



**City of Rio Communities Council Regular Business Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Monday, May 08, 2023 6:00 PM**  
**Minutes**

*Please silence all electronic devices.*

**Call to Order**

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

**Pledge of Allegiance**

- Councilor 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, Fire Chief Andrew Tabet, City Attorney Randall Van Vleck, Valencia County News-Bulletin Editor Clara Garcia.

**Approval of Agenda**

- Motion made by Mayor Pro-tem Gutjahr to approve the agenda as is. Seconded by Councilor Gordon. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the Regular business meeting agenda was approved as presented.

**Approval of Consent Agenda Items, city council special workshop minutes (04/17/2023), minutes for the city council workshop & regular business meeting (04/24/23), accounts payable**

- Motion made by Councilor Apodaca to approve the consent agenda items, the city council special workshop minutes of 04/17/2023) minutes for the workshop & regular business meeting of 04/24/23 and accounts payable. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote

**Public Hearing**

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

- Motion made by Mayor Pro-tem Gutjahr with a roll call vote to recess the regular business meeting session and to go into public hearing for consideration of the applicant La Merced Moose lodge request for three RV sites on the property at 306 Rio Communities Blvd. Seconded by Councilor Apodaca. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the regular business meeting session was recessed and the public hearing began at 6:06 pm.

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

- Mr. Alan Sinclair stated he is asking for three RV spots on the back of the property one will be for a full-time security man, and he will live there to provide security and the other two will be for visiting moose members to stay and see our lodge and our community. We will not be asking for rent, but asking for donation if they want to donate for the lodge. We have a 25-foot site with a 10-foot easement in between. We have a egress that they are going to put in the front of the property so they will come through the front and not go through the back we know that is other peoples property. We are going to remove the big tree on the southside of our property and run egress back there for RV sites.

- Councilor Apodaca said it is pretty standard for a Moose lodge and Elks lodge to have RV sites for their members. This is not an unusual request.
- Mr. Sinclair said that T or C and Deming have RV sites. I think Las Cruces has RV sites. It is something that we provide for our members that like to travel and see other towns, it is a benefit of being a moose member.
- Councilor Gutjahr said this is going to be behind the lodge.
- Mr. Sinclair said yes on the northside behind the lodge and showed Council where it was located on the map and said we will cut the curb so they can drive to the back.
- Councilor Winters said the RV part have you talked to P&Z.
- Mr. Sinclair said we have got approval from them.
- Councilor Gordon asked how long would it be to get the sites ready.
- Mr. Sinclair said the work is going to be done by volunteers so hopefully a month after approval. I can't guarantee that some of our members work, and they are squeezing us in.
- Councilor Winters said it will have to apply for a permit through the city.
- Mr. Sinclair said yes, the state will have to inspect everything that is done.
- Councilor Winters said then the County will have to.
- Councilor Gutjahr said as far as waste and water and all that.
- Mr. Sinclair said they will provide water hook ups. We will try to do sewer, but we will ask them to dump their black water before they hook up.
- Fire Chief Tabet said regarding the electrical in all three station that will be trucking off the electric that you already have.
- Mr. Sinclair said yes we have certified electricians that are members.
- Fire Chief Tabet said we will work with you when it comes to the water and electricity.
- Mr. Sinclair said most of this we are waiting for is the approval and then they will speak with the water and come to the fire department.
- Councilor Winters asked about fencing around the units.
- Mr. Sinclair said they have fencing on the southside, and they will probably have to put fencing on the westside
- Mr. Irvine gave a PowerPoint presentation. He then said the president that is set
- Attorney Van Vleck said that on the application is a special permit that is not permitted under your code. Your code says special uses does not run with the land. So therefore, they are not permanent. They have a life if the owner owns the property if the owner sells that property that special use permit has to be re applied for. I just want to make sure the applicant and the public understand.
- Councilor Gordon asked if it will be able to accommodate any size of RV.
- Mr. Sinclair said yes, the lots are 25ft wide and 50ft long.
- Councilor Gutjahr said that P&Z did give you an approval. I was hoping for a little more time with this.
- Manager Dr. Moore said you don't have to make a decision if you are requesting more information. This is common on an application like this. He further said if council needs more information they can come back to this and not vote right now.
- Mayor Ramsell ask if they would like recessed the hearing to the next meeting.

**Motion and roll call vote to go back into 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 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 6:31 pm.

