



**City of Rio Communities Council Regular Business Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Monday, June 26, 2023 6:00 PM**  
**Minutes**

*Please silence all electronic devices.*

**Call to Order**

- Mayor Ramsell called the regular business meeting to order at 6:00 pm.

**Pledge of Allegiance**

- Mayor Pro tem Gutjahr led the Pledge of Allegiance.

**Roll Call**

- PRESENT

Governing Body

Mayor Joshua Ramsell  
Mayor Pro-tem Margaret R. Gutjahr  
Councilor Arthur Apodaca  
Councilor (virtual) Lawrence Gordon  
Councilor Jimmie Winters

Staff

Manager Dr. Martin Moore  
Clerk Elizabeth Adair  
Fire Chief Andrew Tabet  
Attorney Randy Van Vleck  
Press Clara Garcia

**Approval of Agenda**

- Motion made by Councilor Apodaca to approve the agenda written. Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winters

With a 4-0 vote of Council approved the agenda.

**Approval of Consent Agenda Items (Minutes for the City Council Special Business Meeting (05/30/23 & 06/05/23), Minutes for the City Council Workshop & Regular Business Meeting (06/12/23) and Approval of Accounts Payable)**

- Motion made by Mayor Pro-tem Gutjahr to approve the consent agenda as listed on the agenda. Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winters

With a 4-0 vote Council approved the consent agenda.

**Proclamations**

**Mayoral Proclamation - Fireworks**

- ✓ Mayor Ramsell read the proclamation Fireworks into the minutes (see packet).

**Public Hearing - Continuation from the May 8th public hearing**

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

- ❖ Motion made by Councilor Apodaca with a roll call vote to recess Regular Business Meeting session and to go into Public Hearing for Consideration of applicant La Merced Moose Lodge request for three RV sites on the property at 306 Rio Communities Blvd. 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 the public hearing at 6:09 pm.

**Consideration of applicant La Merced Moose Lodge request for three RV sites on the property at 306 Rio Communities Blvd**

- ❖ Mayor Ramsell asked if everyone received the findings from the planning and zoning commission.
- ❖ Mr. Irving said he hopes everyone received his latest email and then said there is a fifth wheel that has been behind that site for quite a while is that a violation. A Moose member wants to be a security guard. The building already has a security system it is required by law that a security guard be licensed in three different levels. I was unable to get a site map. It is hard to get an RV in the sites and they will not accommodate most of the RV's. (see packet).
- ❖ Councilor Apodaca said in his opinion this is not an unusual request most lodges though out the county make RV spaces available, and it may not accommodate all sizes they will just have to let them know the lot size. This is not unusual at other lodges.
- ❖ Mayor Ramsell said other Lodges are limited in that compacity based on the size of their property rather the number of spaces the length the width.
- ❖ Councilor Gutjahr said thank you to Mr. Irvine for putting his concerns in writing.
- ❖ Councilor Winters asked are we sure what the zoning for that property.
- ❖ Manager Dr. Moore responded by saying C2.
- ❖ Fire Chief Tabet said he had an opportunity to look at the setback and is a safe distance.
- ❖ Mayor Ramsell said including the Senior center.
- ❖ Fire Chief said correct it is in a satisfactory area.

**Motion and roll call vote to go back into Regular Business Meeting session**

- ❖ Motion made by Mayor Pro-tem Gutjahr with a roll call vote to go back into regular business meeting session. Seconded by Councilor Winters.
  - ❖ Voting Yea:  
Mayor Pro-tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winters
- With a 4-0 vote Council was back into the regular business meeting session at 6:17 pm.

**Regarding applicant La Merced Moose Lodge request for three RV sites on the property at 306 Rio Communities Blvd**

- Motion made by Councilor Apodaca to approve application La Merced Moose Lodge request for three RV sites on the property at 306 Rio Communities Blvd. Seconded by Councilor Winters.
- Voting Yea:  
Mayor Pro-tem Gutjahr

Councilor Apodaca  
Councilor Gordon  
Councilor Winters

With a 4-0 vote Council approved the special permit for the Moose Lodge.

#### **Public Comment**

- No public comments.

