



**City of Rio Communities Council Regular Business Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Monday, January 23, 2023 6:00 PM**  
**Minutes**

*Please silence all electronic devices.*

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**Call to Order**

- Mayor Joshua Ramsell Called the regular Council business meeting to order at 6:00 pm.

**Pledge of Allegiance**

- Councilor Arthur Apodaca led the Pledge of Allegiance.

**Roll Call**

- PRESENT: Mayor Joshua Ramsell, Mayor Pro-tem Margaret R. Gutjahr, Councilor Arthur Apodaca, Councilor Lawrence Gordon, Councilor Jimmie Winters
  - City Manager Dr. Martin Moore, Municipal Clerk Elizabeth Adair, Deputy Clerk Lalena Aragon, Finance Officer (virtual) Stephanie Finch, Fire Chief Andrew Tabet, City Attorney Randy Van Vleck, Valencia County News-Bulletin Editor Clara Garcia.

**Approval of Agenda**

- Mayor Ramsell asked to move Antigua and Barbuda for the February 13<sup>th</sup> meeting.
- Motion made by Mayor Pro-tem Gutjahr to approve the agenda as amended. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council tabled the Donation to Antigua and Barbuda for the February 13<sup>th</sup> meeting.

**Approval of Minutes for the City Council Special Business Meeting Minutes (12/20/2022) and the City Council Workshop & Regular Business Meeting (01/09/2023)**

- Motion made by Councilor Gordon to approve the City Council Special Business Meeting Minutes of 12/20/2022 and the minutes for the City Council Workshop & Regular Business Meeting 01/09/2023. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the minutes for the City Council Special Business Meeting 12/20/2022 and the minutes for the City Council Workshop & Regular Business Meeting 01/09/2023 were approved.

**Public Hearing - For the purpose of the request for a rezoning and special permanent use permit for a solar collector overlay.**

- a) Trigo Sol, LLC agent for Empart LTD Company: Proposed Location: Subd: RIO DEL ORO Lot: A1B Block: 1 Unit: 64 22.33 AC D-5-16B 1999 REV, 1009028395350000000 R172985 Subd: RIO DEL ORO Lot: A1C Block: 1 Unit: 64 20.24 AC D-5-16B 1999 REV, 1009028365430000000 R172984
- b) Total Energies Renewables USA, LLC: Legal Description: UPC: 1011028015470000000: RIO DEL ORO Lot: PARK SITE Block: 56 Unit: 47 34.77 ACRES 2005 REV

**Motion and roll call vote to recess the City Council Regular Business Meeting session and to go into Public Hearing**

- Motion made by Mayor Pro-tem Gutjahr with a roll call vote to go to recess the regular business meeting session and go into the public hearing. Seconded by Councilor Gordon.  
Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters.  
With a 4-0 vote council recessed the regular business meeting and went into the public hearing at 6:09 pm.

