



**City of Rio Communities Council Regular Business Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Monday, September 12, 2022, 6:00 PM**  
**Minutes**

*Please silence all electronic devices.*

---

**Call to Order**

- Mayor Joshua Ramsell called the City Council Regular Business meeting to order at 6:00 pm.

**Pledge of Allegiance**

- Councilor Apodaca led the Pledge of Allegiance.

**Roll Call**

- PRESENT: Mayor Joshua Ramsell, Councilor Arthur Apodaca, Councilor Lawrence Gordon, Councilor Jimmie Winters.  
ABSENT: Mayor Pro-tem Margaret R. Gutjahr.
  - Manager Martin Moore, Municipal Clerk Elizabeth Adair, Deputy Clerk Lalena Aragon, Judge Noelle Chavez, Municipal Court Clerk Linda Montano, Fire Chief Andrew Tabet, Code Enforcer Greg Gallegos, Valencia County News-Bulletin Editor Clara Garcia.

**Approval of Agenda**

- Mayor Ramsell said there was a typo in the executive session and asked to have “XXX pursuant to NMSA 10-15-1(H)(2) - Limited Personnel” be stricken out.
- Motion made by Councilor Gordon to approve the agenda with the aforementioned changes. Seconded by Councilor Winters. With a unanimous vote the agenda was approved as amended.

**Approval of Minutes for the City Council Workshop & Regular Business Meeting (08/08/22) and for the City Council Special Workshop Meeting (08/27/2022)**

- Motion made by Councilor Apodaca to approve the minutes for the Regular Business meeting August 8, 2022. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote the minutes for the workshop and regular business meeting of August 8, 2022, were approved as written.
- Motion made by Councilor Gordon to approve the special workshop minutes of August 27, 2022. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote the special workshop minutes of August 8, 2022, was approved as written.

**Swearing in of Lalena Aragon (Deputy Clerk) & Linda Montano (Court Clerk)**

- ✚ Judge Noelle Chavez swore in Lalena Aragon as Deputy Clerk and Linda Montano as Court Clerk.

## **Public Hearing - For the purpose of the submission of application to purchase two (2) Police interceptors**

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

- Motion made by Councilor Gordon with a roll call vote to recess the regular business meeting session to go into public hearing. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. The regular business meeting was recessed at 6:08 pm.

### **Consideration of the submission of application to purchase two (2) Police interceptors**

- Manager Dr. Moore explained the purpose of the public hearing is to use the law enforcement protection funds to work with the New Mexico Finance Authority to take a low interest loan to purchase two police interceptors SUV type with four-wheel drive to get around this county area. It is cleared by the initial committee and will go to the lending committee the step from there goes to their full board committee. Don Chalmers Ford who is on state bidding prices all the bidding process to deal with these types of things statewide they have vehicles on order to arrive around October then another month or two to get everything installed. For two interceptors with computers and everything installed the cost is \$139,000 which isn't bad particularly considering today's market. One thing they made crystal clear is that if we are getting the vehicles they need to be used right away and for the purpose intended. He further explained one will be for the police chief and one of the officers there may be an opportunity to come back to the finance authority.
- Tommy Westmorland Rio Communities asked about these two vehicles are coming from the State?
- Manager Dr. Moore said the vehicles are coming from State contract pricing.
- Tommy Westmoreland said you know those cars sit there idling as much as they do riding down the street?
- Manager Dr. Moore said these are new vehicles.
- Tommy Westmoreland asked what did we spend for the fire chief vehicle?
- Manager Dr. Moore said the price for the outfitting is about 15 to 20 thousand more.
- Tommy Westmoreland asked where are we going to keep them?
- Manager Dr. Moore explained that we have two identified fenced in lots.
- Tommy Westmore said they are going to be out in the weather.
- Dr. Moore explained depends on City Council and or the new Police Chief some departments do take home because they find their security in the neighborhood with the presence of the vehicle's others say keep them at the station, we would plan to have some type of a cover.
- Dick Irvine said I have a few things to talk about one the lack of code enforcement.
- Dr. Moore explained court of order that Dr. Westmore was talking about public commitments and right now its public hearing about Police Vehicles.
- Dick Irvine said he thinks they are putting the cart before the horse; you are talking about getting two police cars and this is going to give us great protection because you have one chief and one officer. How is that going to give us 24-hour protection? I know what the mayor is going to say, well that's better then what we had before. Let me give an instance a neighbor threw a rock at my wife at 11pm know what kind of response I got from the

Valencia County Sheriff department I got Two patrol officers, and a Sargent can you provide that? No answer ok I don't see how you're going to get 24-7 protection. I know Dr. Moore mentioned it's time for patrolling that's fine. Although that is needed but still you don't just get one call in one hour, two hours, or three hours. You may get three of four calls within an hour. So, one chief on patrol. How are you going to respond?

