

City of Rio Communities Council Minutes  
Regular Business Meeting  
Tuesday May 28, 2019

**Call to Order**

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

**Pledge of Allegiance**

- Gordon Reeves led the Pledge of Allegiance.

**Roll Call**

- Present: Mayor Mark Gwinn, Councilors; Bill Brown, Peggy Gutjahr, Arturo Sais and Joshua Ramsell  
Present: City Manager Leisa Haynes and Municipal Clerk Lisa Adair.

**Approval of Agenda**

- Mayor Gwinn asked to table items; Ordinance 2019 – Chapter 11; Article 4 Solid Waste, Accounts Payable approval, and Resolution 2019 – BAR #05 – street fund transfer and would like to add going into Executive Session limited personnel matters. NM Section 10-15-1 (B)(H)(2).
- Councilor Gutjahr moved to approve the agenda as amended. The motion was second by Councilor Brown. With a 4-0 vote the agenda for the City Council regular business meeting was approved as amended.

**Approval of Workshop Minutes**

- Councilor Sais moved to approve the workshop minutes of April 9, 2019. The motion was second by Councilor Ramsell. With a 4-0 the workshop minutes of April 9, 2019 was approved as written.

**Approval of City Council Minute**

- Councilor Brown moved for the approved of the City Council minutes of April 9, 2019. The motion was second by Councilor Gutjahr. With a 4-0 vote the City Council Regular business meeting minutes of April 9, 2019 was approved as written.

**Public Hearing**

- Mayor Gwinn asked for a motion to go into recess for the public hearing.
- **Motion and roll call vote to recess Regular Business Meeting session and to go into Public Hearing:**
  - Councilor Gutjahr made a motion with a roll call vote to recess the regular business meeting session and to go into a public hearing for Ordinance 2019-xx chapter 11; article 4 solid waste. The motion was second by Councilor Sais. Vote: Councilor Brown-yes; Councilor Ramsell-yes; Councilor Sais-yes and Councilor Gutjahr-yes. With a 4-0 vote Council recessed the regular business meeting session and went into public hearing at 6:09 PM.
  - **Ordinance 2019-\_\_ Chapter 11; Article 4 Solid Waste**
    - Julius Updegraff said he would like to talk about the waste disposal and said he had one disposal company since he moved here 3 years ago and they do a fine job and feels when you have a monopoly the prices will be affecting everybody and it will be infringing on our rights of choice and thinks the council can come up with a better way for the people to dispose of their trash. He then said it could probably go to the tax rolls and have the companies call and say “Julius Updegraff at 125 Rio Communities Way has trash service” and it could be noted down and if it is canceled then it should be appointed one for them. He then said he can’t how a monopoly will effect this community anyway but harmful, it’s taking away your rights, as a veteran he feels strongly about his rights and doesn’t want his rights infringed upon and should have a choice on who he uses and there is a better way to do this and keep track of it some other way.

