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**Call to Order**

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

**Pledge of Allegiance**

- Valencia County News-Bulletin Editor Clara Garcia led the Pledge of Allegiance.

**Roll Call**

- Present: Mayor Pro tem Peggy Gutjahr, Councilors; Bill Brown, Joshua Ramsell and Jim Winters. Present: Municipal Clerk Lisa Adair and Valencia County News-Bulletin Editor Clara Garcia.

**Approval of Agenda**

- Councilor Brown moved to accept the agenda as presented. The motion was second by Councilor Ramsell. Vote: Councilor Winters-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote the regular business meeting for December 8, 2020 was approved as presented.

**Approval of Minutes for the City Council Regular Business Meeting of 11/24/2020, the Special Workshop w/P&Z of 10/22/2020 and the Special Business Meeting of 11/30/2020**

- Councilor Brown moved for the approval of the minutes the City Council Regular Business Meeting of November 4, 2020, the Special Workshop w/P&Z of October 22, 2020 and the Special Business Meeting of November 30, 2020. The motion was second by Councilor Ramsell. Vote: Councilor Winters-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Gutjahr. With a 4-0 vote the minutes for the City Council Regular Business meeting of November 24, 2020, the special workshop with P&Z on October 22, 2020 and the special business meeting of November 30, 2020 were approved as written.

**Public Hearing**

- **Motion and roll call vote to recess Regular Business Meeting session and to go into Public Hearing:**
  - Councilor Brown moved with a roll call vote to recess Regular Business Meeting session and to go into Public Hearing. The motion was second by Councilor Ramsell. Vote: Councilor Winters-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote the motion to recess the Regular Business Meeting session and to go into Public Hearing was approved.
- **Consideration of the proposed Transfer of Dispenser Liquor License NO. 0742: BW & Gas & Convenience Retail, LLC; Allsup's #102165, 2348 Hwy 47, Rio Communities, NM 87002.**
  - Clerk Adair explained on October 30, 2020, she received a letter from the New Mexico Regulations and Licensing Department requesting us to have a hearing on behalf of BW & Gas & Convenience Retail, LLC, doing business as Allsup's #102165, in the location of 2348 Hwy 47, Rio Communities, NM 87002. In this we were asked to make sure we had a hearing within 45 days of receiving the notice, also to have it published in the local newspaper 30 days prior to the hearing. My first publication went in on November 5<sup>th</sup>, my second publication went in on December 3<sup>rd</sup> through the Valencia County News-bulletin.

It was also asked that we also post the notification on our website, which it has been done, and to send out certified mail to the actual company, BW & Gas & Convenience Retail, LLC, letting them know there was a public hearing on the date and location.

- Linda Aikin explained \*\*\*
- Councilor Winters asked if there were any plans to update the facility.
- Linda Aikin said the location is not changing, the way the store is run is not changing, the ownership is to a company that has convenience stores in other states and couple they lease here in New Mexico and she would be more than happy to answer any questions about the company. All this is, is the transfer of ownership.
- Councilor Winters asked if there were any known updates being made to the facility.
- Linda Aikin said she was not aware of any specific plans, but she does know that the company has updated other businesses they own.
- Councilor Ramsell asked if they know if they are going to expand the liquor selection.
- Linda Aikin said not that she is aware of any changes.
- Councilor Ramsell asked would they still be selling their famous burritos.
- Linda Aikin said that is the most frequent question.
- Councilor Brown asked why they sold the license.
- Linda Aikin explained the founder of Allsup's passed away and his wife was older and could no longer run the company.

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

- Ramsell moved with roll call vote to go back into Regular Business Meeting session. The motion was second by Councilor Winters. Vote: Councilor Brown-yes; Councilor Winters-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote Council resumed the regular business meeting session.

**Discussion, Consideration, and Decision – Approval of the Transfer of Dispenser Liquor License NO. 0742: BW & Gas & Convenience Retail, LLC; Allsup's #102165, 2348 Hwy 47, Rio Communities, NM 87002.**

- Councilor Ramsell moved for the approval of the transfer of Dispenser Liquor License NO. 0742: BW & Gas & Convenience Retail, LLC; Allsup's #102165, 2348 Hwy 47, Rio Communities, NM 87002. The motion was second by Councilor Brown. Vote: Councilor Brown-yes; Councilor Winters-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote the transfer of Dispenser Liquor License NO. 0742: BW & Gas & Convenience Retail, LLC; Allsup's #102165, 2348 Hwy 47, Rio Communities, NM 87002 was approved.

