

City of Rio Communities Special Workshop Minutes
Thursday May 27, 2021

- Mayor Pro tem Peggy Gutjahr called to order the city council workshop at 6:02 pm.
- Present: Mayor Pro tem Peggy Gutjahr, Councilor Winters, Councilor Ramsell.
Present: P&Z Commission Thomas Scroggins, LE Rubin, Scott Adair, John Thompson, and Lawrence Gordon.
Present: City Manager Dr. Martin Moore and Municipal Clerk Lisa Adair

Abatement Ordinance – Discussion

- Mayor Pro tem Gutjahr gave a brief description of the history of the ordinance and began a discussion.
- John Thompson said the commission recommend adding a definition section to the abatement ordinance and began a discussion.
- John Thompson said on section 11-6-2 should include lettering for each type of violation/issue to show as sub-paragraphs for easier readability for the public.
- Manager Dr. Moore explained there needs to be consistency in the ordinances and explained the definition of Municode or codification.
- LE Rubin asked when ordinances are codified will be on a search engine to make it easier to find items pertaining to the ordinance they are trying to find.
- Mayor Pro tem Gutjahr said we have put this in this year's budget for Municode to come and codify our ordinances, after the attorney looks at them, and then people can search for what they need on the website. The discussion continued.
- John Thompson asked to keep 11-6-6 C of the posting and began a discussion.
- Tom Scroggins said asked to redefine smells rather than using words like rank or noxious.
- Councilor Winters said thank you to the Commission for their work on the ordinance and for trying to make it where the public can understand it, but we have to keep it defensible in court.
- Scott Adair suggested putting an article in the newsletter to explain the ordinance and began a discussion.
- Mayor Pro tem Gutjahr said attorney said the broader you make it, the more defensible it is, and although it may be hard to read, it might be better to leave it broad.
- Scott Adair said we want to make sure the definitions are words in the document.
- Mayor Pro tem Gutjahr said if Scott would put together a definition list and bring back to Council and we will have attorney look at it and continued the discussion.
- LE Rubin said in a previous draft we had an appendix A that outlines a lot of what the State says abatement and asked if it is something we would to have back in there.
- Councilor Winters said there was a reason for it to be there, but the lawyer said it was redundant because it is a state statute.
- LE Rubin asked if we are bound by the state statute and was told yes.
- Mayor Pro Tem Gutjahr said what we have in here is what we should have.

Animal survey – Discussion

- Manager Dr. Moore began the discussion on the animal survey and said the attorney really liked the way it is laid out and it is a matter of the planning commission placing their stamp of approval on it and start stuffing envelopes.
- John Thompson said would there be hesitancy to filling this out if they have unregistered pets. He then said we may have to do two surveys if we find holes in the data from the first survey and began a discussion.
- Mayor Pro tem Gutjahr explained we have we had an interruption with the computer and are back live.
- Councilor Winters said he like the preface on the survey and said the commission might consider a hearing on the ordinance if COVID allows and began a discussion.
- LE Rubin said all responses will be anonymous.

Training – Discussion

- Manager Dr. Moore said he received a save the date from the Council of Governments for June 25, 2021 which deals with the upcoming legalization of recreational marijuana and the impact it will have on land use and zoning policies. He continued to explain it seems they will be walking us through what to expect before it hits and began a discussion.
- Mayor Pro tem Gutjahr asked what the training covers.
- Manager Dr. Moore said it would be training for all Council and Planning and Zoning.
- Mayor Pro tem Gutjahr said this would help us to determine where we want it to be sold or not want it to be sold and continued the discussion.
- Councilor Winters said the first training regarding medical marijuana was very helpful. He explained we were not allowed to deny the sale of marijuana, but we could control where it was sold and so we tailored our ordinance for that.
- L E Rubin asked what time the training was on June 25th and was told it started virtually at 9:30 and is an all-day training.
- Manager Dr. Moore said he is working on trying to get specialized training for planning and zoning from the Council of Governments, something geared specifically toward the Commission and began a discussion.

Zoning Grid – Discussion

- Tom Scroggins said we have discussed where we would put it, as an appendix to our zoning ordinance or separate, this is not official and should have a disclaimer saying it is not a binding legal document.
- John Thompson said he does not know why we can't make this part of our ordinances as an appendix and make it official and began a discussion.
- LE Rubin asked it can be changed without going with a public hearing.
- Manager Dr. Moore explained if you do update an ordinance then yes, then they can change by a resolution and continued a discussion.
- Mayor Pro tem Gutjahr said it has come to their attention that it is difficult for some if they want to move into our City to find what they are looking for and they would like to be able to easily find things in our ordinances.

- LE Rubin asked when you are look at how this is classified is this looking at business but also residential as well.
- Councilor Winters said it includes residential and explained how he looked over the document, going through R-1 and looked at all the special use and conditional use and marked them and what is really important is where it is regular use and them knowing that if it is special use that it will take more time and effort.
- John Thompson said if you were building a complex that is considered a business but what if you are a renter/landlord are you a business and what should be required.
- Councilor Winters said going through the zoning grid it logically should be in C2 or C3 that is in C1 and all we have there is what is there today.
- LE Rubin asked if what is in C1, can it also be in C2 and C3.
- Councilor Winters said it was not included when we created the ordinance.
- Mayor Pro tem Gutjahr asked should this be given back to P&Z to see if they match and asked what a reasonable time frame would be to complete the Zoning Grid.
- Tom Scroggins said they would have to work on it and continued the discussion.