**Discussion, Consideration, and Decision – Regarding applicant La Merced Moose Lodge request for three RV sites on the property at 306 Rio Communities Blvd**

- Motion made by Mayor Pro-tem Gutjahr to postpone the public hearing to the next meeting on May 22. Seconded by Councilor Apodaca. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the request from La Merced Moose Lodge was postponed to the next meeting.

**Public Comment**

- Mayor Ramsell read into the minutes Mr. Westmoreland 1. Public works continues to do good work on right of ways. Potholes continue to be a serious issue. The removal of cactus running over the curb makes for a great looking street. 2. The \$600,000 awarded to city hall will hopefully allow for a finished product. 3. Fencing around the city is still an issue. We still have stray dogs escaping poor fencing. 4. Hillandale needs the speed bumps. We have two nuts that run a motorcycle and 4-wheeler at high speeds almost daily. 5. 99 Lloyd Street has an open eye sore. The blue Dodge Ram truck continues to create a dangerous situation. Assessors show the property is owned by Marin Gurule. I believe the home is being used as a multifamily facility. Speaking with the neighbor directly across from the 99 addresses, he told me that he had tried to buy the truck without success. He was told by the owner that it was inoperable. It has been on that corner for 2+ years now. There is another vehicle that's inoperable on the property. Hillandale is a beautiful street except for this residence. 6. Tillery building, and the old carwash continue to be eye sores. I am wondering where we are in removing the old building at Horner and Hwy 47.

**Manager Report**

- Manager Dr. Moore said regarding the issues on the building on highway 47 and Horner the notices have been processed and the clock is ticking. The second thing is the building right here we are working on, sound system and audio. He then said the 3rd thing that is going on is the cleanup. We have one or two temporary individuals who are assisting strictly with clean up after the council approved, we are removing a lot of cactuses, we are spraying to help with the weeds. Staff have been doing training, and Kaylee Dons passed her fire 101. The fire department also has other training going on for re certifications and those sort of things. The judge has also been in some training.

**Municipal Court Department**

- See agenda packet for report.

**Universal Waste Systems quarterly report**

- Councilor Gutjahr said I see we still have a credit hold from Universal Waste where are we in that roll of enforcing it.
- Manager Dr. Moore said I will refer you to the courts in the near future, they still have cases waiting to be heard. With Universal Waste I have talked to the judge and we will be working with her and proceed.
- Clerk Adair explained that she has sent some letters to vacant properties, and they may make a difference on the credit hold if we can confirm they are vacant.
- Mayor Ramsell said congratulations to Kaylee.

### **Rescind the 14 Day review for Ordinance 2023 - XX Personnel Policy passed at the 4/24/23 meeting**

- Manager Dr. Moore said we are recommending a new adoption of the personnel manual here in the city and in order to do that we need to rescind the 14-day read currently in front of you and we have some new language in the packet.
- Motion made by Mayor Pro-tem Gutjahr to approve to Rescind the 14-day review for Ordinance 2023 - XX Personnel Policy passed at the 4/24/23 meeting. Seconded by Councilor Gordon. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Ordinance 2023-XX personnel policy that was passed on April 24, 2023 for a 14-day review was rescinded.

### **Ordinance 2023 - XX An Ordinance Implementing a Personnel Ordinance for the City of Rio Communities for a 14-day review**

- Councilor Gutjahr said the only comment is that this will allow the amend and work with our policy as opposed to having to come back and redo an ordinance all the time.
- Motion made by Councilor Apodaca to approve Ordinance 2023 - XX An Ordinance Implementing a Personnel Ordinance for the City of Rio Communities for a 14-day review. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council approved the 14-day review of Ordinance 2023 – an ordinance implementing a personnel ordinance for the City of Rio Communities.

### **Intergovernmental Services Agreement between the County of Valencia and The City of Rio Communities for Law Enforcement Protection**

- Manager Dr. Moore said the City of Rio Communities needs a law enforcement agency of record to continue and talking to the Sheriff office they will not continue forward as our law enforcement agency for patrol. Because of the setup times and going over the policies to ensure they are consistent with state and federal guidelines. We are recommending the additional 12 months of services minus the 40 hour a week patrol moving forward with the dollar amount to be blank and be determined and the negotiation of language. I will request an elect official to work with me on this. There are a lot of pieces falling into place.
- Councilor Gutjahr gave a little clarity to the public; we are a municipality and so therefor we are not in the county for them to serve normally and in the past, we had a contract with them in order to have our officer and for all the extras that were part of it. So now we need an agreement with them on what they will do for our municipality, not just mutual aid.
- Motion made by Councilor Gordon to approve the Intergovernmental Services Agreement between the County of Valencia and The City of Rio Communities for Law Enforcement Protection and for Dr. Moore to negotiate services and price. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council approved Dr. Moore to negotiate the services and price for Law enforcement protection from the County of Valencia.

