



**City of Rio Communities Council Regular Business Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Monday, August 09, 2021 6:00 PM**  
**Minutes**

*Please silence all electronic devices.*

**Call to Order**

- Mayor Pro tem Peggy Gutjahr called to order the regular business meeting at 6:05 pm.

**Pledge of Allegiance**

- Dr. Moore led the Pledge of Allegiance.

**Roll Call**

- PRESENT: Mayor Pro Tem Peggy Gutjahr, (telephonic) Councilor Bill Brown, Councilor Joshua Ramsell, Councilor Jim Winters.

Present: City Manager Martin Moore, Municipal Clerk Lisa Adair, EDC Chair Kuan Tikkun, P&Z Chair Thomas Scroggins, Public Works Director Gordon Reeves, Court Clerk Lisa Adair, and Valencia County News-Bulletin editor Clara Garcia.

**Approval of Agenda**

- Motion made by Councilor Ramsell to approve the agenda as presented. Seconded by Councilor Winters. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote the agenda was approved as presented.

**Approval of Minutes for the City Council Special Workshop Minutes of 7/19/2021, the City Council Regular Workshop & Business Meeting Minutes of 7/26/2021**

- Motion made by Councilor Ramsell to approve the Minutes for the City Council Special Workshop Minutes of 7/19/21, the City Council Regular Workshop & Business Meeting Minutes of 7/26/21. Seconded by Councilor Winters. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote the minutes were approved as written.

**Public Comments**

- No public comments, there were two (2) residents in the audience.

**Manager Report**

- Manager Dr. Moore said we working with Homeland Security, getting prices from engineers for City rights-of-way, and are working with insurance adjustors for the building; we have reviewed the cost estimate for City Hall; we have received \$10,000 grant to add more technology in the library and one of the two grants related to the multipurpose building has been approved, we are working on the backgrounds on the compliance officer and look forward to being able to provide the public with that service.

**Commissioner and Board Reports**

**Economic Development Report**

- Chair Kuan Tikkun gave the report for EDC June and July: Chair Tikkun gave the Economic Development Report: June and July EDC meetings report: June No quorum or meeting for June 9; June 23 Lisa Adair gave a presentation on administrative changes for agendas; Garth Tallman

gave a report on benefits of an RV (recreational vehicle) park in Rio Communities. After the meeting Garth, Dan (builder) and I toured Vista Del Rio Mobile Home Park, property on Gold Course Road, and the city owned acreage Southeast of Chamesa. Garth will be advertising his Rio Communities homes as retirement locations in the Prime Time Magazine available in ABQ in July; Loedi Silva reports that viewing (clicks) to the EDC website, [www.riocommunitiesedc.net](http://www.riocommunitiesedc.net), is up thanks to her work promoting local businesses grand openings and Rio Communities events on social media; Fran Rossberg reports that one business owner requested to be reviewed by Spotlight so, the Spotlight ad in the Rio Communities newsletter works; July meetings: July 14<sup>th</sup> had no quorum but Frank Logan, Kuan Tikkun, and Dr. Moore were present. We reviewed the agenda for EDC/City council and decided to hold the business forum in October. Initially we looked at a Thursday either October 14 or 21. We agreed to invite the Mayor Pro tem and City Manager. Lunch is to be served and the agenda is dependent on the number of businesses who RSVP for lunch; Discussed cancelling of EDC meeting to attend Retiree Convention in ABQ at the Embassy Suites, and share a booth with Garth Tallman, Pecos Homes. We will promote the City as a retiree destination and discussed a banner for the event. The event will be from 8am-4pm; Discussed budgeting with Dr. Moore.

### **Planning and Zoning Report**

- Chair Thomas Scroggins gave the report for P&Z: On July 15, 2021, Ms. Jaylynn Ruel, a resident at 304 Brugg Dr., petitioned the Commission for a variance to her property, specifically, to waive setback requirements between property lines and a horse shelter. Over the course of two hearings (the first, on July 1, was tabled as the Commission did not have the necessary quorum), the Commission heard testimony from Ms. Ruel and her neighbors. In the end, Ms. Ruel failed to demonstrate that the property on which the horse shelter was located (and thus, the illegal setbacks) was the result of physical irregularities in the property (e.g., too narrow, shallow, or steep or other limiting physical conditions). The Commission unanimously disapproved her petition for variance; The Commission voted unanimously to change P&Z meeting time, from 6:60 Pm to 5:30 PM; Commission reviewed latest version of Abatement ordinance (Draft 5) and the stand-alone Cannabis ordinance and voted to forward with recommendations to City Council for their review; On-going “action item” is the thorough review of the City’s Comprehensive (Master) Plan; Discussion continues on sectioning City into distinct neighborhoods. Commissioner Thompson is POC for this project.