- Manager Dr. Moore said in relationship to shared services on the fire side they call it mutual aid or and, in some cases, the automatic mutual aid responses, those types of things in place, what are one of the responsibilities for the Police Chief to get this process in place when they come in. Dr. Moore explained an incidence that extended beyond the capability of the sheriff's office to respond so they called in State Police to come and do a backup for them because it was beyond their capability. On occasion. There will be a special patrol or some special operation where they will respond similar to the fire department goes. Is there a case of a perfect storm? Yes. Do we have the ability to provide twenty-four seven coverage internally? No. Do we have the capability to come close? Um we can't speak to the law enforcement side I can speak on the emergency medical services side when we brought in two paid emergency medical technicians, we went from 18% response to over 95% response. I don't know what the law enforcement percentage will be, but it will be substantially more than it is currently. Now, will be able to get back up from other sources? Certainly, if the need arrives. Um and that is a discussion and the mutual aids that are developed and negotiated between the police chief and the city council and the other law enforcement agencies. That's the way it works with all of them. The County has the same issue. They have areas where they can't reach, and they have to have mutual protection. Uh they may even reach out to other counties or to State police I have been in instances where we have reached out to federal law enforcement agencies where the need has arisen. So that's how they are working on it. There was a big discussion on this between all the mayors in Valencia County and the county commissioners because this is the issue in every community in this county and really in this part of the state. It is a significant issue. There is no question about it. I mean, the question Mr. Irvine raises are very legitimate one, but should that stop us from moving forward with getting these two in place, I would say That our chances of more response are better by having these people here and showing the state, the County, and the Federal agencies our show of good faith. Um and having someone here who can help coordinate that mutual aid response.
- Mr. Irvine asked if Valencia County Sheriff respond
- Manager Dr. Moore said my understanding in talking with the sheriff and undersheriff office and they meet with members of Counsel that they will still act in good faith response to assist the city of Rio Community. We're not going to be left alone to handle all issues by ourselves. It is a law enforcement community for a reason. We will be reaching out to, and they have given reassurance of their continued support.
- Mr. Irvine said in this case, where the individual was arrested and transported to jail, if you respond where you're going to take them?
- Dr. Moore explained that they will go to the detention center.
- Mr. Irvine said I think it's good you are trying to get a start, but he does not see this as a start. I think you should pull back and get more money so that you can get more patrol officers out there to respond on a twenty-four seven where you have four calls in between one hour and don't tell me crime isn't out here because it is it is out here alright, and you have to respond to every call out there or it has to go to Valencia Thank you.

### **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: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote the regular business meeting session was resumed at 6:20 pm

### **Public Comment**

- Mr. Dick Irvin said let's talk about code enforcement. Dr. Moore said in an email we have what five code enforcers are any of them certified?
- Manager Dr. Moore explained that in the state of New Mexico, certification to serve as code enforcement officers are required however the closest thing, we have here in the city to be dealing with code enforcement is our fire department. The City of Rio Communities has scheduled our individuals that are going to be staying active in code enforcement into a training in a couple of days. He further explained that process on dangerous properties. He then said they are following a 3-step process.
- Mr. Irvin said he brought to your attention is an abandoned house and then said Dr. Moore you picked up the phone and called the Chief, I haven't heard anything.
- Dr. Moore explained that he will get back to Mr. Irvin.
- Mr. Irvin asked how a chief becomes Mayor Pro tem. If he is a paid employee? Doesn't he have to resign.
- Manager Dr. Moore explained that Peggy Gutjahr is our Mayor Pro tem, she has not requested to resign and remains Mayor Pro tem and the Fire Chief will remain the Fire Chief. The item on the agenda today is to ask if the fire chief can sit on the board for Valencia regional emergency communications board.
- Tommy Westmoreland said on the agreement between the Valencia County animal control and the city of Rio Communities and then asked what we get when we get a bill from them what does it say.
- Manager Dr. Moore explained that he will get information later today
- Tommy Westmoreland asked not to use acronyms on our agendas, it takes a little more typing.
- Mr. Westmoreland asked about stop signs for bus stops and further explained that we have dirt not sidewalks.
- Mr. Westmoreland asked about the covid release money where did it go? Do we still have it? Explained that the State is going to want that money back if we don't spend it.
- Dr. Moore explained he will get him a report.
- Mr. Westmoreland said he listened to talks about parks and explained that there was a plan in place and asked if we didn't like the plan. There is a piece of property on Manzano. He further said he dispute the money it will cost to build a park; it shouldn't cost that much to get a pavilion on an acer of land with a seesaw and swing set
- Mr. Westmoreland said we have our shares of junk vehicles, and then asked about tractors/shredder need chain and then asked if Dr. Moore got his email. Then continued to explain the danger of the shredder and safety.
- Mr. Westmoreland said he took a trip down Maddox Loop and that it looks like a third world country, and they are in bad shape. Continued to explain who is responsible for that the property owner or the tenants that there should be something that the owners should have the tenants clean it up.