- Caroline Updegraff said she had an opportunity to work with Horizon Corporation for 14-years and solid waste has always been a really difficult area for these 3000 acres so at least you don't have that to deal with. She then said they should always be given a choice if we are going to be forced to have solid waste pickup and none of them probably disagree with that, but to have you choice whether it is by bid or whether it is by someone or some service that you know or some promise that's made is not the right way for us to get solid waste pickup and then said she thinks it should be mandatory in the incorporated area to have trash pickup but do not think it should be given over to the Commission to decide who is going to pick up our trash. We are happy with our people, we see 3 different ones and doesn't know how many are out there and then said please don't take away our rights to have solid waste picked up by whom we choice just monitor it however you can.
- Rheganne Vaughn said she is the Government Affairs representative for Universal Waste and said in reviewing the Ordinance she has one area of suggestion is in 11-4-5(C) regarding looking at delinquent accounts in the ordinance it stats in a period of 30 days from the date the invoice is due of the quarterly payment you would go to a notice of delinquency and then 30 days after that a lien would be imposed, just as a suggestion something they see in the industry a great deal, in this ordinance there is not a prevision for a stop service program. She then said they see a lot of times people for whatever reason just don't pay that invoice and then said after a certain amount of time when they do stop service it is a very effect way to have the customer call in to workout payment arrangements or whatever you need to do without going as far as putting a lien on the property and then said as far as their business that is the very last thing they want to see. She then said her suggestion is to look at that, if you go to a 30 day notice of delinquency maybe if that is not remediying and another 30 days there is a stop notice provision or cart removal and then as a last ditch effort you go forward with a lien further. She then said just the way the language is written it doesn't clarify whether once the lien is imposed upon the property whether the trash service would be stopped or would the provider continue to provide. She then said that was something that caught their eye and wanted to bring it to their attention.
- Gary Nordell, he lives in the Chamesa subdivision and has spoken before and the same thing needs repeating in that there needs to be pervious for people like him that recycle and then said he hasn't read, maybe it is in there but he hasn't seen what you are printing out what you have approved lately and what should be there provision who every the vendors might be is for people that recycle, for vacant lots, for empty buildings that are not producing any waste and then as an option, Councilor Brown brought up the idea of Veteran or senior discounts and the other one he brought up was piggy backing, because someone is giving their trash to a neighbor because the 2 or 3 people next to each other do not produce enough to fill up a bin. He then said a new item is he sent an email to all of you guys and also Leisa and a couple of other people in the City, there was a thing that came today on the internet the country of Sweden puts 1% of their solid waste in the landfill. They are recycling so much of their waste that they actual ran out of waste and they are importing it from other countries, so that they can recycle that so in order to keep their recycle business going. He then said he doesn't think Rio Communities is going to go that far, we aren't' but it is something we have to be aware of inn the choosing of who we have pickup our waste, so that if a company is actually shipping it to Denver to be recycled or something like that maybe they would lose points in a bidding system. That it

should be a company that makes a bid that is looking to eliminate the land fill would get more points on a bid, that is why he put there that it is a good goal He then said the County of Las Angeles about a year and a half ago announced that they recycle 50% of the solid waste in Las Angeles County and they immediately set a new goal of 80% and it would not be a bad idea if the City set a goal for how much got recycled here if there was a place for that.

- Frank Stasi lives in Rio Communities said you listen to us for all our opinions on things to do about the trash, he understand that you are here to make an ordinance, what he is not sure when you decide and people come forward that want to bid on it, he haven't recalled how you do your bidding process, you probably go by fees, go by what everyone is listening to, he was at the other meeting for the trash and you listened to everybody, but he didn't hear any comments from the Councilors if they approve or disapprove of what the people want or you are still undecided. The ordinance is passed and now you are dealing with them but the people don't know what you are going to go after concerning us and another thing are you on a point when you are going to hire somebody and if you are on a point system are you going to give more for someone local then someone otherwise, it ain't all about fees necessarily okay. Who puts all the money back in to the County, and this is very important okay, you want all your money to go to a different State, that's you prerogative, but it is not helping us at all okay, there should be some advantage, I'm sure we'll hear, the people would like to hear from all these haulers okay, and what they can do for us, they are hearing what we want, the piggy back, what about the seniors okay, if they are on a fixed income are you going to hit them, we want to hear from the haulers what they are going to do for the people okay, he thinks that it is important, rather then it pass and this is the way it is, this is his opinion.
- Janis Jacobs lives on Nancy Lopez 12 years said she was very disappointed when she read in the paper and she read it very carefully, she feels like all of their choices are being taken away and appreciate having been lower down on the list to speak because every single thing that has been said she is not going to reiterate and tells you she agrees with what these other citizens of our community has said and feels very strongly about our choices and supporting local business and hope you will take deep consideration of what they say.
- Harlen Wolfe lives on Hillman street for the last 13 years said monopolies don't make anyone happy except for the monopoly, that's it, we are getting rights taken away from who we want, I found somebody who have had for the last 10 years AC they are great, have 2 pails, have a large family alright. Some people can't afford a garbage service, they take their stuff to the dump, what about them, you are going to make them pay for something that a couple of bags of garbage a week or so and every other week go to the dump with 4 or 5 bags in the back of their SUV, so what are we going to do about them. It's just a matter of bigger government taking control, if you have a problem with some people, don't take it out on the law abiding citizens, you know, you take the guns away from the people that fit the harms, go after them. It is easy see, go down the street, and look for the garbage.
- Rita Veix lives on Burgs drive said this monopoly thing that you want to appoint somebody is wrong in so many ways, she has had the same trash collection service for 15 years and is very happy with them and sure a lot of people here have their own trash collection service they are happy with as well. If you decide if everybody should have one service, this is not something that you folks should be deciding this is something that