**Consideration of:**

- a) **Trigo Sol, LLC agent for Empart LTD Company: Proposed Location: Subd: RIO DEL ORO Lot: A1B Block: 1 Unit: 64 22.33 AC D-5-16B 1999 REV, 100902839535000000 R172985 Subd: RIO DEL ORO Lot: A1C Block: 1 Unit: 64 20.24 AC D-5-16B 1999 REV, 100902836543000000 R172984**
- ❖ Michelle Zimmerman began a presentation on the SunShare Community Solar and started to give details about the organization. She said they are here tonight for 2 requests, a rezoning from planned development to solar collectors overlay zone and a special use permit to design, build and operate a community solar garden. She continued to give a depth timeline on when the projects get introduced to when they will be built if accepted.
  - ❖ Ms. Zimmerman continued by saying, the site will be located at the northwest site of Rio Communities. The footprint will be approximately 25-30 acres behind a 7-foot game fence as well as interconnecting with PNM. She said, from the P&Z meeting, one question was what is the difference between substation capacity and interconnection agreement and started to explain them. She continued to say, they will be providing their own dedicated feeder and PNM will be upgrading their transformers as well, but SunShare will be paying for the whole project, the process the way it works is you have a solar facility making power and then the utility under an interconnection agreement and with community solar is a bit different with a lot of it being asked how do we keep it at the distribution level, supporting the community it is located at and the legislation wants to make sure the project is serving the communities and capped at 5mw, 12.5 distribution feeders, and any PNM ratepayer can be a subscriber which means once you subscribe you get a credit on your PNM bill. With this, the bill say would be \$100 you get a 10% credit so your bill will be \$90 and if you're a low-income subscriber then you would be able to qualify for a 30% credit so your \$100 bill will be \$70.
  - ❖ Ms. Zimmerman continued the presentation by explaining the setback from the property lines are 85'-200- west, 50' east and 85 south, the panels will be on a single-axis tracker 10' tall when fully tilted around 9 feet. The vegetation management plan is to have minimal impact to the existing vegetation as possible and have a pile driver for the posts for the installation and will not be clearing or grading other than access point and 10-by-10 equipment pad. We will work with local fire to make sure that is all in national electric code, IFC and all meets all the knocks and turn knocks box requirements. The access to the site will have right now is coming off the highway right next to the substation at this point and will have a fence and a gate around the whole site which is national electric code. So once approved and get through all the interconnection studies as well as year of studies they hopefully win the award it will take 3 months of construction time and monitoring. After that there will be little to know traffic which would end up being 1 to 2 pickup trucks visiting once a month to check vegetation and watching for fire hazards. She continued to say the

land north of the project footprint which since they are not using the whole 50 acres the land they would love to work with the community on the best use for wetland and maybe turn it into a trail, or education and when possible we do plant pollinator plants to promote pollinator species and if nothing is discussed with the extra 50 acres it is our responsibility to maintain the vegetation. With fencing and walls, there will be a 7 foot game fence, no walls, which is national electric code requirement due to high voltage at the equipment pad and will keep the fence as close to the footprint as possible and will be six-inch mesh knots which is the wildlife friendly New Mexico Game and Fish fencing. She explained there will be a gate at the access where it will have all our contact information and will have operations and management staff at the office available 24/7 remote monitoring but also a phone call away. There are no utilities, so no noise, no pollution, and the only noise you can hear is if you are right next to the equipment pad which has a fan running, no water, no sewer and will have truck mounted water during construction for dust mitigation. She finished by saying for the impact to wildlife there will be a wildlife friendly fence and want to make sure it is transparent and will be working with New Mexico Game and Fish to make sure any surveys or studies are completed and working with them if they have any recommendations to further lessen an impact. And for the glare, which is a concern, we will have a full FAA study, but the solar panels are constructed with an aluminum frame and a steel racking as well as an anti-reflective glass coating with a goal to absorb as much sunlight as possible, so the reflection is pretty minimal which is equivalent to or less than a standard window reflection.

- ❖ Councilor Winters asked when deciding to plant any type of vegetation, Whitfield adjoins us and that is someone you might want to contact.
- ❖ Ms. Zimmerman said we want to use any local knowledge we can and then asked if Whitfield is a contractor.
- ❖ Councilor Winters explained Whitfield is a nature center and said they might have pollinator programs they might want to take advantage of.
- ❖ Councilor Gutjahr asked the question on the fencing, as to she's not good with descriptions but is good with visuals.
- ❖ Ms. Zimmerman brought up the visual from the presentation and started to explain what it may look like. She described the fence as the fences for the deer and elk which is not chain link, but the mesh knots make it into that particular look.
- ❖ Councilor Apodaca asked do some of your projects have something to hide the solar panels and would some sort of greenery to hide the panels from the public. He continued to explain if there was a developer who wasn't fond of the appearance of the site.
- ❖ Ms. Zimmerman said on the outside of the fence we can because we would have to keep contact away from the panels as much as possible but there are some areas that would require vegetation buffers and would require a lot of water and maintenance. She said this has been a topic and said the panels are going to be 9 feet tall and from far away they won't look so big, as well as they won't be a ginormous wall and lucky for us the same land owner who sold us the land is the same one who owns the land around the site.
- ❖ Councilor Apodaca said he thought there would be some sort of vegetation that would be native to the land and won't require much upkeep but would be some sort of buffer.
- ❖ Ms. Zimmerman said it's nothing she has found as of right now.

