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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**

- Dr. Martin Moore led the Pledge of Allegiance.

### **Roll Call**

- Present: Mayor Pro tem Margaret “Peggy” Gutjahr, Councilors; Bill Brown, Joshua Ramsell and Jim Winters.  
Present: Manager Dr. Martin Moore, Municipal Clerk Elizabeth “Lisa” Adair, Finance Officer Stephanie Finch (virtual), City Attorney Chris DeFilippo 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 agenda for the regular business meeting was approved as presented.

### **Approval of Minutes for the Special Business Meeting Workshop of April 8, 2021, Workshop and City Council Regular Business Meeting of April 12, 2021**

- Councilor Ramsell moved to approve the minutes for the special workshop of April 8, 2021 and the workshop and city council regular business meeting of April 12, 2021 as presented. 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 the minutes of the special workshop held on April 8, 2021, the workshop and regular business meeting held on April 12, 2021 were approved as written.

### **Mayoral Proclamation – Municipal Clerk Week**

-  Mayor Pro tem Gutjahr read the proclamation into the minutes.
-  Mayor Pro tem Gutjahr said she would like to compliment Municipal Clerk Adair and Deputy Clerk Lopez for all the do.

### **Public Comment**

- Michael Scales stated he lives in Rio Communities, greeted the City Council and explained he received a letter from Capitan Maryanne Holmes on September 3, 2020, suspending him pending and investigation. He then said he reached out to the Captain several times as well as the Chief, other stations, and the City Council to make an appeal to my suspension. He then said on February 3<sup>rd</sup> he reached out to Mayor Pro Tem Gutjahr to arrange a meeting with her, Councilor Ramsell and himself and on February 11, 2021 he receive a letter of termination from his

volunteer position from Chief Andrew Tabet and Mayor Pro tem Gutjahr. He explained he is allowed to have progressive disciplinary actions, and a right to appeal as well as be able to talk to all of the fire department to change their decision, and none of these things happened until I received the letter. He continued to say that he found out that there is a board he is able to appeal the decision made by Mayor Pro Tem Gutjahr and Chief Tabet and at this time, explained how the calls in Rio Communities are not being answered, and believes he was an asset, believed he did a good job representing the City, and would like to have an appeal to the City Council.

- Mayor Pro tem said thank you for your comments, you are at your time limit for comments.

### **Manager Report**

- Manager Dr. Moore explained the poles on 304 have been installed, the lights that were changed on 304 that were still in good condition will be moved over to be utilized on highway 47, road projects are on their way and hope for them to be done by end of May, we are working on the certification for two other projects, working on accounting policy, investment policy, doing grant paperwork, City Finance policy is being updated, working on investment policy, reviewing on draft policies related to personnel, getting survey out for the animal welfare ordinance, we are on track to have tentative budget for the first meeting of May.

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

- Councilor Ramsell said there was an expense to the Village of Los Lunas in the amount of nearly \$7,500 for the dispatch center.
- Councilor Brown said there is an expenditure for the parks and rec planning in the amount of \$1,618 and explained there was a meeting with the park committee who visited possible sites for parks and recreation.
- Councilor Ramsell moved to pay accounts payable as presented. 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 approved accounts payable for payment.

### **Discussion, Consideration, and Decision – Ordinance 2021-xx Chapter 11 Article 5 Fire and Emergency – 14-day public review**

- Mayor Pro tem Gutjahr stated this is an ordinance that we have not had and defines the relationship between the fire department and the City. She explained that it is not up for a 14-day public review at this meeting but will be posted for public review tomorrow if it is approved tonight.
- Councilor Brown moved that we approve for a 14-day review for Ordinance 2021-21 Chapter 11 Article 5 Fire and Emergency. The motion was second by Councilor Winters.
- City Attorney Chris DeFilippo stated that the motion should include the identification of the service boundaries and if that information will be available to be added by tomorrow and began a discussion.
- Councilor Brown moved to amend his motion to include the identification of the service boundaries. 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 a 14-day review for ordinance 2021-xx Chapter 11 article 5 fire and emergency with the understanding of receiving the information of the boundaries within the next 7 days.
- **Discussion, Consideration, and Decision – Electronic Sign Proposal**
- Manager Dr. Moore explained any type of capital project we have, we get an estimated probable cost, bring an estimated number to the Council, and go out for an estimated quote from different sources.

- Councilor Ramsell moved to approve the electronic sign proposal. 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 electronic sign proposal was approved to moving forward for purchase.

### **Council Reports**

- Councilor Ramsell said take a drive and see that highway 304 is brightly lit, we are going to work on getting the rest of the City lighting, but it looks really nice.
- Councilor Winters said he glad to see a good early start on road construction and we are working actively on all the other projects that have to be done this summer.
- Councilor Brown gave no report.
- Mayor Pro tem Gutjahr said we have received notice that Senator Matt McQueen Jr. Bill said we received an additional \$75,000 to use for recreation of the City. She then said she and the Manager met with Valencia County will be hold a law enforcement workshop to work out somethings that need to be worked out, we have had reports there are some issues regarding loose dogs and talked with animal control and we would appreciate letting us know where the loose dogs are and calling animal control themselves, we have seen comments coming up about roads, and explained the cost of redoing the roads would be approximately 30 million dollars for all roads and while we cannot do all the roads at once, we are doing our best.

### **Executive Session regarding pending litigation pursuant to NMSA 10-15-1(H)(7) – AC Disposal v. City of Rio Communities and pursuant to NMSA Section 10-15-1 (H)(2) Limited Personnel Matters**

- **Motion and roll call vote to go into close session**
  - Councilor Ramsell moved with a roll call vote to go into executive session regarding pending litigation pursuant to NMSA 10-15-1(H)(7) – AC Disposal v. City of Rio Communities and pursuant to NMSA Section 10-15-1(H)(2) Limited Personnel Matters. 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 Council went into executive session at 6:34
- **Motion and roll call vote to go back into the regular business meeting session**
  - Councilor Ramsell motion with a roll call vote to go back into the 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 returned to the regular business meeting session at 7:25.
- **Welcome everyone back and statement by the Mayor Pro-tem**
  - Mayor Pro tem Gutjahr stated the governing body did not discuss and matter other than the pending litigation between AC Disposal and the City of Rio Communities.

### **Action Item – Consideration & Decision – Mayor Pro-tem recommendation regarding the pending litigation – AC Disposal v. City of Rio Communities and limited personnel matters**

- No action was taken during executive session

### **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 7:26 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

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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