should be put on a general election and the voters should vote for it, the citizens are going to be the ones to pay for this so the citizens should be the ones to decide who their company is with a yes or no vote if you want a soul trash provider for the City or not, yes or no at the general election let the people decide. Secondly, we have a problem with renters, renters are usually responsible for utilities, which she sure included trash collections and if they are not having trash collection now they are probably taking it to the transfer station, so their landlord is going to get a bill, and then their landlord is going to increase their rent so then the tenant will say forget this I'm going to go someplace else where I don't have to pay for trash collections, so then the landlord is going to be having an empty house there to rent. Also we have a lot of families in our area that have financial hardships and they rely on the food pantry and the free store across the street to put food and clothing on themselves and their children, and she is sure trash collections is the last things on their minds and so you are going to have these people forced to decide to pay the electric bill or the trash service and said she knows what she will pay.

- Lola Millhollan lives on Goddard Court said she read what was in the paper last Thursday and was very upset about it, it was like if we do not have garbage service, you are going to penalizes us and put a lien on our house, that is not correct to do. Her husband and she takes their garbage to the transfer station, they do this once every 6 weeks, they should not be penalized or have put a lien on their house because you deem it necessary to have your garbage service. Monopolies never work, because somebody is going to pay somewhere and doesn't think it is right to have a monopoly in our area. She is sure there are some people that use a garbage service, that is fine for them, but her husband and her don't and she don't think they should be penalized for using it, they have lived there 4 years and there has never been anything in the paperwork that they signed with they bought their house that we had to have garbage service, so why are you telling us to do it now.
- Gordon Reeves the Code Enforcement officer for the City of Rio Communities, He wanted to come down and listen to what you have to say. He takes your concerns and statements very seriously. He said he is out there every day and he sees it, he sees the trash and understand your concerns, not being able to afford it. He comes from the City of Belen, being on the city commission and help do their ordinance over there for their trash and it is hard. City of Rio Communities is young we are going to go through some growing pains, we have to start somewhere, we have to listen to you and council is listening to you. He said he does pickup illegal dumping of trash and in dumpsters and processes it. This is his part of the definition of the dumping issue. He wanted to let them know he is here and is listening to them, he then said please email him with weeds or anything.
- Tommy Westmoreland lives on Goddard Court said when he came in 2016 the garbage truck had made so many turns and twist in the street that it just literally destroyed it. He hasn't heard one thing about it from any of you all. **\*\*asked\*\*** how much did it cost to replace his street.
- Mayor Gwinn said \$68,000.
- Tommy Westmoreland **\*\*asked\*\*** you just replaced 3 more.
- Mayor Gwinn said replaced about 7 so far.
- Tommy Westmoreland then said you talk about money, it costs a hand full of them to run 2, 3 and 4 of these garbage trucks up and down these streets, because when they turn