- ❖ Mayor Ramsell said the potential site is directly behind the power station and it is quite tall, as well as right behind the site it is hilly so I don't know if that will be a good place to build homes.
- ❖ Marie Otero from Rio Communities asked where is this in respect to the communities.
- ❖ Ms. Zimmerman explained going north on Hwy 47 pass Manzano Expressway it will be on the right and will be 50 acres of this area but only 25 to 30 acres will be used.
- ❖ Mrs. Otero said ok, so it doesn't really impact the community.
- ❖ Ms. Zimmerman said it does but doesn't at the same time.
- ❖ Joe Ross said he lives in Dowajic, MI, said he has inherited 3 lots from his mother and is curious as to where the panels will be located and if they will be located next to his properties.
- ❖ Mayor Ramsell said this solar presentation where the surrounding properties are owned by the same property owner and the information you are looking for answers to are for the next solar presentation.
- ❖ Mr. Ross apologized.
- ❖ Dick Irvine at Western Dr. asked what is the benefit to him at 82 years old for the solar panel and where do you get the solar panels from.
- ❖ Ms. Zimmerman explained the benefit to him is for people who cannot put solar on their roofs or if they are a renter as well and are able to get a discount on their monthly bill. She continued to explain the panels are Canadian panels.
- ❖ Dick Irvine said he was told by PNM that we could not get solar in our area.
- ❖ Troy McGee said there is a tax increase that does not add to the cost of the community, as well as would be beneficial for the whole community.
- ❖ Ms. Zimmerman explained the property tax is roughly \$800k to \$1 million dollars for this project and could be about \$200k a year with this project.
- ❖ Councilor Gordon said this is a special use permit, what happens if you do not get the contract what do you plan on doing with it.
- ❖ Ms. Zimmerman said with the special use permit we would have to start production and may have to ask for an extension.
- ❖ Manager Dr. Moore explained this is a special use permit for solar overlay on top of existing zoning and is not a replacement for the existing zoning so the property is planned development.
- ❖ Mayor Ramsell explained they are asking for a new zoning for the solar overlay and if the solar does not get approved the property would go back to original zoning.

**b) Total Energies Renewables USA, LLC: Legal Description: UPC: 1011028015470000000: RIO DEL ORO Lot: PARK SITE Block: 56 Unit: 47 34.77 ACRES 2005 REV**

- ❖ Logan Lyndsey gave a presentation and said they are asking for a special use permit for this solar overlay project. Total Energies is the same concept as the previous presentation, but different location and is a global multi-energy company with ambition, with strong ambition for clean energy by 2022 we had 16 gigawatts of renewable energy around the world operational and by 2025 we strive to have 35 gigawatts of renewable energy, by 2030 we strive to have 100 gigawatts and by 2050 we want to have net carbon zero by all of our operations around the world and our mission is to develop energy that is every more affordable, cleaner, more reliable and accessible to as many people as possible. Our commitments as a company is as we build these projects we want to have minimal

