

City of Rio Communities Workshop Minutes  
Tuesday August 14, 2018

- Mayor Gwinn called to order the city council workshop at 10:00 am.
- Present: Mayor Mark Gwinn, Councilors; Bill Brown, Peggy Gutjahr, Arturo Sais and Joshua Ramsell  
Present: City Manager Bob Skerry, Treasurer Celina Benavidez, Municipal Clerk Lisa Adair and P&Z member Jim Winters.

**Council reports & agenda items – 30 minutes**

- Councilor Ramsell said he sat in on a training about being prepared at the fire department. He also suggested we put a notice in the next city newsletter encouraging people to turn on the lights outside their homes at night to light up the neighborhoods and add a little security.
- Councilor Sais asked about the hiring of a code enforcer and said it's not a matter of funding now.
- Councilor Brown distributed a new list of potential governing body priorities for fiscal year 2019. He said some items have been added but the rest are carry-over from last year. He said we need volunteers to work on items four (review of 2013 city ordinances for potential update) and five (research potential inclusion in a new Municipal Code ordinance). He said item 7 (research proposed recreation program for the multi-use municipal complex) also needs to be assigned.
- Councilor Brown requested a job description for EMT/fire fighter and said it would be nice to get a chipper for clean-up days.
- Councilor Gutjahr explained the fall health fair is going to be canceled because of the construction. She also said there will be a meeting of the community and the County Health Council on September 10<sup>th</sup> relating to prevention of child trauma and death and distributed information.
- Councilor Gutjahr said there is a lot of mis-information in the community about the fire department and it's important to clarify some things in the newsletter. She said another issue that could be cleared up in the newsletter is how ICIP funds are received and how they're used.
- Mayor Gwinn said, on the Council's agenda at the meeting tonight, we will go into public hearing for ICIP and that may be an avenue to explain that process.
- Councilor Brown said it would be nice to have handouts this evening to show people what we got and where we're at to help clarify the process.
- Councilor Gutjahr asked for some clarification on additions and corrections to the personnel policy at the next workshop.
- Mayor Gwinn said he would like for Council to decide which Councilor will be added to the personnel board.
- Mayor Gwinn said MRCOG sent information that Senator Heinrich will be having a joint meeting in Los Lunas on August 17 from 1:00 p.m. to 2:00 p.m. in the Council chambers.
- Mayor Gwinn explained that the next Council meeting will be moved to August 20. He suggested having the meeting in the morning and combining it with the workshop.
- Mayor Gwinn said that it has come to his attention that there is nepotism at the fire department and we're not in compliance with the law. He said even though it's a volunteer department, management of volunteer fire fighters falls under FSLA and he will bring this up with Chief Rubin. He said Captain Gonzales' step-daughter is a lieutenant who reports to him and according to a NMML representative at the AG's office that needs to be corrected.

- Mayor Gwinn said he also understands that the SOP's (Standard Operating Procedures) and SOG's (Standard Operating Guidelines) were sidelined. He said those should be reimplemented and he doesn't understand why they would be tabled.
- Captain Gonzales said the SOP's and SOG's have been reinstated and explained why they were initially sidelined.
- Mayor Gwinn asked why we would go to a lieutenant on probation when we have qualified lieutenants.
- Captain Gonzales said that no one that was either qualified or a seasoned member wanted to be in a leadership capacity because of the hours required.
- Mayor Gwinn said he has received calls from people who say they wanted the positions but were rejected.
- Councilor Sais said there is a lot of conflict within the fire department; some relate to administration there and some to administration here which needs to be resolved.
- Manager Skerry explained the SOP essentially acts as their personnel policy and the first page spells that out. He then read the required procedure and qualifications for officer positions.
- Mayor Gwinn said some have said Council gave strong support to Mr. Gonzales being the captain but that is not the case. He asked Captain Gonzales to clarify that with the membership.

#### **ICIP – Discussion**

- Manager Skerry read each Councilor's list of priorities for the ICIP request. He explained how the ICIP was done in the past and started a discussion on the change in Notice of Obligation. He said DFA will not commit to a Notice of Obligation until they see how we've spent the money.
- Manager Skerry said #2 on the list is public safety and was primarily for the fire department. He said the items that were removed were purchase of two equipment units and he asked Chief Rubin to give him two items to add but he hasn't heard from him.
- Manager Skerry said #3 was the roadway beatification and read what that encompasses.
- Councilor Ramsell asked if DOT is going to give us approval for right of way access we'll need for the plan.
- Manager Skerry explained his conversation with DOT regarding our request.
- Councilor Sais asked if Jersey barriers can be put on Manzano Expwy where the road has washed out and become dangerous.
- Manager Skerry explained why concrete barriers may not be allowed but he will find out.
- Mayor Gwinn said another thing we can look at is reducing the speed.
- Manager Skerry continued the discussion on doing a drainage study and a drainage plan. He said after we know what's involved, we would then talk about implementation.