- Mr. Westmoreland asked how many employees we do have now, how many full-time employees do we have now?
- Dr. Moore explained he will give him an update.

### **Manager Report**

- Manager Dr. Moore explained we have seventeen employee's city wide, call back Emergency medical. as far as public works has a director, and two public works employees.
- Manager Dr. Moore explained that we are going after the property owners instructed by the Courts and for the Civil side, we look for the property owners and looking up title searches on and continued to explain the process. He further said if there is a disagreement between property owners we do not get involved, but if you have a vacant property, we will track down property owners. We do have a process to follow. We currently have Six properties that are on the dangerous side and continued to explain that process the City is working on and the legal side and the challenges.
- Manager Dr. Moore said there are agreements to the animal control. Explained he isn't sure the timely manner they get things done but they do come out and get the animals. They do take an animal in, try to adopt the animals. He further explained the process if a animal is taken into the shelter on how to get them released. He further said they will deal with dangerous animal for example if they consider it a dangerous animal, they will follow the proper steps if the owner doesn't surrender the animal. They provide the same service they provide to the county.

#### **a) Update on RFP - Legal Services**

- Manager Dr. Moore will be doing this proposal this week the seal proposals will be walking through the appropriate procurement process and notify city council at appropriate times on where we are at and what the recommendations are based on unbiased scoring. One thing we have done are make sure the individuals on the evaluation committee will not be involved in any voting on any contracts. He further said that on our Police Chief we will be putting out the job announcement out this week and further explained we are on time on our time limit there.

#### **b) City wide cleanup**

- Manager said regarding responding we are on track to get the city cleaned up and working on the code enforcement also explained the fire department has been doing controlled burns. He further explained as far as the code enforcement side we are also working on a code enforcement module and getting it implemented internally that one is probably running about a month-month and a half. That will help our residents and our chief.

#### **c) Pothole update**

- Manager Dr. Moore explained that a grant will be coming to them next month for Goodman Ave a complete stretch redo with a walking path. We are also waiting for the grant Horner Highway 47 to Hillandale the stretch from Hillandale to Manzano expressway.

### **Municipal Court**

- No questions for court.

### **Code Enforcement**

- Code Enforcement Fire Chief Tabet
- Councilor Winters said the most changeling is to keep track of all that.

### **Approval of Accounts Payable**

- Motion made by Councilor Winters to approve accounts payable as presented. Seconded by Councilor Gordon. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council approved the payment of accounts payable.

### **Resolution 2022 - 26 Travel Policy**

- Motion made by Councilor Apodaca to approve Resolution 2022-26 the updated travel policy. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Resolution 2022 – 26 Travel Policy was passed, approved, adopted, and signed.

### **Resolution 2022 - BAR #1**

- Motion made by Councilor Gordon to approve 2022-27 BAR #1. Seconded by Councilor Apodaca. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Resolution 2022 – BAR #1 was passed, approved, adopted, and signed.

### **Continuation of Services - Valencia County - Animal Control**

- Motion made by Councilor Apodaca to approve the continuation of services for Valencia County, animal control. Seconded by Councilor Gordon. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote the continuation of service agreement with Valencia County regarding animal control, was passed, approved, and signed.

### **Renewal of Membership to MRCOG**

- Manager Dr. Moore explained the acronym to MRCOG and further explained what the membership would be. Dr. Moore explained the dues to renew out membership is well worth out money, and we definitely get out money back out of it.
- Motion made by Councilor Gordon to renew our membership the MRCOG. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council approved the renewal of membership with MRCOG.