ecological impact. We choose sites that are designed to utilize the latest technology so the footprint of the land is small as possible. He explained the land in question is owned by landowners as well as flatland and is clear of vegetation and strive to be environmental responsibility and regulatory compliance. He stated they use consultants for responsible development and will go by the book to obtain any permits needed and they do get involved with the community. Some of the areas of their expertise is Greenfield Siting, Environmental Studies and Permitting, GIS and Mapping, Module Supply and EPC, Real Estate, Title and Minerals, Transmission and Interconnection, Tax Agreement Negotiation, and Origination and PPA Execution. He said upon the approval for the request today, we plan to apply to bid into the RFP before the end of the month. He continued the presentation with explaining the Project Stages which are Pre-Construction 4-5 years, Construction 4-6 months, Operations and Maintenance 25-40 years, Decommissioning within 1 year of shutdown. He further went and said how would the solar look from the outside which would be low profile, with similar characteristics to a greenhouse as well as sites are carefully selected to obscure project visibility and will be enclosed with a security fence and landscape screens. The noise generated by project inverters is negligible and typically inaudible, as well as the solar panels are designed to absorb light, coated with an anti-reflective coating, less reflective than windows and FAA approved and the panels are made of silicon, glass, silver wire, aluminum, copper, as well as non-toxic and are required to meet all local, state and federal requirements. He continued to state they do not affect adjacent property as well as does not contribute to noise, odor, or traffic impact, solar panels do not produce air or water pollution or greenhouse gas, as well as Total Energies coordinates with federal and state wildlife agencies to confirm best management practices and impact mitigation strategies and the equipment will be recycled, resold, and salvaged as appropriate, plus the land will be restored.

- ❖ Mr. Lyndsey further explained the red outline is the boundary of the project and its about 34 acres as well as the general location is between Dahan Loop and Manzano Expressway, northeast of Chamesa and then explained the specifics is to have a full site control. He continued to say the distribution line is adjacent to the 4GkV, PNM, Bosque Farms to Tome interconnections.
- ❖ Councilor Winters asked if they are planning on adding vegetation on the outside of the fence.
- ❖ Mr. Lyndsey explained yes, they are, part of the zoning permit they are asking for they will do further analysis to see what can live out there but would like to cover the fence with local vegetation.
- ❖ Mr. Ross from Dowagic, MI for all people who have presented today, what happens at the end of 40 years, does solar array get all ripped out and everyone goes back to regular bought electricity or as technology advances, does it turn that 40 years into a 60 or 80 years.
- ❖ Randy Jenks engineer for Total Energies said he does not know at this time, but at the moment our guarantees from the panel manufactures say 35 years, they will still put out 85% of what they were putting out on day one. He said at the moment, our anticipation is to go 40 years and it may not be economical because of new technology, and you maybe all have an infusion or something, so our commitment is to remove it when it is not economical. He finished by saying if we by the land that will be commercial conclusion to the project, and sell the land, but if we're leasing land, which is possible in many of our

installations, we will take it out as a requirement of the lease, but the idea here is that as long as there is a benefit from these things we would continue to provide that service.

- ❖ Monique Marquez lives on Godfrey, said she has a problem with the second presentation is that if a presenter can not even explain any type of idea were his solar will be in regards in location, community, the answer should immediately be no because he has not taken the time to study our area, to know our art, what were looking at and how that is going to impact the people who are concerned with it today.
- ❖ Ms. Marie Otero asked where is the second one going to be in respect to the community.
- ❖ Mayor Ramsell explained where on the map it will be located.
- ❖ Mr. Lyndsey said he personally has not been out here, but the director of development has been up here several times, speaking with the landowner and right now he couldn't be here for the presentation for personal reasons, and completely understands Mrs. Marquez comment.
- ❖ Mrs. Marquez asked if there is anyway the public can get documentation on who the landowner is for both projects.
- ❖ Ms. Zimmerman said the landowner for Trigo Sol is Empart LTD.
- ❖ Mr. Lyndsey said their landowner is Emmons Yates.

#### **Motion and roll call vote to go back into the City Council Regular Business Meeting session**

- Motion made by Councilor Winters with a roll call vote to go back into the regular business meeting. Seconded by Councilor Gordon. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council went back into the regular business meeting session at 7:05 pm.