#### **Manager Report**

##### **a) Codification**

- Manager Dr. Moore said he will be getting with the municipal clerk and work on getting a Municipal code. We will get you a price and begin the work on that. We appreciate the work that is going on with the construction. It has been busy on streets and the building and appreciate the public's patience as we are getting it done.

#### **Authorize to proceed with the design of Phase 2 of the City Hall Multi-use complex**

- Manager Dr. Moore said we are close enough to completion of phase 1, have budgeted money in capital to proceed in Phase 2 not to exceed \$25,000.00. If it is more we will come back to council and we are looking at state pricing.
- Councilor Gutjahr asked is this primarily for design.
- Manager Dr. Moore said yes that is correct.
- Motion made by Mayor Pro-tem Gutjahr to proceed with the design of phase 2 of the city hall multi-use complex not to exceed \$25,000. Seconded by Councilor Winters.
- Voting Yea:

Mayor Pro-tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winters

With a 4-0 vote Council approved to proceed with the design of the multi-use complex not to exceed \$25,000.

#### **Authorize funds to remodel the old public works area behind the Police Department**

- Manager Dr. Moore said right behind the police station where the public works sat needs some work and the cost is not to exceed \$35,000 exclusive of gross receipt tax.
- Mayor Ramsell said the important thing to know is this is to better house our new ladder truck.
- Motion made by Councilor Apodaca to authorize funds to remodel the old public works area behind the police department not to exceed \$35,000 excluding gross receipt tax. Seconded by Mayor Pro-tem Gutjahr.
- Voting Yea:

Mayor Pro-tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winters

With a 4-0 vote Council authorized funds to remodel the old public works area behind the police department not to exceed \$35,000 excluding gross receipt tax.

#### **Extend Limited Term Employees thru 12/31/2023**

- Mayor Ramsell explained this is simply we have hit the end of the road for the extension, and we are looking to extend them to the middle of the fiscal year. There will be a presentation of some sort from public works and then Council will make a decision on what they want to do as far as making them permanent.

- Manager said this is for 2 specific positions with Code Enforcement.
  - Councilor Winters said this has been a successful program and we would like to extend it as long as we can.
  - Motion made by Mayor Pro-tem Gutjahr to extend the limited term employees thru 12/31/2023. Seconded by Councilor Winters.
  - Voting Yea:  
Mayor Pro-tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winters
- With a 4-0 vote Council authorized the extension of the limited Term employees thru December 31, 2023.

#### **Economic Development Consultant contract renewal (Palmetto LLC)**

- Manager Dr. Moore said we are coming up to the end of the fiscal year, this is one of them. Then said he would recommend that Councilor Apodaca and himself get together with Mr. Mims to review and negotiate a contract for the coming year.
  - Councilor Gordon said he is looking forward to seeing what comes to the table.
  - Motion made by Mayor Pro-tem Gutjahr to approve the Economic Development Consultant contract renewal as stated. Seconded by Councilor Winters.
  - Voting Yea:  
Mayor Pro-tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winters
- With a 4-0 vote Council approved the Economic Development Economic Development Consultant contract renewal.

#### **Valencia County Business Incubator Agreement renewal (space)**

- Mayor Ramsell said this has been a good opportunity for the City. We have enjoyed having them here.
  - Manager Dr. Moore said we cannot say enough good about the work they have been doing. They have provided their own funding by getting grants. They have lined up clients and others that are waiting. Those are all a good thing and are proud their home office is in Rio Communities.
  - Councilor Gutjahr said back on where this first began, Los Lunas and ourselves had put in the funding to begin this. It is grateful for the businesses.
  - Mayor Ramsell said the whole purpose for this building was to utilize that space for the community and this is a good way to utilize this space.
  - Mr. Mims said they raised over \$100,000.00 in funding and would like to have Ben Romero come in the future to give an update.
  - Motion made by Councilor Apodaca to approve Valencia County Business Incubator Agreement renewal (space). Seconded by Councilor Winters.
  - Voting Yea:  
Mayor Pro-tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winters
- With a 4-0 vote Council approved Valencia County Business Incubator Agreement renewal (space)

### **Authorization to reassign funds from transportation for the ladder truck graphics**

- Manager Dr. Moore said at a previous meeting the Council approved \$25,000.00 to transport the ladder truck that ended up being a little over \$11,000.00 that left us with some change what they are asking for the funds to be used for the graphics on the ladder truck any monies left over after the graphics have been completed be reverted back into the general fund.
- Motion made by Mayor Pro-tem Gutjahr Authorization to reassign funds from transportation for the ladder truck graphics and any money left over for funds to be revert to the City general fund. Seconded by Councilor Winters.
- Voting Yea:  
Mayor Pro-tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winters

With a 4-0 vote the Council authorized the reassignment of funds from transportation for the ladder truck graphics and have any remaining funds to be reverted back to the general fund.

