



**City of Rio Communities Council Regular Business Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Monday, June 28, 2021 6:00 PM**  
**Minutes**

*Please silence all electronic devices.*

### **Call to Order**

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

### **Pledge of Allegiance**

- Councilor Ramsell led the Pledge of Allegiance.

### **Roll Call**

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

### **Approval of Agenda**

- Mayor pro tem Gutjahr tasked to amend the agenda to add executive session 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).
- Councilor Ramsell moved to approve the agenda with the amendment. The motion was second by Councilor Winters. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote the agenda for the regular business meeting of June 28, 2021 was approved as amended.

### **Approval of Minutes for Special Workshop of 5/27/2021 Workshop Minutes 06/14/2021 & City Council Minutes 6/14/2021**

- Councilor Winters moved to approve minutes for the special workshop of 5/27/2021, the workshop of 6/14/2021 and the city council minutes of 6/14/2021. The motion was second by Councilor Brown. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote the minutes for the special workshop of May 27, the workshop and city council regular business meeting of June 14, 2021 were approved as written.

### **Public Comment**

- Mr. Robert Ramsdell from 203 Hillandale Ave in Rio Communities said his concerns were regarding traffic problems, with a large volume of traffic and illegal vehicles running up and down the streets without plates, ATVs racing up and down the street and the north mesa and are out of control and the noise they create is terrible. He then said he has a problem regarding the area off Hwy 47 across the street from White Elephant Storage where the bosque and river access is; the whole area is packed with vehicles and ATVs, and the traffic is

going across the street to the businesses and are doing wheelies and donuts and causing alarms to go off.

- Phillip Sublet from Paul's Son's Signs and Graphics said he came tonight as a local business leader and feels there are many situations in Rio Communities that need to be addressed but his biggest concern is safety. He explained the main safety issue is the outdoor recreation vehicles and other vehicles that come to our area from all over the State, some of the visitors are bringing danger and chaos, and he has spoken to all forms of police, the City, and the County, and is asking the City to have this City's police take care of this problem to prevent crime, safety and prevent another fatality.

### **Manager Report**

- City Manager Dr. Moore explained that he has gotten into the rules and regulations particularly related to the off-highway vehicles on pavement and have been working on a solution, has called the undersheriff and they agreed to come into the meeting, and have been speaking with the DOT that what we can do to keep them off the highway and their land. He then said there are laws prohibiting them from driving on the pavement, we are looking into trespassing laws as well. He explained there is a time and place of use through the City is get together and what the plan will be, we have a joining jurisdiction because they don't care where they ride. He further explained what the city can or cannot do and what the County and other jurisdiction what they can do, and we are doing our part to help the community to help residents and businesses. He then said we are trying to create a plan that places appropriate restrictions because we don't want to take away the rider's rights, but we want to respect the residents as well.
- Undersheriff Noah stated they are aware of this situation throughout the County, they have applied for a grant that has been approved to target off road vehicles hopefully there will be some patrols in Rio Communities, and explained the patrols should begin in July. He then said he would like to hear from the community to know when the most appropriate time of day would be to go on patrol, so they are not wasting resources.
- Mayor Pro tem Gutjahr said no law enforcement agents can chase ATVs.
- Undersheriff Noah said no we cannot chase or pursue ATV because of liability.
- Mayor Pro tem Gutjahr continued with the discussion.
- Councilor Winters said the signs need to be places and liability for the property owners need to be made known and said Los Lunas was able to designate an area for the ATVs to ride and it seems to be better and continued the discussion.
- Undersheriff Noah asked if Rio Communities received funding from the American Rescue plan and if so, and ATV park would fall under that plan and continued the discussion.
- City Manager Dr. Moore said one of the things he said when he started working here is "we start something we will finish" and he is looking forward to finding a start to a solution and is very appreciative of the Sherriff Department for working with us. The discussion continued.
- City Manager Dr. Moore continued with his report explaining there several grants are being closed out and funding on 8 of the 13 projects by end of the year. The grants that are being finished are some roadwork grants and the Master Drainage Plan.
- City Manager Dr. Moore said he is very pleased about the parks and looking at the Americans Rescue Act because they tie some of the health and wellness issues into that and we

appreciate the finance office who has been working diligently on the budget which includes the Americans Rescue Act money.

- City Manager Dr. Moore explained that the cannabis laws go into effect tomorrow and further explained what area the City will be going to the P&Z to look at where in the City those types of places can go. He then said will get the final of our building material for the library to finish out the shelving and finish the wiring for internet, we also have other issues coming up including the flooding/storm water situation.

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

- Finance Officer/Treasurer Stephanie Finch asked if there were any questions or concerns to be touched on.
- Councilor Ramsell explained the charge for E911 for \$7,546.75 for a quarterly payment for the 911 calls that happen in the City and the second charge is for 3 speed signs in the amount of \$10,959.00 using the LEPF funds that we must use or lose.
- Councilor Winters explained most things look normal and wanted to note the animal control dropped down to almost half. He then said the other thing said animal control, will pay back to the City before they get released so that we may recover some of the money charged to the City for animal control.
- Councilor Brown said line item for purchase of property is not accurate and we will be discussing in executive session. He then said this will be a good asset for both.
- Mayor Pro tem Gutjahr explained the animal control expenses, saying the City pays for the picking up and sheltering of animals by the County and it costs us \$50 and continued the discussion.
- Councilor Ramsell moved to approve Accounts Payable. The motion was second by Councilor Winters. 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 – Approval of Rio Communities City Complex Master Plan Including Phase I and/or II**