#### **Regarding applicant Trigo Sol, LLC agent for Empart LTD Company for a rezoning of solar overlay**

- Councilor Winters said he had noticed there are conjoining land and if this would impact the R1.
- Ms. Zimmerman explained the setback is 200 feet.
- Councilor Gordon asked the upgrade that needs to do to the substation, is that just going to be enough to cover what the solar will be putting into the system.
- Ms. Zimmerman explained yes that is correct, and it will not be taking away from any mobility and will be bringing in PNM to upgrade the systems.
- Mr. McGee said once we know what recommendations they need, the city will need to reach out to PNM with the same information to see how it affects them and it will end up being a 3-way relationship.
- Motion made by Mayor Pro-tem Gutjahr to approve applicant Trigo Sol, LLC agent for Empart LTD Company for a rezoning for solar overlay. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote council approves applicant Trigo Sol, LLC agent for Empart LTD Company for a rezoning for solar overlay.

#### **Regarding applicant Trigo Sol, LLC agent for Empart LTD Company a special use permit for a solar collector overlay**

- Mayor Ramsell said the solar overlay goes go away if the project approved.
- Motion made by Mayor Pro-tem Gutjahr approve applicant Trigo Sol, LLC agent for Empart LTD Company a special use permit for a solar collector overlay. Seconded by Councilor Winters.

Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote council approves applicant Trigo Sol, LLC agent for Empart LTD Company a special use permit for a solar collector overlay.

**Regarding applicant Total Energies Renewables USA, LLC for a rezoning of solar overlay**

- Motion made by Mayor Pro-tem Gutjahr to approve the applicant Total Energies Renewables USA, LLC for a rezoning of solar overlay. Seconded by Councilor Gordon. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote council approves the applicant Total Energies Renewables USA, LLC for a rezoning of solar overlay.

**Regarding applicant Total Energies Renewables USA, LLC a special permanent use permit for a solar collector overlay**

- Motion made by Councilor Apodaca to approve applicant Total Energies Renewables USA, LLC, a special permanent use permit for a solar collector overlay. Seconded by Mayor Pro-tem Gutjahr. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote council approves applicant Total Energies Renewables USA, LLC, a special permanent use permit for a solar collector overlay.

**Public Comment**

- Dick Irvin at Western Dr. explained the property on 603 Western Dr. that Dr. Moore has his emails and print-outs and stated there has been a very long history with this property which stated with a camper trailer that had moved from Horizon Vista down to this property, as well as numerous cars visiting the property and finally the nice code enforcer had fixed the issue and now there is a pop-up camper on Horizon Vista. He continued to explain various people have been in and out and now there is a lot of animosity going on with the people living in the house as well as living in the camper. In 2021, his wife was letting the dog out and the person living there had thrown a rock that barely missed her and had called the sheriff's department to get it taking care of.
- Mr. Irvin started to show the council on the print-outs that someone lives in the camper as well as a strong odor coming from the fire pit to where Mr. Irvin and his wife could not go outside and it had happened on numerous occasions. He continued to say 605 Western Dr. has started to get fixed up but lately the city's new business is starting to look like a homeless shelters. He finished by saying he thinks there are multiple violations, which he thinks in the ordinance the city has a code for someone living in a camper trailer and the trash piles are not beneficial to the community and would like the code enforcement to do something.
- Maria Otero on Hillandale said she's brand new to the community and has never seen police patrolling the neighborhood and due to that there has been 4 robberies and asked what are they supposed to do. She expressed that there is a person who shoots his gun in the community randomly and on new years eve he was going up and down the road shooting a machine gun.
- Monique Marquez stated the ADA in the open meetings act indicate for a request in visual aid should be made one week in advance or as soon as possible, and we have a disable veteran in the audience as well as a citizen at the beginning of the meeting specifically ask to see the visual aids which was denied and now we are at the end of the meeting and which is a violation of the open meetings act.