the twist and they are destroying your streets. He comes for a little town in Texas, he was the Mayor there and he watched the garbage truck, one company literally destroy their street, they just ate them up. He has seen what these garbage trucks are doing and can understand why you would want to do with one provider and also the bidding is competitive. He then said on the ordinance, he didn't read it, but had his neighbor Millhollan read it, and not to offend her, he does believe in garbage collection, and thinks you should pass an ordinance for being stupid and trashy, but that is another deal. We have our share of trash and the code enforcement officer has his work cut out for him. All he asks is when you consider this ordinance and do the contract there has got to be some way, in Texas their garbage people would take anything that you dragged to the curb, if you were man enough to drag it, they would pick it up, he thinks that is what is wrong with Rio, if we can't do that we are going to have stuff, old mattress and box spring, he goes by houses and sees that mess all the time, it is frustrating, but when you say we are going to give you containers no bigger than this podium, stick your mattress and your box spring in it, that's not going to work and he knows what you all are doing, bringing the roll off out here and that is all well and good but it still gets back down to what these contractors, these garbage companies are willing to do, if they don't do but once a month, bring another truck and haul what is lying beside, now he is not going to put an atomic bomb beside the trash can. He then gave example, said he set beside the can a frame off of an old swamp cooler and they left them, it's just crazy, he understand they don't want to get out of the truck, only one man in the truck and understands all that. He then said he thought about the remedies and said doesn't know much about New Mexico laws but ordinance have variances in Texas, and then said Ms. Millhollan goes to the dump every 6 weeks **\*\*asked\*\*** where is your proof. Then said if you go to that dump there is a receipt. He then said if you want a variance to this ordinance, you prove that you are not throwing it into your back yard and as for the recycler same way, you want to recycle prove it, prove it to him and he would give you a variance for it. Then said if you all are going to do this process, these bids are going to be who going to give you the best bid, he doesn't know how long the length of the contract will be, some are for a year, because their costs go up and he had that problem on ordinances like this because someone further up charges more and they want you to be able to float up with them, he understands all that, he asked to take this into consideration.

- Bill Trefsgar lives on Jack Nicolas said he moved here in 2006 and his first pickup service was AC disposal they picked up everything with no problem and then said now they told him, he has to stuff everything into the little container and he doesn't like that. He then said there should be something for the vets and seniors some kind of discount and does not like what is going. He then said before no problem to pick up everything, but now one guy has to get out of the truck, get his butt out and wiggle down the street oh come on, boy is he pissed. That is all he has to say.

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

- Councilor Gutjahr made a motion to return to the regular business meeting with a roll call vote. The motion was second by Councilor Ramsell. Vote: Councilor Sais-yes; Councilor Gutjahr-yes; Councilor Brown-yes and Councilor Ramsell-yes. With a 4-0 vote Council went back into the regular business meeting session at 6:39 pm.

## **Public Comment**

- Jody Skelton said she would like to see the City put out something in the little bulletin about it is time to clean up their weeks and all the trash around their house it is a fire hazard.
- Frank Stasi said we do have a great weed issue and is curious what the governing body is doing about it at the present time. He then said you have subbed out before in, have you done anything now.
- Mayor Gwinn said we are putting it out for bid.
- Frank Stasi asked regarding in front of a person's house, how tall do weeds have to be before you can cite them, do you have an ordinance.
- Code Enforcer Reeves said 20".
- Frank Stasi said they haven't heard anything about the fire house, haven't seen anything or discussion or anything, have you come to an agreement with the fire house, are you still going to have a paid fire chief and the rumor has it that someone from out of State is looking for this to happen. They haven't had any updates and a lot of people are curious.
- Lola Millhollan asked are you going to change the ordinance on how high the weeds can be
- Mayor Gwinn said P&Z is working on it, in the zoning section.

## **Ordinance 2019 – Chapter 11; Article 4 Solid Waste**

- Tabled

## **Accounts Payable approval**

- Tabled

## **Resolution 2019 – BAR #05 – street fund transfer**

- Tabled

## **NMIDEA Professional Development – joining Leisa Haynes**

- Mayor Gwinn explained that this is an Economic Group we belong to and we need to renew our subscription and have Leisa Haynes as our representative.
- Councilor Gutjahr moved to approve the payment for our City Manager Leisa Haynes to participate in the NMIDEA Professional Development. The motion was second by Councilor Ramsell. Vote: Councilor Brown-yes; Councilor Sais-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote Manager Haynes's membership to NMIDEA was approved for payment by Council.