**Public Comment**

- No public comments

**Economic Development**

- Municipal Clerk Adair read the Economic Development Report: Mayor Pro Tem Peggy Gutjahr met November 11th and handed out procurement guidelines adjusted by budget and a city government department chart. Khan Tikkun handed out a News Bulletin procurement article. The EDC decided to review what other cities had done for branding/ logo/ marketing for the December 9th meeting. No meeting was held on November 25th in observance of Thanksgiving. Kuan Tikkun, EDC Chair

**Planning and Zoning**

- Municipal Clerk Adair read the Planning and Zoning Report: November 19, 2020 Planning and Zoning met in person and virtually, jointly with City Council, with guest Alexander Beattie II, representing Law Firm of Roble, Rael, and Anaya, present in chambers. Discussion was limited to

two topics: Abatement and Sign Ordinance. After some interesting discussion, both in General and specifically on some burned and abandoned buildings, the Commission to no further action. Discussion on the sign ordinance was referred to the Commission for further research and discussion in the future. December 3, 2020 Planning and zoning met in person, with all members present, to discuss only the sign ordinance Chapter 4-13-5 and 4-13-8. We discussed draft three and read it together word by word and line by line with some very good discussion. As such, we created draft four, which will be proudly presented to Council this week for adoption. John K. Thompson, Vice Chair of Planning and Zoning.

#### **Code Enforcement /Public Works**

- Municipal Clerk Adair read the Code Enforcement/Public Works Report: Public Works Dept./Code Enforcement Report; Dec 8, 2020: Code Enforcement: Weed & Vehicle violations; RV's Storage violations; ATV's prohibited Signs ordered; Waiting on abatement ruling to proceed with Posting; Criminal complaints filed into court; Accessory buildings violations and site visits; Cited illegal dumpers into court.  
Public Works: Illegal dumping control; Tires collections and disposal 340 tires collected. The public's tires collection day was a huge success; X-mas lights are up; Had a great turn out for the Flag ceremony.  
Project Manager Street Paving: Completed 80% of the cut removal and asphalt replacement. Contractor is doing their best to complete the rest weather permitting Chip and seal work will be put on hold, until better weather; Contractor has been put on notice to clean up after themselves while leaving the areas that they have completed. Gordon Reeves, Public Works Dir./Code Enforcement Officer
- Mayor Pro tem Gutjahr said there was a citizen complaint opposite of Damien that was taken care of.

#### **Rio Grande Estates Fire Department**

- Municipal Clerk Adair read the Rio Grande Estates Fire Department report: City of Rio Communities Fire Department report is as follows: The station is about 1 week out from have its new Bay Doors put in. For the month of October, we had 56 calls the break down is 23 EMS calls 33 Fire calls out of the 33 fire calls we did go Mutual Aid 11 times to help other Fire Districts. Thank you, Chief Tabet.
- Councilor Brown said the numbers do not jive and began a discussion with Council.

#### **Municipal Court**

- Court Clerk Lisa Adair gave the court report for the month of November: 1 code violation(s) and 1 traffic violation(s) were filed in the courts. The amounts collected were: Correction fees \$20; Court Automation fees \$6; Judicial Education fees \$3; Court Fines of \$0 giving a total of \$29 collected.

#### **Discussion, Consideration, and Decision – Approval of Accounts Payable**

- Councilor Ramsell stated there was a charge for \$89,750 approximately that was specifically for road rehabilitation. He then explained the MyCivic app.
- Councilor Ramsell stated the MyCivic app is not up and running yet.
- Mayor Pro tem Gutjahr explained the fire department had to re-key both stations.
- Councilor Ramsell moved to approve accounts payable as presented. The motion was second by Councilor Brown. Vote: Councilor Winters-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote accounts payable was approved to be paid.

#### **Discussion, Consideration, and Decision – Resolution 2020-XX Official Holidays**

- Clerk read the resolution 2020-185 into the minutes. She then explained the dates that were observed on a Thursday instead of Friday's since City Hall is closed on Fridays.

- Councilor Ramsell explained the reason for the renaming of Indigenous Peoples Day is to stay with the same holidays as the State.
- Councilor Brown moved for approval Resolution 2020-25 Official Holidays for the City of Rio Communities for next year. The motion was second by Councilor Ramsell. Councilor Winters-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote Resolution 2020-185 Official Holiday's was passed, approved, adopted and signed.