## **Manager Report**

### **January 13, 2023 Gas odor update**

- Manager Dr. Moore said we all know we have had the gas odor in Valencia County, and in the workshop fire chief had given us an update on the incident as well as where we stand.
- Fire Chief Tabet stated they are still investigating the source and have ruled out Mesa oil and BSNF but are working with OSHA and NM Environmental to see if we can continue to work with them on the issue and hope to hear back as soon as possible.
- Councilor Apodaca said we would like to thank the fire department and the chief for the thorough response to this situation as well as followed up on every scenario possible.

## **Approval of Accounts Payable**

- Mayor Ramsell said all our accounts payable are posted online with the meeting packet and are available after the meetings as well.
- Motion made by Councilor Gordon to approve accounts payable. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote council approved accounts payable.

## **Authorization to Appropriate funds for Library Assistant Position**

- Manager Dr. Moore explained with following security issues that have been resolved, our recommendation is to approve the appropriation for the library assistant position and will not exceed 25 hours per week. He continued with explaining the library hours will be increased to 21 hours a week.
- Mayor Pro-tem Gutjahr said she is very grateful to be moving in this direction.
- Motion made by Mayor Pro-tem Gutjahr to approve authorization to appropriate funds for library assistant position. Seconded by Councilor Winters. Voting Yea: Mayor Ramsell, Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote council approved the authorization to appropriate funds for the Library Assistant Position.

## **Resolution 2023 – XX BAR #3 (Budget Adjustment Resolution)**

- Finance Officer Finch said with discussing this in the workshop, we are increasing the revenues in zoning permits, court fines, as well as decreasing expenses for a grant writer, increasing city wide clean -up by \$30k, increasing code enforcement by \$31k, creating a budget for the library assistant, and increasing revenue for state co-op DOT, and the expenses for roadways and bridges for a grant.
- Motion made by Councilor Apodaca to approve Resolution 2023 – 03 BAR #3 (Budget Adjustment Resolution). Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote council approved Resolution 2023-03 BAR #3 (Budget Adjustment Resolution).

## **Discussion, Consideration, and Decision – Resolution 2023 - XX Second Quarter Financial Report**

- Finance Officer Finch said this is the recap and right now as of December the city is at \$2 million dollars but still have \$1,121,000 in American rescue plan act funds, for a total of \$4,430,445.43. All of the GRT looks to be over 50% but the only reason it is off is due to not having the property tax as of yet. The general fund for all expenses are at 43% and is great because normally after the 2<sup>nd</sup> quarter we should be at 50%, and the fire protection fund is a big one we do use a lot so the revenues are at 57.85% at the end of February we will be receiving our



second distribution and the expenses are at 59.33% and as of right now that is nothing to worry about due to them accomplishing a lot.

- Councilor Gutjahr said this indicates good financial management that we are exactly where we should be.
- Mayor Ramsell said he thinks it looks good since revenues are up and expenses are down.
- Motion made by Mayor Pro-tem Gutjahr Resolution 2023 - 04 Second Quarter Financial Report as presented. Seconded by Councilor Gordon. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote council approved Resolution 2023-04 Second Quarter Financial Report.

#### **Donation of the Fire Equipment to Antiqua and Barbuda**

- Tabled

#### **MOU (memorandum of understanding) Between the Department of Homeland Security and Emergency Managements, State Fire Marshal Division and the City of Rio Communities**

- Manager Dr. Moore said we as a city are continuing to find things that need to be worked on in the city, but with working with the chief there is an item he needs to partner with someone to help with fire marshal type inspections mainly with industrial and manufacturing areas. He continued to say the chief has talked to several individuals and the MOU is an understanding documentation for them to come in and help assist with the duties.
- Fire Chief said his biggest thing is to have transparency with the other agency and be able to show we are doing our jobs diligently, additionally they can work with the Fire Marshal to accomplish the task as well as be able to have them at will call so with the MOU it will make the process faster.
- Mayor Ramsell said this is a good thing to have, and many people may not realize that the fire district is not just include the City of Rio Communities as well as having more partners in the field is more critical thing to have.
- Motion made by Councilor Apodaca to approve MOU (memorandum of understanding) Between the Department of Homeland Security and Emergency Management, State Fire Marshal Division and the city of Rio Communities. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote council approved MOU (memorandum of understanding) Between the Department of Homeland Security and Emergency Management, State Fire Marshal Division and the city of Rio Communities.