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

- Betty Reeves said she is new in town and would like to see why the damaged wall at the entrance to the city has not been repaired. She said she is interested in getting involved in the community and seeing growth.
- Mayor Gwinn explained that the wall is owned by a private individual.
- Mayor Gwinn continued the discussion on the ICIP priority list.
- Councilor Brown said his consensus after looking at the Councilors' lists, is that #1 should be drainage plan and study, #2 public safety, #3 roads, #4 parks and trails and #5 city hall.
- Councilor Gutjahr asked if lighting could be included under public safety.

- Councilor Sais asked about the speed humps on the roads and asked if that can also be included under public safety.
- Councilor Brown explained that before he came to New Mexico he lived in Monte Clare, CA and if there was enough of a need, the citizens paid for the speed hump.
- Manager Skerry explained that #7 & #8 will be on the ICIP every year until it is funded. He read the list of priorities - #1 drainage, #2 public safety with emphasis on lighting and the fire department, #3 roads, #4 parks and trails study, #5 municipal hall, #6 beautification, #7 simulcast radio system and #8 business incubator.

#### **Subdivision Ordinance – Discussion**

- Jim Winters began a discussion on the ordinance and explained changes that have been made.
- Councilor Sais asked what is specified regarding tiny homes.
- Jim Winters explained that those would be allowed in a manufactured housing subdivision but our legal basis for not allowing them is the regulation that says homes built in a subdivision must be similar in size to surrounding homes.
- Jim Winters distributed copies of the form for people to sign if they wish to speak at a public forum. He said people who speak must swear to tell the truth and they do that by signing this document.
- Councilor Gutjahr requested that the wording at the top of the form be in bold letters or enlarged.

#### **Solid Waste - Discussion**

- Mayor Gwinn said the solid waste forum will be on August 21. He said Jim Winters put together a list of reasons we thought we should promote a solid waste ordinance.
- Jim Winters asked Council to review the list and see if they have questions or changes. He suggested this list and a copy of the proposed ordinance be distributed at the public forum.
- Mayor Gwinn said people who keep trash in the back of pick-ups are creating a nuisance as well as a public safety problem.

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

- Mayor Gwinn said a few things came up at the last clean-up day. He said it was mentioned that there were a lot of people from Belen there and several people didn't help unload their trucks. He said he would rather people from outside the community use our dumpster rather than dumping on the mesa, but we should cater to our residents first. He also said people need to help throw their trash in the dumpster.
- Councilor Brown said at least four of those people were disabled and could not assist. He then said a driver's license would verify address and if they are a resident, there should be no charge but people from outside the City should pay a fee.
- Manager Skerry said we should not charge because of the hassle of dealing with cash in addition to the fact that it is a volunteer project and not paid for by the City.
- Councilor Gutjahr said people who have proof of an address in Rio Communities should be allowed to go first. She said we should start this on a trial basis and see what happens on the mesa.
- Councilor Sais suggested having people sign in and list their address and if they don't live in Rio Communities, they're told to go to the back of the line. He said we would have to be careful though because we may run into problems in the future.
- Treasurer Benavidez said we are in jeopardy of exceeding the funds for clean-ups next year if we order extra bins because we allow non-residents to bring their trash. She said there is enough money to finish out the year if we don't order more than two bins.

- Mayor Gwinn said we'll only order two bins until we finish the year.

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

- Steve Gonzales said in the past they had a site where people could dump yard trash and the fire department would have a controlled burn once a month. He said that would mitigate some of the problem with people putting yard trash in the dumpster on clean-up days.
- Mayor Gwinn said we've tried to get people to burn yard trash on burn days, but some people don't want to burn and like having the chipper here.

**Meet your legislature day letter and invitation – Discussion**

- Mayor Gwinn said he has talked with all five of our representatives and three have agreed to meet with us on September 19 and began a discussion.

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

- No public comments.

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

- Mayor Gwinn said continuing public input at Council meetings is on the agenda tonight. He said we can discuss the matter and decide if we want to continue.

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

- No public comments.

**Continued discussion on funding an additional officer – Discussion**

- Councilor Gutjahr distributed information on a plan for funding an additional officer.
- Manager Skerry explained that we can use the petition method to annex if the property is contiguous to the City and a majority of the landowners sign the petition (one acre gets one vote).
- Manager Skerry said at the current rate of 2.75% we would get \$115,000 from property tax from companies that aren't exempt. He said he doesn't have a figure for GRT and he doesn't know what the franchise fee will be.
- Councilor Gutjahr asked about the rate if we increase our GRT's by one-quarter.
- Manager Skerry said it would be almost 7.7% and we would still be the lowest municipality in the County. He then said he has not wanted to raise the mil levy in the past because of the annexation process but we could let the businesses know there will not be an increase in non-residential and raise the residential rate.
- Manager Skerry said people need to realize what the City crime rate is and understand that additional police protection will require more taxes.
- Councilor Gutjahr explained that she has talked with individuals and asked them how the crime in the City impacts them. She said most of the time it doesn't, but they know someone who they think was hurt.
- Councilor Gutjahr confirmed that the money we receive now includes business and residential and began a discussion on other funding options available.
- Manager Skerry said we're going to need a recreation department and that will require either a mil levy increase or special recreation district. He said there will also be parks and trails and hopefully the growth will be there, but we can't increase ongoing monthly costs for payroll for law enforcement. He then explained that we can increase public safety in other areas.
- Councilor Gutjahr said it probably wouldn't be helpful to increase our GRT to businesses.