### **Council Discussion**

- Councilor Apodaca said he wanted to mention to the public that Bill Baca who we have been working with to build a RV park here in the city he had been negotiating with the property owner and the property owner decided to back out of the deal. So is requesting the city to help with finding a new site.
- Manager Dr. Moore said staff would be happy to direct Mr. Baca to our economic development consultant and are happy to work with him.

- Councilor Gutjahr said under the issue of our own police force I think it would helpful for the community to know where we are at with the applications.
- Manager Dr. Moore said we have some applications that we have presented to the press and the city council. We are looking forward to move to semi-final round and it was recommended to get involved a professional law enforcement individual at an executive level so have some assistance.
- Councilor Gordon did not have anything to report.
- Councilor Winters did not have anything to report.
- Mayor Ramsell said on May 17<sup>th</sup> at 6:00pm we will have a public forum to discuss zoning task force recommendations.

**Executive Session - For the purpose of a) the discussion of the annual Performance Evaluation and contract of the City Manager b) the discussion of the annual Performance Evaluation and contract of the Fire Chief position c) Performance Evaluation of the Municipal Clerk d) Performance Evaluation of the Finance Officer pursuant to NMSA 10-15-1(H)(2) - Limited Personnel Matters and e) the discussion of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-**

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

- Motion made by Mayor Pro-tem Gutjahr with a roll call vote to go into executive session as stated on our agenda. Seconded by Councilor Gordon. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council went into executive session at 6:54 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 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 9:24 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 May 8, 2023 a Closed Executive Session was held and the matters discussed were for the purpose of the a) the discussion of the annual Performance Evaluation and contract of the City Manager b) the discussion of the annual Performance Evaluation and contract of the Fire Chief position c) Performance Evaluation of the Municipal Clerk d) Performance Evaluation of the Finance Officer pursuant to NMSA 10-15-1(H)(2) - Limited Personnel Matters and e) 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)

**Recommendations, Discussion, Consideration, and Decision**

**a) the discussion of the annual Performance Evaluation and contract of the City Manager**

- Mayor Ramsell recommendation is to keep Dr. Moore and extend a 3-year contract with a salary increase of \$5,000 to his base pay.
- Motion made by Mayor Pro-tem Gutjahr to approve Dr. Moore a 3-year contract with an \$5,000 increase to his base pay. Seconded by Councilor Gordon. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council approved Dr. Moore a 3-year contract with an \$5,000 increase to his base pay.

**b) the discussion of the annual Performance Evaluation and contract of the Fire Chief position**

- Mayor Ramsell recommendation is that Dr. Moore draws up a contract for our fire chief with a rate of Pay of \$25.00 per hour or a rate of pay of \$52,000.00 per year and give him the title of Fire Chief of the City of Rio Communities.
- Motion made by Mayor Pro-tem Gutjahr to approve Dr. Moore to draw up a contract for our Fire Chief with a rate of Pay of \$25.00 per hour or a rate of pay of \$52,000.00 per year and give him the title of Fire Chief of the City of Rio Communities. Seconded by Councilor Apodaca. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council approved Dr. Moore to draw up a contract for our Fire Chief with a rate of Pay of \$25.00 per hour or a rate of pay of \$52,000.00 per year and give him the title of Fire Chief of the City of Rio Communities.

**c) Performance Evaluation of the Municipal Clerk**

- Mayor Ramsell stated there were no recommendations at this time.

**d) Performance Evaluation of the Finance Officer**

- Mayor Ramsell stated there were no recommendations at this time.

**e) the discussion of the purchase, addition or disposal of real property or water rights by the public body**

- Mayor Ramsell stated there were no recommendations at this time.

**Adjourn**

- Motion made by Councilor Winters, Seconded by Councilor Gordon. With a unanimous vote the regular business meeting was adjourned at 9:29 pm.

Respectfully submitted,

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