## **Department Reports**

### **Finance Department**

- Manager Dr. Moore gave the report for the Finance Department: Finance Accounts Payable: Reconciliation of bank accounts; Biweekly Payroll / Payroll Reporting & Taxes; Quarterly Financial/Payroll Reporting, Worked on NMFA loan for Fire Truck ;Preparing for Audit; Uploading items to shared drive that auditors requested for FY 21 audit; Angela researched and worked on different ways the City can invest monies and make sure all City monies are FDIC insured; Worked on end of year adjustments; Preparing for end of year and FY 2021 audit; Working on finishing touches for Final Budget; Worked on getting vendors to the City for Flood clean-up ; Working on reimbursements for 2021 Flooding Disaster; Bid opening of ITB #2021-0105; Bid Award of ITB #2021-0105; Attended Golf Course Lane kick-off meeting; Attended Department Head meeting with City Manager/Department Heads; Quarterly Financial Report, Budget Adjustment and Final Budget submitted to DFA; Angela and I cleaned and rearranged the Finance Office and set-up the Finance Storage room; DFA Approved BAR,

final quarterly report and final budget; DFA made us change the revenue and expenses for the American Recovery Plan Act Fund to \$561,097.00.

### **Municipal Clerk Department**

- Municipal Clerk Adair gave her report: Municipal Clerk gave her report: Met with the library board member candidates along with the City Manager; Attended the interviews for fire chief, EMT's and Code Enforcer; Helped with the flooding, setting up an emergency meeting, live on Facebook, sent word to AG's office about the emergency meeting; Amy helped with the public Forum, setting up the room and video equipment; Amy & I set up Council Chambers to be able to have in persons meetings, making sure the public has adequate seating and still be able to maintain the IT portion in the room for all the meeting; Processed the paperwork for the hiring of the candidates; Setup the agendas and minutes for the library board meetings with Municode; attended the NMML Policy Committee meeting with the City Manager; UWS quarterly report.
- Municipal Clerk Adair gave a report on Universal Waste Systems: Collection of \$3,908.97 in franchise fees; 1,999 Residential Sites with 1,848 active accounts, 95 accounts on credit hold, 51 vacant, and 40 residential sites, 480 or 25% of active residential accounts have discounts; 110 recycling subscriptions, 363 households with additional cart services and 80 bulk items collected.
- Municipal Clerk Adair read the Secretary of the State Proclamation regarding elections and explained what positions are up for election in Rio Communities.
- Councilor Ramsell asked if we can put in the newsletter that you can get an additional 5% from UWS if you pay for the year.
- Municipal Clerk Adair said yes she can do that.

### **Code Enforcement Department**

- Former Code Enforcer Reeves explained not much has happened in July because of his role in Public Works, but phone calls were answered, and conversations were had with a few people.

### **Public Works Department**

- Public Works Director Reeves gave his report: We are looking to be having interviews for the two public works positions, we are working on potholes, Country Club Lane is being repaired and we are waiting for the asphalt curbing to be put in; public works has recorded new potholes due to flooding and we can charge those differently; took pictures of flood damage within the City; assessed City Hall roof and have made a few corrections and have tried to minimize the loss with the insurance company; we have scheduled storm cleanup with the contractors; installed temporary fencing in a couple of the alley ways near the 9 hole golf course; hired a contractor for weed control, shoveling pruning and the work is being monitored; we are getting a new contractor to do some tractor work and we are ready to go; getting a cost to put up a new fence for the fire department property; took on some janitorial work; TLC is evaluating an HVAC unit on the roof that went out and giving us a price. Project Management: Library is almost done, relocating offices of the public works and City Manager, working on compliance officer vehicle, putting decals on the vehicle as well as getting it tuned up; consistent communication with the Deputy to look into some trouble hotspots; there is emergency training with the water department.
- Councilor Winters said a little rain creates a lot of work.