### **Adding Chief Tabet to VRECC board - replacing Mayor Pro Tem Gutjahr**

- Mayor Ramsell said he wants to clarify that this is not appointing Chief Tabet as Mayor Pro tem to City Council and further explained he will be replacing Pro tem Gutjahr to the Cities seat on the VRECC board with Chief Tabet
- Manager Dr. Moore explained what VRECC, and this is the dispatch center when people call 911.
- Motion made by Councilor Apodaca to approve Chief Tabet to the VRECC board to replace Mayor Pro tem Gutjahr. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council approved replacing Mayor Pro Tem Gutjahr and adding Chief Andrew Tabet to the VRECC board.

### **Resolution 2022 - 28 Dangerous property (407 Horner)**

- Chief Tabet explained this property coming before is a property that we have a deemed dangerous for both fire purposes and EMS we've had vagrant issues as well as overdoses. As well as a structure fire waiting to happen.

- Motion made by Councilor Gordon to approve Resolution 2022-28 dangerous property (407 Horner). Seconded by Councilor Apodaca. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Resolution 2022-28 Dangerous Property at 407 Horner was passed, approved, adopted, and signed.

#### **Authorizing payment of Wildland Fire Deployment**

- Fire Chief Tabet said they are coming before them to ask for authorization to have the city pay for the two members that have gone on deployment to Washington for eighteen days, we were asked to fill a seat for state Forestry we sent a red card wild land fire fighter, we also deployed one vehicle and one member to the captain canyon fire. We are asking the city for payment with 100% reimbursement. It may take a lengthy time to be reimbursed but are 100% reimbursable.
- Motion made by Councilor Apodaca to approve payment of the wildland fire deployment. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council approved the authorization of payment of Wildland Fire Deployments.

#### **Building of Parks**

- Manager Dr. Moore said we have reviewed the City's master plan and in the plan there are small and community park areas. Dr. Moore explained the cost of materials have gone up. He further explained it is reminded by the State of New Mexico, that an appraisal is required and must be paid for by the property owner before the city can purchase any property.
- Manager Dr. Moore explained about nine different areas that are a potential and that the city is looking at several of them and is working with private property owners. He further explained that he cannot discuss any specifics, but we are in discussions
- Manager Dr. Moore said we have \$250,000 worth of funds came from a State appropriation grant that will expire in 2024 and we can potentially reappropriate it as soon as January 2023.
- Manager Dr. Moore said we will discuss having a workshop retreat where we can hammer out what we are going to talk to the legislature about and what we are going to ask them for.
- Councilor Apodaca said that he thinks it would be good as council to look at the piece of property and make sure it will benefit the majority of the residents. Even if we have to start off small because of the cost. It would be positive for the city to see we are making progress.
- Motion made by Councilor Gordon to approve the moving forward to the planning of building parks. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council approved the moving forward in the planning of building parks.

#### **Schedule of Council Retreat & topics**

- Manager Dr. Moore explained that we recommend that we will come back forward after council secure calendar with firm dates of approval of it.
- Motion made by Councilor Gordon to table the decision until next meeting. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote the scheduling of council retreat and topics was tabled until the next business meeting.

## **Council Discussion**

- Councilor Apodaca said update on the piece of land by the triangle building that we have talked about previously and further said the owner of the property is willing to reimburse the tenant for paint the wall and refurbish the flagpole and put up a flag. We are also looking for volunteers mainly veterans to create a Veterans Memorial.
- Councilor Gordon had nothing to report.
- Councilor Winters explained our presentation with AREA the economic development group. He said she did a great job of telling us some of the things we have access to and the assistance from that group in attracting larger companies into that area. We are pursuing that and are very happy about it. He then further talked about the ribbon cutting on Saturday at the Good Galley, Long Bow diner and there is a new full-time barber.
- Mayor Ramsell said a couple of weeks ago regarding the bus stops, staff got together with Belen schools transportation department to identify the current bus stops because they do fluctuate from one year to the next because we do want them to be identified. We also make bus routes our priority as well as pothole and road repairs on the bus route and to make sure they are marked with signs.

## **Executive Session - For the purpose of ~~XXX pursuant to NMSA 10-15-1(H)(2) Limited Personnel Matters~~ 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 to go into a closed session for the purpose of 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) with a roll call vote. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council went into executive session at 7:31 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 Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council was 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 September 12, 2022, a Closed Executive Session was held, and the matters discussed were 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).

## **Action Items - Consideration & Decision – Mayor recommendation regarding the purchase, addition or disposal of real property or water rights by the public body**

- Mayor Ramsell said there are no recommendations.



**Adjourn**

- Motion made by Councilor Winters, Seconded by Councilor Apodaca. With a unanimous vote the city council regular business meeting was adjourned at 8:54 pm.

Respectfully submitted,

\_\_\_\_\_  
Elizabeth (Lisa) 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