



MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, MAY 10, 2022, AT 6 PM

I. CALL TO ORDER:

Mayor Neil Segotta called the meeting of the Raton City Commission to order at 5:58 p.m.

II. ROLL CALL/ATTENDANCE:

Answering roll call was: Mayor Neil Segotta, Mayor Pro-tem Linde' Schuster. Commissioners: Ronald Chavez, Donald Giacomo and Lori Chatterley. Also present were City Manager Scott Berry, Deputy Clerk Desire'e Trujillo, Clerk/Treasurer Michael Anne Antonucci, and 9 visitors.

III. MAYOR SEGOTTA LED EVERYONE IN THE PLEDGE OF ALLEGIANCE:

IV. RECOGNITION OF VISITORS, CITIZEN OF THE MONTH AND/OR PRESENTATION OF PROCLAMATION, SERVICE AWARD, CONGRATULATIONS, CONDOLENCES, HOLIDAY SCHEDULES, AND CITY/MUNICIPAL EVENTS:

- Next Regular Commission Meeting Tuesday, May 24, 2022, at 6:00 p.m.
- Proclamation: Public Works Week, May 15-21
- Proclamation: Police Week May 15-21
- Proclamation: EMS Week May 15-21

V. ITEMS FROM CITIZENS PRESENT: None

VI. ACTION ITEMS/ PUBLIC HEARINGS/ORDINANCES/ RESOULTIONS/ CITY MANAGER'S REPORT- The City Commission may discuss and/or take actions on the following agenda items:

A. DELIBERATE AND ACT on Approval of April 26, 2022 Regular Meeting Minutes and April 30, 2022 Budget Workshop Minutes

A motion was made by Commissioner Lori Chatterley to approve the April 26, 2022 Regular Meeting Minutes and April 30, 2022 Budget Workshop Minutes. The motion was seconded by Mayor Pro-tem Linde' Schuster and carried 5-0 with all voting "aye".

B. PUBLIC HEARING/DELIBERATE AND ACT on Proclamation Prohibiting and Limiting Sale and Use of Fireworks May 2022

City Manager Scott Berry stated there has been a similar ordinance in place for an extended period of time but due to the current fire that has burned over

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200,000 acres and not a lot of precipitation the Governor has asked all local governments to prohibit all fireworks. He noted that the proclamation doesn't prohibit all fireworks just all aerals and ground audibles. It also has stipulations as to where to light them cautioning the public and sellers of the dangers due to Colfax County being over 98% in severe drought. City Manager Berry stated the City of Raton will still be having their annual fireworks display with trained professionals. A motion was made by Commissioner Ronald Chavez to approve the Proclamation Prohibiting and Limiting Sale and Use of Fireworks May 2022. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

C. *DELIBERATE AND ACT on Lodgers' Tax Funding Recommendations*

City Manager Scott Berry stated the Lodgers' Tax Board met on April 27th. The Lodgers' Tax Board recommended that \$7,133.79 be awarded to KRTN Enchanted Air, Inc. for radio advertising, social media advertisements, and website advertisements from the radio advertisement line item. \$6,958.74 be awarded to Raton MainStreet for the 2022 International Santa Fe Trail Balloon Rally for advertisement, promotional merchandise, sanitation services, and fire protection from the annual events line item. \$1,500 be awarded to the Center for Community Innovation for the Raton Visitors Guide distribution from the print advertisement line item. \$1,802 be awarded to the Center for Community Innovation for EMT's at the Raton Supercross from the contingency fund line item. \$5,496.50 be awarded to the Center for Community Innovation for advertisement and promotional merchandise from the contingency fund line item. After a brief discussion a motion was made by Commissioner Ronald Chavez to approve the Lodgers' Tax Funding Recommendations. The motion was seconded by Mayor Po-tem Linde' Schuster and carried 5-0 with all voting "aye".