#### **Consent Agenda**

- Mayor Ramsell explained if we are able to do a consent agenda then we would be able to approve the minutes, accounts approval as well as other things ahead of time and if a member of council would like to discuss anything we can always pull the items. He continued to say the meeting packets will be available before and after each meeting still and as always the public/council can contact city hall if they have any questions with the agendas.
- Councilor Apodaca said it was a good idea.
- Councilor Gutjahr said she has seen it work very well.
- Councilor Gordon said he is glad the public can be involved and ask any questions they have.
- Councilor Winters said he thinks this is something they should move forward with.

- Mayor Ramsell said this would open transparency and all it would do is allow council to move the first half of the meeting to quicker with one vote instead of multiple votes.
- Motion made by Mayor Pro-tem Gutjahr to move to a consent agenda. Seconded by Councilor Gordon. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote council approves moving to a consent agenda.

#### **Council Discussion**

- Councilor Apodaca had nothing to report.
- Councilor Gutjahr had nothing to report.
- Councilor Gordon had nothing to report.
- Councilor Winters had nothing to report.
- Mayor Ramsell had nothing to report.

**Executive Session - For the purpose of the abandoned Car Wash and abandoned Car Dealership subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant; pursuant to NMSA 10-15-1(H)(7) and for the discussion of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8)**

#### **Motion and roll call vote to go into close session**

- Motion made by Councilor Apodaca with a roll call vote to go into close session for the purpose of the abandoned Car Wash and abandoned Car Dealership subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant; pursuant to NMSA 10-15-1(H)(7) and for the discussion of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8). Seconded by Mayor Pro-tem Gutjahr. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council went into executive closed session at 7:49 pm.

#### **Motion and roll call vote to go back into the regular business meeting session**

- Motion made by Councilor Gordon with a roll call vote to go back into the regular business meeting session. Seconded by Mayor Pro-tem Gutjahr. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council went back into the regular business meeting session at 8:53 pm

#### **Welcome everyone back and statement by the Mayor:**

- Mayor Ramsell stated: The Governing Body of the City of Rio Communities, New Mexico, hereby states that on January 23, 2023 a Closed Executive Session was held and the matters discussed were For the purpose of the abandoned Car Wash and abandoned Car Dealership subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant; pursuant to NMSA 10-15-1(H)(7) and for the discussion of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8).

**For the purpose of the abandoned Car Wash and abandoned Car Dealership subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may**

**become a participant; pursuant to NMSA 10-15-1(H)(7) and for the discussion of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8)**

- Mayor Ramsell said there are no recommendations at this time.

### **Adjourn**

- Mayor Ramsell stated that on February 13 Council will be in selection committee to look at semi-finalists for the police chief applicants.
- Motion made by Councilor Winters to adjourn. Seconded by Councilor Apodaca. With a unanimous vote the regular business meeting session was adjourned at 8:54 pm.

Respectfully submitted,

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Elizabeth F. Adair, Municipal Clerk  
(Transcribed by Cheyenne Sullivan, Assistant to the Municipal Clerk)

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

Approved:

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Joshua Ramsell,  
Mayor

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Margaret R. Gutjahr,  
Mayor Pro-tem/Councilor

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Arthur Apodaca,  
Councilor

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Lawrence R. Gordon,  
Councilor

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Jimmie Winters,  
Councilor