- Manager Skerry said if the annexation should go through we will have to get another officer because we've told them we would have two officers.
- Councilor Gutjahr said the main thing that needs to happen to get another officer is the annexation and/or City growth. She said that we've told people in the community that we're working on ways to fund another officer, so she wants something on paper that we can hand them.
- Mayor Gwinn said people also need to realize that it will take eighteen months before we see the funds from an increase in the mil levy and six to nine months for an increase in GRT.
- Councilor Sais said we need to get another officer to provide a better feeling of security and he feels that should be done soon.

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

- No public comments.

**Administrator vs. Manager - Discussion**

- Mayor Gwinn started a discussion on information that he received from the NMML regarding different forms of government. He reminded Council that the City's form of government now is Mayor Council with Manager and explained the roles of Council and the manager or administrator.
- Councilor Gutjahr distributed a diagram of what she would like to see. She said after doing the research and talking to mayors and councilors in other municipalities she thinks it is important to stay with a manager.
- Councilor Brown said currently as a volunteer fire station people on the roster elect the chief and the assistant chief and asked how that process would be modified.
- Mayor Gwinn said he has looked at other municipalities that have a fire department and began a discussion on the Mesilla fire department.
- Councilor Brown asked if it's all-volunteer except for a paid chief and assistant chief who selects the chief.
- Manager Skerry explained that if we have a manager that would have to be broken out and, as we stand now, the difference between a manager and an administrator is that the manager oversees personnel. He said right now the fire department does not have a merit-based personnel policy and are selecting personnel by personal appointment. He said one of the reasons to have personnel under a manager is to have control.
- Mayor Gwinn explained that Council turned personnel over to the city manager. He said since we're a mayor council with manager, the fire chief should be under the city manager because we need to oversee the top level.
- Treasurer Benavidez said she has a concern regarding fire funds. She said she has conflicting information about who is authorized to spend those funds – the fire chief, the governing body or the fiscal agent. She asked, if Council changes to administrator, who is responsible for telling us what can be expended with fire funds.
- Councilor Brown said the Council doesn't approve every request for purchase. He said in the past the chief has been responsible for signing off on requests for procurement and purchasing items. He said the fire department regulations specify that the chief must approve all procurement requests and that is authorization for the procurement officer to place an order.
- Manager Skerry said that doesn't apply now because a chief procurement officer was established in the last two years.
- Treasurer Benavidez said she is required to follow the City's written policy – not the fire department's policy.

- Councilor Gutjahr said our financial policy needs to specify that the fire department invoices or requests for expenditure must be submitted by the Fire Chief.
- Councilor Sais asked what it will take to adjust if we switched to administrator.
- Mayor Gwinn said the policy would have to be re-written.
- Manager Skerry explained that no manager will take on the responsibility to deal with Council's appointees for chief and assistant chief.
- Councilor Gutjahr said she thought the manager would hire the fire chief and should have a procedure in place which she would like to see in the personnel policy. She said the interviews would be handled by the city manager, but the manager would present that person to Council for appointment.
- Councilor Ramsell said he understands what Manager Skerry is saying and that his ability to find the best qualified person is a way to make sure the department is run the way it should following rules and statutes. He also said it is good for Council to be able to have face to face conversation with that person.
- Manager Skerry said that happens anyway. He said all department heads including the fire chief must be able to speak to Council.
- Mayor Gwinn said we've heard enough from both sides and tonight we'll decide whether we want to move forward with an administrator-type management or a manager.

### **Manager Report**

- Manager Skerry explained that we agreed with the water company not to do any more road work until they solve the problem with water leaks. He said they claim the problem was leaks at the meters and replaced meters at 143 residences. He said we charge for each road cut but the fee for 143 cuts would be onerous and we should not charge the fee for those cuts. After some discussion, it was agreed that the fee for the 143 cuts would not be charged.
- Manager Skerry said the time and material charge for repairing the potholes needs to be put out for bid because the auditor has said we've used Universal for more than one road repair. He said we need to contract with someone to be an on-call road person so when we have potholes, we don't have to get a bid for a small amount.
- Manager Skerry said we received the NMDOT co-op money and now it has to be posted for procurement purposes.
- Manager Skerry explained that we received an amendment from DFA on the building and we need to get a Notice of Obligation to them. He said DFA has to agree to reimburse us before we start the work. He also said we received a grant for \$25,000 which is part of the second \$200,000 that we requested for the city complex. He said we need to back out the \$200,000 we put in for the fire department.
- The City Council workshop was adjourned at 2:15 pm.

Respectfully submitted,

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Pam Johnson, Deputy Clerk  
(Taken by 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