Council, something would be accomplished.
- Councilor Gutjahr said she does not have an issue with a single hauler but some people will have issue with Universal. She said there are things we want in the Scope of Work that provide some flexibility for people that may not have a lot of garbage or are elderly and can't get their container to the curb.
- John Thompson said another concern that should be addressed in the ordinance is a penalty for violators. He also said we should be proactive and start a good public affairs campaign to let residents know that trash is a concern.
- Mayor Gwinn said we can't start that until we're ready for public hearing.
- L.E. Rubin asked Council to let P&Z know if they need anything else so we can move forward.
- Councilor Ramsell said, at first, he was totally against being told which company he has to do business with but found out how bad the trash problem is when he was at the city clean up. He said some people bring a month's worth of household garbage to the city clean up because it's free and the only way to fix that is mandatory trash pickup. He said he believes if people have a container they'll use it.
- Councilor Brown said he came to P&Z meetings and witnessed how hard P&Z worked and the honest effort they put into their work. He said he didn't think submitting the questions would be the end of P&Z's job as an advisory board, but he knows the City Manager told P&Z their job is done.

- Councilor Brown distributed a copy of “Suggested Governing Body Direction to the City Manager”. He said he wrote this directly after Council received the nineteen questions from P&Z. He also distributed a copy of the February 28, 2018 workshop minutes and explained that he represented to Council that P&Z is in favor of a single source mandatory system because he was at the meeting and heard that discussion. He also distributed a copy of an e-mail he sent to Council and started a discussion regarding the contents of that e-mail. He explained that he sent the e-mail to the governing body because they weren’t at the meeting and had no input from the City Manager. He said there appears to be a policy change without Council’s knowledge because the City Manager told P&Z he would write the ordinance but now he wants to give it to a lawyer and he is against that because he doesn’t want to pay a lawyer \$250 an hour.
- L.E. Rubin asked what P&Z needs to do now. He said he is frustrated that the ordinance has not been written.
- Mayor Gwinn said the meeting tonight has clarified a lot of information that can be taken back to workshops and meetings. He said in moving forward, if we make it mandatory, we will be opening ourselves up to outside agencies like ACLU. He said we need to move forward and, as we do so, we’ll have to look at some other things and we pride ourselves on “best practice”. He said Council needs to finish the budget and start in June outlining what we want in the ordinance, set a time table and come up with the first draft that can be funneled it to an attorney for review. He said we may get to see what attorneys put together by end of summer but tonight we have clarity and appreciate what P&Z has done.
- John Thompson said his recommendation was to advise City Council to wait for all problems with other municipalities to blow over and then start our efforts. He said now mandatory, single hauler is the norm and we may not see backlash.
- Councilor Brown said when Lawrence, John and Robert came on, the P&Z was very young. He said he contacted MRCOG and NMML about training that is available and MRCOG said they would come here and provide training. He said he gave the information to the City Manager, but nothing has been done.
- Mayor Gwinn said the City Manager has provided very valuable training to P&Z.
- Lawrence Gordon said the City Manager has spoon fed P&Z information.
- John Thompson said the City Manager has provided good training and he feels P&Z can do it without him now.
- Mayor Gwinn said, when we get something put together, we’ll bring it back to P&Z.
- Councilor Gutjahr said, when they have Council comments at the meeting Tuesday, she will ask for this item to be on the agenda for a meeting in June. She said whether P&Z writes the ordinance or someone else does, when it’s on the agenda a decision will be made. She thanked P&Z for the work they do and said she appreciates having the meeting tonight.
- Mayor Gwinn said any time P&Z wants a meeting with Council, they should let them know.
- L.E. Rubin said there has been some discussion that we need to schedule a special meeting a week from tonight to discuss the planned subdivisions.
- Jim Winters said until the City Manager looks at the documents, we’re not ready for a meeting.
- L.E. Rubin said Ron Gentry wants to talk to P&Z about annexation and a re-plat of his land. He said we need to contact him about his request to be on the agenda and he will talk to him about the meeting on June 21.
- Councilor Gutjahr said P&Z should look at what it is they can manage and make that decision. She said if someone asks to present at a meeting, that doesn’t guarantee you’ll start work on it. She said it’s more of an organization issue, but a response should be made.

**2. General Discussion**

**3. Subdivisions**

- L.E. Rubin moved to table this discussion as well as discussion on Parks/Trails and Zoning until the meeting on June 7. Dennis Kintzler seconded, and the motion passed on 4-0 vote.

**4. Adoption of a City Council Resolution**

- L.E. Rubin moved to accept the current Open Meetings Act as approved by City Council. The motion was seconded by Lawrence Gordon and passed on 4-0 vote.

**5. Parks and Trails**

**6. Zoning**

**ADJOURN –**

- L.E. Rubin moved to adjourn the meeting. Dennis Kintzler seconded the motion and the meeting adjourned at 8:19 p.m.

Respectfully submitted,

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Pam Johnson, Deputy Clerk

Approved

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Robert Teague, Chair

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Dennis Kintzler

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John Thompson, Vice Chair

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Lawrence Gordon

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L.E. Rubin, Secretary

\_\_\_\_\_  
Jim Winters

\_\_\_\_\_  
Tom Scroggins

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