



**City of Rio Communities Council Regular Business Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Monday, May 24, 2021 6:00 PM**  
**Minutes**

*Please silence all electronic devices.*

**Call to Order**

- Mayor Pro tem Gutjahr called to order the meeting at 6:00 pm

**Pledge of Allegiance**

- Chris DeFillippo led the pledge of allegiance.

**Roll Call**

- PRESENT: Mayor Pro Tem Peggy Gutjahr, Councilor Bill Brown, Councilor Joshua Ramsell, Councilor Jim Winters.  
Present: City Manager Dr. Martin Moore, Municipal Clerk Lisa Adair, Finance Clerk Angela Valadez, City Attorney Chris DeFillippo, and Valencia County News-bulletin Editor Clara Garcia.

**Approval of Agenda**

- Mayor Pro tem asked to amend the agenda to include in the executive session NMSA 10-15-1(H)(7) acquisition or disposal of real property or water rights by the public body
- Councilor Ramsell motion to approve the agenda with amendments. The motion was second by Councilor Winters. Vote: Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. with a 4-0 vote the agenda was approved as amended.

**Approval of Minutes - for the or Special Workshop 4/21/2021, Special Business Meeting 5/10/2021 Workshop and City Council Regular Business Meeting of 5/10/2021**

- Councilor Brown moved for the approval of the minutes for the special workshop 4/21/2021, special business meeting for 5/3/2021, the workshop and city council regular business meeting of 5/10/2021. The motion was second by Councilor Winters. Vote: Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. with a 4-0 vote the minutes for 4/21/2021 special workshop, 5/3/2021 special business meeting, 5/10/2021 regular workshop and regular business meeting were approved as written.

**Public Hearing**

- **Motion and roll call vote to recess Regular Business Meeting session and to go into Public Hearing:**
  - Councilor Ramsell moved with a roll call vote to recess the regular business meeting and go into the public hearing. The motion was second by Councilor Winters. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote Council went into a public hearing at 6:06 pm.
- **Consideration of the proposed Ordinance 2021-XX Chapter 11 Article 5 Fire and Emergency**
  - Councilor Winters said there has been several discussions on this subject and it is time to put it out.
  - Mayor Pro tem Gutjahr said this Ordinance allow the City to solidify the cooperative agreement with the Fire Department to move forward with some areas of paid positions as well as working as a hybrid with volunteers.
- **Consideration of the proposed Resolution 2021-XX NMFA Loan Application**

- Manager Dr. Moore explained that the NMFA works close with municipalities to give them the ability to purchase new fire apparatus, such as a fire truck, and it would a loan based on reimbursement and is subject to a public hearing. He then explained we want the public to know that fire protection funds will be paying for the purchase and making sure the requirements are met, and in order to be able to do this there are strict guidelines. He further explained the process of obtaining and paying the loan back, how the type of loan works with payments for the new truck beginning after the current loan is paid off, and the discounted price on the truck we were able to get.
- Councilor Brown said we had reviewed this on several occasions and the time is right to purchase this apparatus.
- Councilor Ramsell said this is one of two vehicles primary response vehicles the fire department uses, and it is imperative for them to have a reliable vehicle, the State Fire Marshall agreed we needed a new one and certified the one we are trying to purchase.
- Manager Dr. Moore said there was verification from the Fire Marshal that it was time for the apparatus to be replaced.
- Councilor Winters reminded that we had purchased two rescue units four years ago and we upgraded to state of the art, and because the City had good credit, we were able to obtain a loan from the NMDA, and we are trying to work in a routine replacement schedule to replace some of units that are past their prime.
- Mayor Pro tem Gutjahr said in the last two years we are close to \$100,000 in repair on the old tanker and have been told that it will require another \$30,000 for an engine; it has served its purpose but is not costing us more money than it is worth.
- **Motion and roll call to go back into Regular Business Meeting session**
  - Councilor Winters to go back into the regular business meeting session. The motion was second by Councilor Ramsell. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote Council returned to the regular business meeting at 6:15 pm.

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

- Councilor Winters said there was a question to slight modification to the ordinance and asked that it be read.
- Municipal Clerk Adair read the modification on page 3, 11-5-4 #6: The Chief in cooperation with the Chief of Police or contracted law enforcement officer(s). She then said the map was modified to show the complete fire district of the fire department and will be Exhibit A.
- Councilor Ramsell moved to approve Ordinance 2021 Chapter 11 Article 5 Fire and Emergency with the changes. The motion was second by Councilor Winters. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote Ordinance 2021-78 Chapter 11 Article 5 Fire and Emergency was passed, approved, adopted, and signed.

#### **Discussion, Consideration, and Decision - Resolution 2021-XX NMFA Loan Application**

- Councilor Ramsell to approve resolution 2021-10 NMFA loan application. The motion was second by Council Winters. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote Resolution 2021-10 NMFA Loan Application was passed, approved, adopted, and signed.

