

City of Rio Communities Workshop Minutes  
Monday April 26, 2021

**This meeting was streamed on Facebook Live**

<https://www.facebook.com/riocommunities>

- Mayor Pro tem Peggy Gutjahr called to order the city council workshop at 3:00 pm.
- Present: Mayor Pro tem Peggy Gutjahr, Councilors; Bill Brown, Joshua Ramsell and Jim Winters (virtual)  
Present: Manager Dr. Martin Moore, Municipal Clerk Lisa Adair, Finance Officer Stephanie Finch (virtual) and City Attorney Chris DeFilippo.

**Accounts payable report (finance officer)**

- Finance Officer Finch reviewed account payable items over \$500: Mid Valley Doors will have to be moved to the library from the governing body; Wells Fargo Finance Leasing in the amount of \$2,497.73 for the leasing of our server; TLC Plumbing in the amount of \$1,307.20 for quarterly maintenance; Robles, Rail and Anaya in the amount of \$1,833.08 for March attorney fees; Cooperative Education Service in the amount of 1,618.13 for the park plan; Card Service Center for GoDaddy in the amount of \$575.64 for Finance Department Office 365 and email; Amazon Business in the amount of \$879.00 for Finance Clerk Laptop to replace the laptop she currently has, the old workstation will be used in the Court; The Village of Los Lunas for E-911 Dispatch services in the amount of \$7,546.75; TNT Trailers Sales in the amount of \$3,550.00 for a Tommy Lift Gate for the public works truck; Amazon Business in the amount of \$1,583.94 for a laptop and accessories for Public Works Director; TLC Plumbing in the amount of \$677.70 for the maintenance contract for the fire department; Green Light Depot in the amount of \$5,264.73 for the purchase of 31 light fixtures for Hwy 304.
- Councilor Ramsell noticed there were not many charges for the fire department and that is good. He then explained the cost of the E-911 is paid to Los Lunas because they are the fiscal agent.
- Mayor pro tem Gutjahr reminded the public once we have approved the accounts payable, they available the next day on our website to be reviewed by the public and the office is open for questions and comments.

**Abatement Ordinance (attorney/council) – Discussion**

- Mayor pro tem Gutjahr began a discussion regarding abatement.
- Councilor Brown explained some of the nuisances that will be covered in abatement for personal property issues, such as cars on blocks and Code violations, but it not to be confused with the abatement of dangerous structures which is a real property issue.
- Attorney Chris DeFilippo said he understands the City is needing an ordinance that handles properties that are dangerous, abandoned and causing problems and began a discussion.
- Councilor Ramsell said we need an abatement ordinance for property itself, this is a good way to go about it so that it encompasses more.
- Mayor Pro tem Gutjahr asked Councilor Brown was he thinking about having a separate ordinance for dangerous properties and said Dr. Moore and Attorney DeFilippo would decide what would need to be included in the ordinance to protect the City and continued the discussion.

- Attorney Chris DeFilippo said New Mexico does allow liens to be filed, the City will take on the cost of taking down the building, they can place a lien to recover costs, but the City will not take ownership of the property, this ordinance allows for the removal of a building without a hearing on such a property if it is causing a health or safety issue to the community.
- Councilor Winters asked in the foreclosure would allow the City to put the property in a land bank and began a discussion.
- Manager Dr. Moore said typically a resolution is made for condemnation of a structure, or you can have a commission or advisory board provide recommendation to show due process, and there are other things that are required like contacting property owners, but it avoids the more costly and constitutional issues of a takings.
- Attorney Chris DeFilippo said there are things that would have to take place first.
- Councilor Brown said the abatement of dangerous structure is an eight-page document and is significantly different than our ordinance.
- Attorney Chris DeFilippo said we need to understand the difference between an abatement of a property and a taking of a property, which would be a constitutional issue, whereas abatement falls under health and safety within a municipality. The discussion continued.
- Councilor Winters said under 7a, it should specify the City of Rio Communities, so that it limits who would have jurisdiction and began a discussion.
- Manager Dr. Moore said when we are talking about the abatement of building, we are looking at the finance policy that might need to be added in different sections, condemnation under
- Attorney Chris DeFilippo said New Mexico does allow liens to be files, the City will take on the cost of taking down the building, they can place a lien to recover costs, but the City will not take ownership of the property, this ordinance allows for the removal of a building without a hearing on such a property if it is causing a health or safety issue to the community.
- Manager Dr. Moore said typically a resolution is made for condemnation of a structure, or you can have a commission or advisory board provide recommendation to show due process, and there are other things that are required like contacting property owners, but it avoids the more costly and constitutional issues of a takings.
- Attorney Chris DeFilippo said there are things that would have to take place first; there are two things that can be done, a Civil complaint or fixing the property and placing a lien on it.

#### **Fire Department Ordinance (attorney/council) – Discussion**

- Councilor Ramsell said looking at the fire emergency ordinance and the possibility of hiring two EMTs, their direct supervisor would be the paid chief followed by the City Manager, and then asked if the flow chart would apply to the volunteers.
- Attorney DeFilippo said the issue of putting the paid fire chief in control of the volunteer aspect of it, because the fire department is an extension of the City, we can put in a description of what the process will be with the volunteers and the issue is going to be the more control the hired chief has the more likely it is for the volunteers to want to be employees and then you get in to the issues with termination and disciplinary action, how much control does the City have over the fire department, because the more control we have, the more liability falls on the City. The discussion continued.

