

City of Rio Communities Council Minutes
Regular Business Meeting
Tuesday February 26, 2019

Call to Order

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

Pledge of Allegiance

- Jim Winters led the Pledge of Allegiance.

Roll Call

- Present: Mayor Mark Gwinn, Councilors; Bill Brown, Peggy Gutjahr, Arturo Sais and Joshua Ramsell.
Present: Municipal Clerk Lisa Adair and Finance Officer/Treasurer Celina Benavidez.

Approval of Agenda

- Councilor Gutjahr moved to approve the agenda for the regular business meeting of Tuesday February 26, 2019. The motion was second by Councilor Ramsell. With a 4-0 vote the agenda for the regular business meeting of February 26, 2019 was approved as presented.

Approval of Workshop Minutes

- Councilor Ramsell moved to approve the workshop minutes of January 22, 2019. The motion was second by Councilor Sais. With a 4-0 vote the workshop minutes of January 22, 2019 was approved as written.

Approval of City Council Minutes

- Councilor Brown moved for the approval of the city council minutes of January 8, 2019. The motion was second by Councilor Gutjahr. With a 4-0 vote the city council regular business meeting minutes of January 8, 2019 was approved as written.

Public Comment

- No public comments.

Accounts Payable

- Mayor Gwinn explained that Treasurer Benavidez provided them with the accounts payable today at the workshop and then asked if there was any questions from Council.
- Councilor Gutjahr asked regarding the fire departments, Sanchez Collision what was that repair for.
- Mayor Gwinn explained that when the fire department truck ran into the garage door this was the repair to the unit.
- Councilor Gutjahr asked about the CES change orders.
- Mayor Gwinn explained the first one was for the change orders of the pillars and the other was the canopies.
- Treasurer Benavidez explained that there will still be a review on the construction completion which will be done tomorrow and once it is ready we will pay CES the \$37,573.38.
- Councilor Ramsell moved to pay the accounts payable as presented. The motion was second by Councilor Sais. Vote: Councilor Brown-yes; Councilor Gutjahr-yes; Councilor Sais-yes and

Councilor Ramsell-yes. With a 4-0 vote the following accounts payable for the City and Fire Department were approved for payment.

CITY – Accounts payable

AC Disposal Services (cleanups)	\$ 1,080.00	Century Link (emails)	\$ 203.08
UNM Copy Center (EDC brochures)	\$ 148.50	Data Management	\$ 998.25
NM JEC (January)	\$ 3.00	Court Automation (January)	\$ 6.00
Thomas Adair (Grant writing)	\$ 250.00	Gusto (reg payroll)	\$ 4,669.48
Gusto (WK 28 reg liabilities)	\$ 1,557.61	CES (building construction)	\$ 22,598.49
CES (building construction)	\$ 37,573.38		

FIRE DEPARTMENT – Accounts payable

Ortega and Sons' Propane	\$ 348.70	Sanchez Collision & Repair	\$ 1,542.56
Plateau	\$ 468.36		

Executive Session limited personnel matters. NM Section 10-15-1 (B)(H)(2) and subject to the attorney/client privilege pertaining to possible litigation. NM Section 10-15-1(B)(H)(7)

- Mayor Gwinn asked for a motion to go into executive session with a roll call vote.
- **Motion and roll call vote to go into close session**
 - Councilor Gutjahr made a motion with a roll call vote to go into executive session limited personnel matters NM section 10-15-1 (B)(H)(2) and subject to attorney/client privilege pertaining to possible litigation NM section 10-15-1(B)(H)(7). 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 went into executive session at 6:10 pm
- **Motion and roll call to go back into regular business meeting session**
 - Councilor Sais made a motion to go back into regular business meeting after executive session regarding limited personnel matters NM Section 10-15-1 (B)(H)(2) and subject to the attorney/client privilege pertaining to possible litigation NM Section 10-15-1(B)(H)(7) by roll call vote. The motion was second by Councilor Brown. Vote: Councilor Ramsell-yes; Councilor Sais-yes; Councilor Brown-yes and Councilor Gutjahr-yes. With a 4-0 vote Council went back into the Special Business meeting session at 7:12 pm.
- **Welcome everyone back and statement by the Mayor: The Governing Body of the City of Rio Communities, New Mexico, hereby states that on February 26, 2019 a Closed Executive Session was held and the matters discussed in the closed meeting were limited only to limited personnel matters and attorney/client privilege pertaining to possible litigation as posted on the agenda**
 - Mayor Gwinn read the above statement.

Action results from Executive Session

- Councilor Gutjahr stated no action was taken.

Council Reports

- Councilor Ramsell said he updated the information with the actual calls from the 911 call log and posted it up on the board and further explained what is on the report.

- Councilor Sais said there are some new elected officials for the Older American Program.
- Councilor Brown mentioned with the Older American Program the Senior Center in Belen the major kitchen that prepares all the meals is closed and further explained that reason for the closing and then said food is being prepared here at the Del Rio Senior Center.
- Councilor Brown said he has some phone calls last week regarding the pit bulls that killed another dog and was told that there was 8 major offenses, but when it got back to the animal control center that no action was taken. He then said the second major problem was there was no mention at all to the Magistrate court of having killed another dog prior to this incident, therefore not knowing this information the owner was only given probation and the dogs would be back into the community on the 17th of April. He further said there was a miscarriage of justice and asked what we can do to fix this or get it back to a court.
- Mayor Gwinn said he is having a conversation with Danny Monette the County Manager and since we do have joint ordinance with the animal control regarding vicious animal we are going to emphasize this more in our upcoming MOU. He further said he wishes we had an animal control officer in our City, and we could have done the first phase in front of our Judge but since we don't we have to fall under the County Ordinance.
- Councilor Brown asked what we can do now to prevent the dogs coming back.
- Councilor Sais asked should we send a letter of concern to the Magistrate Judge.
- Mayor Gwinn said a judgement has been made and thinks the owner of the animal that was killed he can do a civil lawsuit.
- Councilor Brown said he thinks there are a couple of areas that might can happen, there being over \$5,000 in expense connected with the dog that died, and between three individuals they have collectively of the animal control reports but found out the owner of the pit bulls plead no contest, so they didn't even know it was a closed case and said maybe they can go with a brand new case and claim expenses.
- Mayor Gwinn said he is working with the Code Enforcer and if he sees the dog out and about he will have animal control build a case
- Councilor Brown said there is four cases already of the dogs been previously out.
- Mayor Gwinn said the only thing they can do is take it to civil court.
- Councilor Gutjahr said the health fair will be on the 27th.
- Councilor Gutjahr said she and Mark had met with Sandy Schauer and she will be writing up an article about budgets.
- Mayor Gwinn welcomed Commissioner Hyder.
- Mayor Gwinn said our cleanup will be March 16.
- Mayor Gwinn explained there are two roads Bishop and Basham that will be starting construction tomorrow and they are targeting 16 roads this next year on the grant our portion being about \$78,000.00.
- Mayor Gwinn said he will be appointing to the EDC and the Personnel Board on March 12, 2019.

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 7:32 pm.

Respectfully submitted,

Elizabeth (Lisa) Adair, Municipal Clerk

Date: _____

Approved:

Mark Gwinn,
Mayor

Margaret (Peggy) Gutjahr,
Councilor Mayor Pro-tem

Bill Brown,
Councilor

Joshua Ramsell,
Councilor

Arturo R. Sais,
Councilor