## **Public Comment**

- No Public Comments

## **Manager Report**

- Manager Dr. Moore said he is happy to report the finance department had successfully submitted the budget to DFA and they appreciated. He then said we are working on the capital improvements and are currently working on five of them and a couple of them are out to bid and a couple are being closed out. He explained one of the projects is the library and the decorative stonework is done, electrical is in place, we have final connection to make with the lighting, we are bringing in a little outside help to get it finished. He then said the sign should be out for a written quote/scope of work and hope to have that to you by next meeting; Hillandale is working along nicely getting the chip and seal finished and there are other road projects and staff was able to get flyers out to the public, we are working on the personnel ordinance and finance policy, things are moving along well.
- Mayor Pro tem Gutjahr said the flyer that went out to the residents was very helpful.
- Clerk Adair said at the workshop Council was informed that there is a new agenda format and agenda packets, and the agenda packets will be available online for the public to review before the meeting which would allow them to make public comments at the meeting.

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

- Councilor Ramsell said when you look at the accounts payable for this meeting, there is a charge regarding uniforms with TLC regarding sweatshirts with a name next to that order, and it does not mean that individual received 22 sweatshirts but was the individual that placed the order.
- Councilor Brown moved to approve the accounts payable as presented. The motion was second by Councilor Ramsell. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote accounts payable was approved to be paid.

## **Discussion, Consideration, and Decision – Resolution 2021 – XX Reimbursement Tax Exempt**

- Manager Dr. Moore read into the minutes Resolution 2021-11 Reimbursement Tax Exempt.
- Councilor Ramsell moved to approve Resolution 2021 Reimbursement Tax Exempt. The motion was second by Councilor Winters. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. with a 4-0 vote Resolution 2021-11 Reimbursement Tax Exempt was passed, approved, adopted, and signed.

## **Discussion, Consideration, and Decision – Resolution 2021 – XX Investment Policy**

- Finance Clerk Valadez read into the minutes Resolution 2021-21 Investment Policy.
- Councilor Ramsell moved to approve Resolution 2021-12 Investment Policy. The motion was second by Councilor Winters. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote Resolution 2021-21 Investment Policy was passed, approved, adopted, and signed.

## **Discussion, Consideration, and Decision – Ordinance 2021 – XX Chapter 11 Article 1 Fireworks Control – 14-day public review**

- Councilor Ramsell moved to approve Ordinance 2nd Councilor Winters. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote Ordinance 2021-xx Chapter 11 article 1 fireworks control was approved for a 14-day public review.

## **Discussion, Consideration, and Decision – Resignation of Thomas Zanotti from Economic Development Commission**

- Mayor Pro tem Gutjahr said she was sorry to hear this.
- Councilor Brown said it is with regret that I move to accept the resignation of Thomas Zanotti from Economic Development Commission. He served well and we thank him for his contribution. The motion was second by Councilor Winters. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote Council approved the resignation of Thomas Zanotti from the Economic Development Commission with regret.

## **Council Discussion**

- Councilor Brown said there was one item of interest, the next meeting will be on June 14th, and we should receive our results of our application on the zip code by June 15<sup>th</sup> and it would be nice to get that notification as affirmative before the meeting but wanted to remind people that we should get notification shortly.
- Councilor Winters said it will probably come by mail.
- Councilor Winters said he would like to reinstate a letter of appreciation for those that resign and thank them for their service.
- Councilor Ramsell had no comments.
- Mayor Pro-tem Gutjahr said there will be an open house on the 19th of June for businesses in Oasis Plaza, Universal Waste and the Fire Department will be having an open house.

## **Executive Session - regarding possible threatening or pending litigation pursuant to NMSA 10-15-1(H)(7) and NMSA 10-15-1(H)(7) acquisition or disposal of real property or water rights by the public body**

- **Motion and roll call vote to go into closed session**
  - Councilor Ramsell moved to go into executive session regarding possible threatening or pending litigation pursuant to NMSA 10-15-1(H)(7) and NMSA 10-15-1(H)(7) acquisition or disposal of real property or water rights by the public body by roll call vote. The motion was second by Councilor Winters. Vote: Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote Council went into executive session at 6:47 pm.
- **Motion and roll call vote to go back into the regular business meeting session**
  - Councilor Ramsell moved to go back into regular business meeting session. The motion was second by Councilor Winters. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote Council came back into the regular business meeting session at 7:37 pm.
- **Welcome everyone back and statement by the Mayor Pro-tem**
  - Mayor Pro-tem Peggy Gutjahr stated that on May 24, 2021, in a closed executive session was held on the following matters, one was the pending litigation pursuant to NMSA 10-15-1(H)(7), and the other was NMSA 10-15-1(H)(7) acquisition or disposal of real property or water rights by the public body.

## **Action Items - Consideration & Decision – Mayor Pro-tem recommendation regarding possible threatening or pending litigation pursuant to NMSA 10-15-1(H)(7)**

- Mayor Pro-tem Gutjahr stated no action was taken.

### Adjourn

- Councilor Ramsell motioned to adjourn. The motion was second by Councilor Winters. With a 4-0 vote the regular business meeting was adjourned at 7.38 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