- Manager Dr. Moore said what we are talking about setting aside this ordinance we are looking at a hybrid fire department with paid employees and volunteers, we are wanting to formalize the relationship with the fire department, and they would be given some sort of due process and began a discussion.
- Mayor Pro tem Gutjahr said the process has not been through the City.
- Attorney De Filippo explained the exact process would be put in place for terminating with volunteer fire fighter, with an appeals process, if you allow due process rights for volunteers, they are eligible for disciplinary actions before termination and continued the discussion.
- Councilor Winters asked who keeps the personnel records for the fire department.
- Manager Dr. Moore explained the financial records are kept here but personnel records are kept at the fire department, when you have situations like this, we need to work with the chief to make sure the personnel policies are the same.
- Councilor Brown said there is an established policy for employees that includes disciplinary steps and explained some areas of the fire district are not within City limits and continued the discussion.
- Councilor Ramsell said as Chris pointed out, we do have a nice facility at the fire station and if someone were to use it for training or something else, we do need to set a market value for renting it, as well as City Hall.
- Mayor Pro tem Gutjahr asked if Council desired to send this for 14-day review.
- Attorney DeFilippo said that can be discussed at the meeting tonight, but a discussion regarding the boundaries of the fire department need to happen first and began a discussion.

#### **Various MRCOG Board & Committees (manager/council) – Discussion**

- Manager Dr. Moore said one of the tasks he was given was to update the MRCOG board & committees, and after researching there are some vacancies, Councilor Winters is on the technical and transportation committee, but there is no alternate for the City. He then said the Council of Governments has a seat and an alternate, but no one is attending, so I recommend we take care of that.
- Councilor Winters said the one area that needs to make changes is the metropolitan transportation board and suggested having the Mayor/ Mayor Pro tem and the manager on that committee and began a discussion.
- Councilor Winters said Mayor Gwinn is on the advisory board.
- Manager Dr. Moore said this has to be Council approved members of these boards.
- Mayor Pro tem Gutjahr explained Councilor Winters is representative for the transportation and technical boards and the alternate, according to what we have here, is the City Manager. She then said the Council of Governments is also the City Manager and continued the discussion.
- Mayor Pro tem Gutjahr asked Councilor Winter to speak with Manager Dr. Moore on other boards that need represented and continued the discussion.

#### **Electronic Sign Proposal (manager) – Discussion**

- Manager Dr. Moore explained that probable cause will get us an idea of the cost it would take to put up a sign, size of sign and provision and we are asking today permission to do this project, fund this project, and then have this go out for quotes and began a discussion.

- Councilor Brown would strongly recommend that the previous companies should have a shot at the bid.
- Manager Dr. Moore explained that we can do a request for quote and reach out to them and others, they will have a limited time to respond, we would recommend that reviews are handled by staff and then bring things to Council and continued the discussion.

#### **Agenda items to discuss at the next Joint meeting with P&Z - Discussion**

- Manager Dr. Moore said issues coming up are abatement, animal survey, and training.
- Councilor Winters asked for the Zoning grid be discussed at the joint meeting.

#### **Public input/questions\***

- There were no comments.

#### **Manager Report**

- Manager Dr. Moore explained got word this afternoon the installation of lights on 304 are completed. In the next few days, we are looking at getting a contractor to repair the broken lights on 47. One of the road projects is almost finished and will try to have that work completed by the end of April but for sure by the end of May. We are working on the certification for two other projects, working on accounting policy, investment policy, doing grant paperwork, and the Animal Control ordinance is with the attorney. We have budgets moving along and we will be ready for Council and the budget adoption.
- Mayor Pro tem Gutjahr said she received an update from the finance officer on the DOT grants, saying they approved the areas that were concerned about for the DOT grant.
- Councilor Winters said the ATV are starting to come out.

#### **Council General Discussion & future agenda items**

- Councilor Winters said the ATV are starting to come out and began a discussion.
- Councilor Ramsell said he also wants to bring up the ATV's and four wheelers on the streets and in the river and he would like everyone to be safe be safe.
- Councilor Brown no report.
- Mayor Pro tem Peggy Gutjahr said besides our capital outlay McQueen had entered a Jr Bill which was signed by the governor granting us an addition \$175,000 for parks, we are looking at funding coming under the CARES act and need to look at how to spend that, and VRECC passed the budget for the upcoming year. She then said meeting with the County, there was talk about animal control, look down the road and have the City use the code enforcer be the dog catcher as well, and talked along with the breeding long conversation with the LEPF to spend that on overtime if there was a plan put together and began discussion on loose dogs.
- Mayor Pro tem Gutjahr said one citizen had a long paragraph on roads and she does not think they have an idea on how much roads cost to have work done on them and she would like to educate the public on those costs.

- The City Council workshop was adjourned at 4:50 pm.

Respectfully submitted,

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

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

Approved:

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Mark Gwinn,  
Mayor

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

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Bill Brown,  
Councilor

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Joshua Ramsell,  
Councilor

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Jim Winters,  
Councilor