## **Continuation of Service Agreement – Animal Control – Valencia County**

- Mayor Gwinn explained the County Commission passed this last week to continue to provide service. He then explained changes that were made to the agreement, such as vicious animals and the process of reclaiming their animals if they are picked up by animal control.
- Councilor Gutjahr explained how much the City has spent on housing peoples animals in the past year.
- Councilor Sais asked what the processing fee we will be charging what that will be utilized for.
- Mayor Gwinn explained it will be going into general fund, but the City Manager is looking at putting in an animal park and would also cover the cost of licensing their animal when the pick them up.
- Councilor Gutjahr made a motion to approve the continuation of service agreement for animal control with Valencia County. The motion was second by Councilor Brown. Vote: Councilor Gutjahr-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Sais-yes. With a 4-0 vote the continuation of service agreement with Valencia County was passed, approved, adopted and signed.

### **Executive Session limited personnel matters. NM Section 10-15-1 (B)(H)(2)**

- Mayor Gwinn asked for a motion to go into executive session.
- **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 of New Mexico Section 10-15-1(B)(H)(2). 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 Council went into executive session at 6:57 pm.
- **Motion and roll call to go back into regular business meeting session**
  - Councilor Sais moved to go back into regular business meeting from executive session by a roll call vote. The motion was second by Councilor Ramsell. Vote: Councilor Brown-yes; Councilor Gutjahr-yes; Councilor Sais-yes and Councilor Ramsell-yes. With a 4-0 vote Council went back into the regular business meeting session at 7:50.

### **Council Reports**

- Councilor Ramsell thanked everyone for coming out and giving their thoughts and concerns on the solid waste and speaking on public comments. He then said he knows speaking about the weeds is kind of shocking and said Albuquerque if your weeds are more than 4" tall they send out a letter and they are on it right away.
- Councilor Sais ditto what Councilor Ramsell said.
- Councilor Brown said he has two items and in reference to the public hearing what he came out of it was there was a positive vote for mandatory and a no vote for a single hauler. He then said those two are really connected at the hip and the problem we have as a City Council is undergoing a lot of cost and tearing up the roads to have multiple haulers and the only way that we can break the multiplicity is to have a single hauler and the only way we can know that it is mandatory is have a single hauler. The thing that the public is not aware of is that we go through an RFP proposal process and that most people don't realize what the bidding process consist of.
- Councilor Brown said another item he has is in relations to the calls for law enforcement, EMT and fire, we know in the law enforcement area we have the lowest call rate in the County and we know that somewhere between 911 service and the Sheriff department there is a missing link on having the Sheriff department we as the City their calls come out as Belen. He then stated in the Albuquerque Journal was an article on the six safest Cities in NM which is an FBI stat, top were Corrales, Raton, Los Alamos, Rio Rancho, Edgewood and Portales and number 16 on the list was Bosque Farms.
- Mayor Gwinn said next year they should be taking the stats for our City.
  - Clara Garcia explained some of these ranks are FBI stat and they use the Zip codes.
- Mayor Gwinn said each Municipality has a shape file which separates them from the County and began a discussion.
- Councilor Gutjahr said she feels it was great everyone was here and loved hearing what people had to say and why. She then said, as Councilor Brown the single hauler and mandate goes hand in hand. She further said that everyone is deciding this is the way to go, not that she feels we should follow a crowd, but it has been shown it is helpful. She then explained the difference of an ordinance is saying why were are doing it and mandating it and what will go out into an RFP under procurement and what will actually be bid upon.
- Councilor Gutjahr said regarding the citizen patrol we are having a meeting on the 4<sup>th</sup> at 6:00 pm here, please talk to people about volunteering, because in order for us to go forward we need volunteers.

- Mayor Gwinn said we are still working to try to get a contractor to take care of the streetlights on 47 and make sure our person can get certified by PNM to deal with the lights.
- Mayor Gwinn said this trash ordinance has been in the works for over 7 months, we had it in a survey, went through other communities that have been in this position before then, P&Z looking at best practice, got attorney's in to put their spin and all comes down to once it is passed it will go to an RFP and some of the things that the residents requested will going into the RFP and it will be up to the providers to meet the obligations.
- Mayor Gwinn said we will have another meeting with the fire department in June in City Hall. He then said regarding it will be up to Council who will be hired for the Fire Chief.
- Mayor Gwinn thanked everyone for coming.

### 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 8:11 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