### **Ordinance 2023 – xx Zoning Code – setting public hearing date & approving 15-day review**

- Manager Dr. Moore based on the discussions we had at the workshop this afternoon we are recommending that the changes be based on the work of the zoning task force. He then reminded that the taskforce included members of the public, council, and city staff. Looking to items that are appropriate for City review helping the commission and city council. He further said the abolishment of Industrial 1 & 2 and looking at restriction on the industrial 3 zone that could not be in existing current city limits. If it is annexed into city limits to consider I3 zones.
- Manager Dr. Moore further explained there are some new areas that we are looking at specific standards.
- Manager Dr. Moore said we are recommending July 24 for a public meeting and July 31st for the public hearing.
- Motion made by Councilor Apodaca to approve the discussion and consideration of Ordinance 2023-xx zoning code setting a public hearing date and approving a 15 day-review for the first date of July 24<sup>th</sup> public meeting and a 31<sup>st</sup> date for a public hearing and possible action. Seconded by Councilor Winters.
- Voting Yea:  
Mayor Pro-tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winters

With a 4-0 vote the Council approved Ordinance 2023 – xx Zoning Code – setting public hearing date & approving 15-day review.

### **Council Discussion**

- Councilor Apodaca said regarding the 10-year celebration for the city and maybe at the next meeting to decide a date.

### **Executive Session - For the purpose of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8) and Reverse Mortgage Funding LLC V. Perea & General Services Department-Insurance Invoice 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)**

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

- Motion made by Councilor Gutjahr with a roll call vote to go into executive session for the purpose of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8) and Reverse Mortgage Funding LLC V. Perea & General Services Department-Insurance Invoice 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). Seconded by Councilor Winters.
  - Voting Yea:  
Mayor Pro tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winters
- With a 4-0 vote Council went into executive session at 6:51 pm.

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

- Motion made by Councilor Apodaca with a roll call vote to go back into the regular business meeting session. Seconded by Councilor Winters.
  - 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 7:37 pm.

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

- See agenda for statement

**Recommendation, Discussion, Consideration, and Decision - For the purpose of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8) and Reverse Mortgage Funding LLC V. Perea & General Services Department-Insurance Invoice 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)**

- Mayor Ramsell recommended approving Dr. Moore to draft an agreement concerning the drainage along the driving range of the Golf Course with an easement to maintain the drainage way for maintenance.
- Motion made by Councilor Gutjahr to approve Dr. Moore to draft an agreement concerning the drainage along the driving range of the Golf Course with an easement to maintain the drainage way for maintenance. Seconded by Councilor Winters.

- Voting Yea:  
Mayor Pro-tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winters

With a 4-0 vote the Council With a 4-0 vote Council approved Dr. Moore to draft an agreement concerning the drainage along the driving range of the Golf Course with an easement to maintain the drainage way for maintenance.

## Adjourn

- Motion made by Councilor Winters to adjourn. Seconded by Councilor Apodaca. With a unanimous vote the meeting was adjourned at 7:40 pm.

Respectfully submitted,

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Elizabeth F. Adair, Municipal Clerk  
(Transcribed by Lalena Aragon, Deputy Clerk)

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

Approved:

\_\_\_\_\_  
Joshua Ramsell,  
Mayor

\_\_\_\_\_  
Margaret R. Gutjahr,  
Mayor Pro-tem/Councilor

\_\_\_\_\_  
Arthur Apodaca,  
Councilor

\_\_\_\_\_  
Lawrence R. Gordon,  
Councilor

\_\_\_\_\_  
Jimmie Winters,  
Councilor