General/open Discussion

- John Thompson began a discussion on neighborhoods, going over names and recommended the lots around sawtooth are smaller than enchanted mesa and suggested not allowing the larger animals.
- Mayor Pro tem said there are areas that enchanted mesa can also be named differently and continued the discussion.
- Councilor Winters said let the houses in that area name themselves by sending mailer to just those houses and continued the discussion.
- John Thompson said he would like to see it included formally so that we can implement that into other areas.
- Mayor Pro tem Gutjahr said she likes the concept but does not know how to go about making the neighborhoods.
- Councilor Ramsell said maybe talk to people within the different neighborhoods and get their input, and like the idea of having larger animals in the larger lots and continued the discussion.
- Manager Dr. Moore said if you have local people that are willing to take the bull by the horns and communicate with their neighbors it would work best, they could shape the neighborhood into something special, banning together against crime, volunteering to clean, etc.
- Mayor Pro tem Gutjahr explained the citizen patrol/crime watch defined areas, but within 6 months, they could not get anyone to help.
- Councilor Ramsell said they will have to be in for the long haul, go to the meetings, and stick with it.
- John Thompson said what if the City has the say so for putting the neighborhoods names and sending out neighborhoods information on setting up their own neighborhood watches.

- Lawrence Gordon said the main reason why the neighborhoods were brought up so we can have lot sizes because of the animal ordinance and to help identify where people might want to move to, to be within an area where certain animals are permitted.
- John Thompson said Code Enforcer is the bad cop, but the City could be the good cop that goes and gives certificates to the houses that have the best yard or maintained street, comparing yards only to their neighborhood homes.
- Mayor Pro tem Gutjahr said this would be good for a future newsletter, letting the public know that is something we are considering, we should get feedback from the residents.
- Councilor Ramsell said maybe a 501c3 can do this, but the City cannot give out prizes because of the anti-donation laws and continued the discussion.
- Councilor Winters said the history of the City is we were divided into neighborhoods and the VIA condoned the competitions and continued the discussion.
- John Thompson said he can setup a draft regarding neighborhoods and continued the discussion.
- Lawrence Gordon asked about the lights on Horner and Kaghan because there is eventually going to be an accident there. He then asked how it is decided where streetlights will be placed.
- Manager Dr. Moore said we just received by email an amendment agreement for the utilization of the \$65,000 appropriated for lights, and each light is approximately \$2,000, there will be a meeting set up with Public Works and if the Planning & Zoning Commission wants to join us, you would be welcome. He then said the timing is going to be based on City Council and paperwork being processed, then we will get areas identified and the work can begin.
- Mayor Pro tem Gutjahr explained Council has picked areas for the lights to be installed and there was also a concern about the lights shining down rather than up. The discussion continued.
- Scott Adair said there are also lights that can be motion censored.
- Councilor Winters asked if there was any carryover money for lights and began a discussion.
- Manager Dr. Moore said we will have to do a budget adjustment partway through the year if Council feels like there is more money that can be spent out of the General Fund for lights.
- Councilor Winters asked for an update on the drainage plan, there are a lot of interesting things happening with NMDOT.
- LE Rubin asked about the big hole on Chamartin.
- Manager Dr. Moore explained the hole has been filled in with milling, those have settled a little and we might have to add more, San Lucas and Chamartin have been added to the drainage plan, including the repair of the hole, and if the DOT approves that we will be able to have that fixed, and the fence will remain as a precaution. He then explained the engineers have determined that area will be removed and replaced. The discussion continued.

- Councilor Winters said the parks study is almost final and we have a park committee, there was a \$250,000 grant for parks this year, and asked if the acquisition of land is part of that grant.
- Manager Dr. Moore said the acquisition is not part of that grant and began a discussion.
- Lawrence Gordon said as almost everything that was suggested to become a park had to be acquired.
- LE Rubin asked if people used the parks on the north and south of the building.
- Mayor Pro tem Gutjahr said there are people out there occasionally. She then said the design original for this building was for the other side to be used as offices and this side to be used as recreation. She continued to explain we are in the processes of moving all personnel over to the other side and the next phase will move everything to help this side become recreation and the library. She continued to explain the Mercer group is working to help us find qualified candidates for the paid Chief, and we are moving into the process of hiring, then we will be hiring two paid EMTs that will be working mostly days, we have a new tinder truck is here and we have more money to begin looking at another truck and continued the discussion.
- Councilor Winters said we are currently we are working on 13 grants, so we are finally getting money in and there will be three or four paving projects this summer and continued the discussion.
- Clerk Adair said the next special workshop with P&Z will be August 26, 2021.
 - *Public input/questions
 - No public comments.
- The City Council workshop was adjourned at 8:07 p.m.

Respectfully submitted,

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

Special Workshop w/P&Z DRAFT Minutes 05/27/2021