- Mayor Pro tem Gutjahr gave a brief history on improvements to the City complex and the plan to move staff to the other side of the building.
- Councilor Ramsell said phase I makes sense, we have been trying to get staff to the south side of the building for quite some time, it will be a good thing to have people enter the double doors because they naturally think that is the entrance and thinks phase II needs work before approval.
- Councilor Winters said phase I allows us to make those changes and make the move for staff, and we need to do it quickly to make the rest of the building ready for recreation.
- Councilor Ramsell moved to approve Rio Communities City Complex Master Plan Phase I. The motion was second by Councilor Winters Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote Phase I of Rio Communities City Complex Master Plan was approved.
- City Manager Dr. Moore explained funds have a timeline if we do not use the funding, we lose it.

### **Discussion, Consideration, and Decision – Contract for ITB #2021-0104**

- Finance Officer Stephanie Finch explained the ITB #2021-0104 is for the roadwork on Country Club Lane and the lowest bid was with Universal Constructors and explained the project. She then explained the bid estimate in the amount of \$80,454 without taxes and is under the NMDOT grant and the rip rap at the intersecting streets for drainage to prevent future damage in the amount of \$11,820 the City will be picking up. She then said tonight she is asking approval of the contract and further explained the Universal Constructors bid.
- Councilor Winters reminded everyone this was a grant from the State, helps a lot getting these grants to do the work.
- Councilor Ramsell said the rip rap was recommended by the drainage study and it is valuable information to prevent future damage. He then said there is still grant money remaining that we might be able to use in other places.
- Councilor Brown said well needed work and it is a pleasure to be able to do it.
- Finance Officer Finch explained if the agreement is awarded there will be a kickoff meeting to get with the Golf Course to let them and the residents in the area to let them know when and where the construction will be taking place.
- Mayor Pro tem Gutjahr explained that we have been looking at the roads and where and how we have applied for the grants and have been looking at updating that plan.
- Councilor Ramsell moved to approve Contract for ITB #2021-0104. The motion was second by Councilor Winters. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote the Contract for ITB #2021-0104 was approved.

### **Discussion, Consideration, and Decision – Appointment of Library Board Members**

- City Manager Dr. Moore explained we will be coming back by next meeting to appoint library board members and if there are any more volunteers out there this is their chance to join the five that have volunteered. He then said we are close to the end of construction and now is the perfect time to get that board going.
- Mayor Pro tem Gutjahr explained that Belen wrote a community grant to PNM has received some surface pro computers and has given us two to have for our library.

### **Discussion, Consideration, and Decision – Approval of Streetlight Placement**

- City Manager Dr. Moore explained we have been talking about streetlight placement in residential areas and we did receive the amended agreement for the lights and based on the preliminary costs, costs are coming in lower than what we anticipated and then will come back to Council with alternate 1 and alternate 2 so that we may get many more lights than anticipated after completing the promised lights. He then said we might need to have a meeting on where to place streetlights in the City and not violate our dark skies ordinance and began a discussion.
- Councilor Ramsell said he is excited to get some more streetlights, especially after we did not know if we would be getting the funding and now it looks like we will be able to do more than expected.
- City Manager Dr. Moore explained the two goals are to let you know where the streetlight repairs will be and make sure residents know where we are heading.

- Councilor Brown said good news at 2 different levels, one is that we are ready to do it and two is that we are going to be able to do more.

#### **Council Discussion**

- Councilor Brown had no report.
- Councilor Winters said something coming is the message board, bidding should be getting close.
- Councilor Ramsell said be safe during the fourth of July holiday, be safe with fireworks.
- Mayor Pro tem Gutjahr reminded about fireworks and what is permitted and not permitted in our website and reminded everyone the use of firearms is prohibited in the City limits. She explained there will be signs being mounted.

#### **Executive Session - Executive Session regarding Workforce Solution Complaint possible threatening or pending litigation pursuant to NMSA 10-15-1(H)(7) and 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)**

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

- Councilor Ramsell moved with a roll call vote to go into executive session regarding workforce solution complaint possible threatening or pending litigation pursuant to NMSA 10-15-1(H)(7) and the discussion of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8). 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 executive session at 7:06 pm.

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

- Councilor Ramsell moved 2nd Councilor Winters. Voting Yea: Mayor Pro Tem Gutjahr, Councilor Brown, Councilor Ramsell, Councilor Winters. With a 4-0 vote Council was back from executive session @ 7:38 pm.

#### **Welcome everyone back and statement by the Mayor Pro-tem**

- Mayor Pro tem Gutjahr stated that on June 28, 2021, the City of Rio Communities held an executive session and all that was discussed was Workforce Solution Complaint possible threatening or pending litigation pursuant to NMSA 10-15-1(H)(7) and 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).

#### **Adjourn**

- Councilor Winters moved to adjourn. The motion was second by Councilor Ramsell. With a 4-0 vote the City Council regular business meeting was adjourned at 7:39 pm.

Respectfully submitted,

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

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

Approved:

\_\_\_\_\_  
Mark Gwinn,  
Mayor

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

\_\_\_\_\_  
Bill Brown,  
Councilor

\_\_\_\_\_  
Joshua Ramsell,  
Councilor

\_\_\_\_\_  
Jim Winters,  
Councilor

CC DRAFT Minutes 06/28/2021