### **Fire Department**

- Manager Dr. Moore gave the report for the Fire Department: Fire Chief -Engine 1-4 went to 411 to get some upgrades to maintain National Fire Protection Association (NFPA) compliance

standards. It is back and in service; Station 1 has been making sure all units are up to NFPA standards and equipment on Fire Apparatus is up to date; the station met with our new medical director and have a very pleasant conversation she is looking forward to doing some trainings with us; we are preparing for the winter months ahead by being pro-active in apparatus, equipment upkeep and planning and placement of winter tools; we have made conditional offers of employment to two (2) EMT candidates and are awaiting the background check reports; we have provided backup assistance to the Code Compliance Officer in the weeks before and after the 4th of July holiday; we have provided cleanup services on city streets and cleared major culverts that were clogged up by the flood of July 6<sup>th</sup>; lastly we want to thank the Council and the city manager and all the city staff for their continued support.

#### **Municipal Court Department**

- Court Clerk Adair gave her report for the Courts: The month of July had one filed traffic violation; amounts collected are \$40 in correction fees, \$12 in court automation fees, \$6 in Judicial education fees, and \$25 in Court fees, for the total amount of \$85.

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

- Mayor Pro tem Gutjahr explained that \$16,000 was approved for phase 1 for the building, carpenter that is doing the work for the library, electrical and animal control.
- Motion made by Councilor Winters to pay the bills. Seconded by Councilor Ramsell. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote accounts payable was approved for payment.

#### **Discussion, Consideration, and Decision – ICIP (Infrastructure Capital Improvement Plan) & set public hearing date for 8/23/2021**

- Manager Dr. Moore explained the ICIP, it is required by all State agencies, and Federal projects also require those plans to be in place and numbered in order of importance, and ours are \$425,00 for Phase II of the building; \$1 million for Storm Water Drainage Infrastructure; \$750,000 for 2023 and \$450,000 every year after that for Parks and Open Space; \$870,000 for 2023, \$425,00 in 2024, and \$125,000 in 2025 for Public Safety Equipment for bunker gear and apparatus upkeep, replacement and maintenance; \$662,500 for Pavement Reconstruction ;\$640,000 for Roadway Beautification; Roadways, Trails, Paths and Sidewalks; \$50,000 in 2023 for the development of a Street Light Program and \$100,000 years for 4 year after; \$750,000 in 2023 for Fire Department Complex; Public Works Complex; Valencia County wide Communications in the amount of \$260,000 in 2023. He then explained if there is a Public Works complex, we need equipment and are asking for \$350,000 and expressed the need for a plan creating a program for public works and began a discussion.
- Motion made by Councilor Ramsell to approve the Infrastructure Capital Improvement Plan and set public hearing date for August 23, 2021. Seconded by Councilor Winters. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote the ICIP was approved for a 14-day public review and to set the date for the public hearing.

#### **Discussion, Consideration, and Decision – Ordinance 2021 - xx Regulations of Cannabis 14-day public review**

- Mayor Pro tem Gutjahr explained there has been a work group, went to P&Z and back to Council and began a discussion.
- Mayor Pro tem Gutjahr said for growing in the City of Rio Communities, you would have to work with the water company and continued with the discussion

- Motion made by Councilor Ramsell to approve the regulation of cannabis for 14-day review. Seconded by Councilor Winters. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote the 14-day public review of the ordinance was approved.

**Discussion, Consideration, and Decision Ordinance 2021 - xx Abatement Ordinance - 14-day public review**

- Council began a discussion on the Abatement ordinance.
- Councilor Brown said it is ludicrous to group with the nuisance abatement with abatement of dangerous structures.
- Motion made by Councilor Winters to approve the ordinance for abatement and nuisance for a 14-day public review. Seconded by Councilor Ramsell. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Ramsell, Councilor Winters. Voting Nay: Councilor Brown. With a 3-1 vote the 14-day public review of the ordinance was approved.

**Discussion, Consideration, and Decision - Recommendation from Mayor Pro tem Gutjahr - Fire Chief**

- Mayor Pro tem explained the procedures to hire the fire chief and went over Christopher Bortz resume and history with a total of 31 year in fire service, with military service, years of training, and many certifications. She then explained how the interview went.
- Councilor Ramsell explained that he was very impressed with the resume, answering questions, and past performance and continued the discussion.
- City Manager Dr. Moore suggested adding to the recommendation with the successful negation of the contract.
- Motion made by Councilor Ramsell to accept the recommendation for Christopher Bortz as Fire Chief of Rio Communities with the successful negotiation of the contract. Seconded by Councilor Winters. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote the recommendation for Christopher Bortz as Fire Chief of Rio Communities with the successful negotiation of the contract was approved.