#### **Discussion, Consideration and Decision – Cleanup Dates for 2021**

- Clerk Adair read the cleanup dates into the minutes.
- Councilor Ramsell moved to approve Cleanup dates for 2021. The motion was second by Councilor Winters. Vote: Councilor Brown-yes; Councilor Ramsell-yes; Councilor Winters-yes and Councilor Gutjahr-yes. With a 4-0 vote the cleanup dates for 2021 were approved as presented.

#### **Discussion, Consideration and Decision - Cancellation of the December 22<sup>nd</sup> Workshop and City Council Regular Business meeting**

- Mayor Pro tem Gutjahr said there have been several conversations about that.
- Councilor Ramsell moved to reschedule the December 22<sup>nd</sup> Workshop and City Council Regular Business meeting to December 29, 2020. The motion was second by Councilor Brown. Vote: Councilor Winters-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote the motion to reschedule the December 22<sup>nd</sup> Workshop and City Council Regular Business meeting to December 29, 2020 was approved.

#### **Discussion, Consideration and Decision - Resignation of Planning and Zoning Member**

- Mayor Pro tem Gutjahr read into the minutes the resignation letter from P&Z member Dennis Kintzler. She then said Dennis has been involved in multiple things in the City and is a true loss for us not to have him be actively involved and I would like for us to honor him in some way.
- Councilor Brown with great reluctance I move we accept the resignation of Dennis Kintzler. The motion was second by Councilor Winters. Vote: Councilor Ramsell-yes; Councilor Winters-yes; Councilor Brown-yes and Councilor Gutjahr-yes. With a 4-0 vote Council approved the resignation of Dennis Kintzler from the Planning and Zoning Commission.

#### **Council Reports**

- Councilor Brown had no report.
- Councilor Ramsell said the only thing he has regarding the 3 City vehicles trying to sell, we might need to look at reevaluating asking price to get them sold. He then said regarding the cleanup dates, the dumpsters do fill up fast, and we are asking the public to use their large item pick up and suggested adding a tree mulcher to the Public Works budget next year.
- Councilor Winters had no report.
- Mayor Pro tem Gutjahr had no report.

#### **Executive Session limited personnel matters. NM Section 10-15-1 (H)(2) – City Manager Position.**

- **Motion and roll call vote to go into close session**
  - Councilor Ramsell moved with a roll call vote to go into executive session regarding limited personnel matters. NM Section 10-15-1(H)(2) – City Manager position. The motion was second by Councilor Winters. Vote: Councilor Brown-yes; Councilor Ramsell-yes; Councilor Winters-yes and Councilor Gutjahr-yes. With a 4-0 vote Council went into executive session regarding limited personnel matters. NM Section 10-15-1(H)(2) – City Manager Position at 6:48 pm.

- **Motion and roll call to go back into regular business meeting session**
  - Councilor Ramsell moved with a roll call to go back into regular business meeting session. The motion was second by Councilor Brown. Vote: Councilor Brown-yes; Councilor Ramsell-yes; Councilor Winters-yes and Councilor Gutjahr-yes. With a 4-0 vote Council returned to the regular business meeting session at 8:00 pm.
- **Welcome everyone back and statement by the Mayor Pro-tem**
  - Mayor Pro tem Gutjahr stated the only that was discuss personnel matters as per New Mexico Section 10-15-1H2 regarding the City Manager's position.

**Action Item – Consideration & Decision – Mayor Pro-tem recommendation regarding the City Manager Position.**

- Mayor Pro tem Gutjahr said there was a decision made, we have decided on a top candidate and we will proceed with our top candidate.

**Adjourn**

- Councilor Ramsell moved to adjourn. The motion was second by Councilor Winters. With a 4-0 vote the City Council regular business meeting was adjourned at 8:01 pm.

Respectfully submitted,

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Elizabeth (Lisa) Adair, Municipal Clerk  
(Transcribed by Amy L. Lopez, Deputy Clerk)

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

Approved:

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Mark Gwinn,  
Mayor

\_\_\_\_\_  
Margaret (Peggy) Gutjahr,  
Mayor Pro-tem/Councilor

\_\_\_\_\_  
Bill Brown,  
Councilor

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

\_\_\_\_\_  
Jim Winters,  
Councilor