**Discussion, Consideration, and Decision – Resignation of Peggy Gutjahr as Mayor Pro tem**

- Mayor Pro Tem Gutjahr explained over the past 22 months, the council and she had worked diligently to place the City on a secure path for continued growth, including the stable practices of the finance department, a balanced budget, hiring of new City Manager, New Fire Chief, 2 new EMTs, new fire department apparatus, drainage plan, parks study and committee, the multi-purpose city hall master plan, finishing of the outside, the library, City roads plan, staff hires. She then further explained the public often does not see what the City does and then continued to read into the minutes her letter of resignation as Mayor Pro tem.
- Motion made by Councilor Brown to accept the resignation of Peggy Gutjahr as Mayor Pro tem. Seconded by Councilor Winters. Voting Yea: Councilor Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote Council approved the resignation from Peggy Gutjahr as Mayor pro tem.

**Discussion, Consideration, and Decision – Appointment of Mayor Pro tem**

- Motion made by Councilor Gutjahr to recommend Joshua Ramsell for the Mayor Pro tem position. Seconded by Councilor Brown. Voting Yea: Councilor Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote Council approved Councilor Ramsell as Mayor Pro tem.
- The gavel was turned over from Councilor Gutjahr to Councilor/Mayor Pro tem Ramsell.
- Mayor Pro tem Ramsell thanked Council for trusting him and thanked the public and City Manager Dr. Moore.

### **Council Discussion**

- Councilor Brown had no report.
- Councilor Gutjahr had no report.
- Councilor Winters said one item to consider regarding the report on increase recycling should go to the newsletter to encourage more people to use the service.
- Mayor Pro tem Ramsell had no comments.

### **Executive Session - For the purpose of Executive Session for the purpose regarding the discussion of the purchase, acquisition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8) and on the review of the contract for the hiring of the Fire Chief & limited personnel matters. NM Section 10-15-1 (H)(2)**

- **Motion and roll call vote to go into close session**
  - Motion made by Councilor Gutjahr to go into executive session with a roll call vote for the purpose regarding the discussion of the purchase, acquisition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8) and on the review of the contract for the hiring of the Fire Chief & limited personnel matters. NM Section 10-15-1 (H)(2). Seconded by Councilor Brown. Voting Yea: Councilor Gutjahr, Councilor Brown, Mayor Pro tem Ramsell, Councilor Winters. With a 4-0 vote Council went into executive session at 7:45 pm.
- **Motion and roll call to go back into regular business meeting session**
  - Motion made by Mayor Pro Tem Gutjahr to come back into regular business session. Seconded by Councilor Brown. Voting Yea: Councilor Gutjahr, Councilor Brown, Mayor Pro tem Ramsell, Councilor Winters. With a 4-0 vote Council went back into the regular business meeting session at 8:25 pm.
- **Welcome everyone back and statement by the Mayor:**
  - Mayor Pro Tem Ramsell stated: The Governing Body of the City of Rio Communities, New Mexico, hereby states that on July 12, 2021 a Closed Executive Session was held and the matters discussed were the purpose regarding the discussion of the purchase, acquisition or disposal of real property or water rights by the public body and on the review of the contract for the hiring of the Fire Chief & limited personnel matters as posted on the agenda.

### **Action Items - Consideration & Decision – Mayor Pro-tem recommendation regarding the purchase, acquisition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8) and on the review of the contract for the hiring of the Fire Chief & limited personnel matters. NM Section 10-15-1 (H)(2)**

- Mayor Pro tem Ramsell stated there were no recommendations and no action was taken.

### **Adjourn**

- Councilor Gutjahr moved to adjourn. The motion was second by Councilor Winters. With a 4-0 vote the City Council regular business meeting was adjourned at 8:26 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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Joshua Ramsell,  
Mayor Pro-tem/Councilor

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Bill Brown,  
Councilor

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Margaret (Peggy) Gutjahr,  
Councilor

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Jim Winters,  
Councilor