D. *DELIBERATE AND ACT on Lodgers' Tax Non-Promo Fund Requests*

- **Raton Museum**
- **Raton Arts & Humanities**

City Manager Scott Berry stated the Raton Museum has requested \$30,000 for the fiscal year 2022-2023, which is the same amount that has been awarded in previous years in order to keep the museum operational. After a brief discussion a motion was made by Mayor Pro-tem Linde' Schuster to approve the lodgers' tax non-promo fund request made by the Raton Museum. The motion was Seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye". City Manager Berry stated the Raton Arts & Humanities Council is requesting the consideration of \$18,000 for fiscal year 2022-2023. The payments would be \$1,500 per month which helps cover the daily operations at the gallery that are not covered by grant funding. Commissioner Lori Chatterley made a motion to approve the lodgers' tax non-promo funding request made by Raton Arts & Humanities. The motion was seconded by Commissioner Ronald Chavez and carried 5-0 with all voting "aye".

E. *DELIBERATE AND ACT on Event Form for MainStreet 4th of July Event on 1st Street*

City Manager Scott Berry stated the City of Raton is currently planning on conducting the regular 4th of July events. Raton MainStreet submitted an event

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form for a festival and parade on 1st Street, the same as has been done in past years. City Manager Berry noted that the city staff has reviewed the event form, signed, and approved. A motion was made by Commissioner Lori Chatterley to approve the event form for MainStreet 4th of July event on 1st Street. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting “aye”.

F. *DELIBERATE AND ACT on Biennial MOU Between the City of Raton and Raton MainStreet*

City Manager Scott Berry stated this Biennial Memorandum of Understanding is between the NM MainStreet Program, the City of Raton, and Raton MainStreet and Historic Downtown Arts & Cultural District. He noted that Raton MainStreet operates under the umbrella of NM MainStreet and that the partnership with the City of Raton has resulted in great advancement of the city’s goal in revitalizing the historic district of downtown. Raton MainStreet President, Christine Valentini stated the goal is to improve the quality of life in Raton by revitalizing the downtown area, as well as fostering business prosperity, and offer new economic opportunities. After a brief discussion a motion was made by Commissioner Lori Chatterley to approve the Biennial MOU between the City of Raton and Raton MainStreet. The motion was seconded by Mayor Pro-tem Linde’ Schuster and carried 5-0 with all voting “aye”.

G. *DELIBERATE AND ACT on Resolution 2022-25 Approving Financial Support to Raton MainStreet and Supporting a Public-Private Economic Development MainStreet Project*

Raton MainStreet requested \$45,000 for fiscal year 2022-2023 and \$50,000 for fiscal year 2023-2024 to help the organization reach the operational needs with increasing costs. After a brief discussion and appreciation expressed by the Commission for all the work Raton MainStreet does to bring funding to the community, a motion was made by Commissioner Lori Chatterley to approve Resolution 2022-25 approving financial support to Raton MainStreet and supporting a Public-Private Economic Development MainStreet Project. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting “aye”.

H. *DELIBERATE AND ACT on Public Celebration Permits for Shuler Theater Events*

- *Colfax Ale Cellar June 10-11*
- *Blü Dragonfly Brewing June 18-19*

City Manager Scott Berry stated the public celebration permits are for two vendors on different dates of the “Always Patsy Cline” show that will be held at the Shuler Theater. He noted that the New Mexico Regulation and Licensing Department requires consideration by the local elected officials. A motion was made by Mayor Pro-tem Linde’ Schuster to approve the public celebration permits for the Shuler Theater events on June 10th-11th and June 18th-19th. The motion was seconded by Commissioner Ronald Chavez and carried 5-0 with all voting “aye”.

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I. *DELIBERATE AND ACT on Dispatch Agreement Between the City of Raton and Town of Springer*

City Manager Scott Berry stated the City of Raton maintains the regional dispatch center and the renewal is for a one-year period with the terms of the agreement remaining the same as the previous agreement. The agreement states that the Town of Springer will pay the City of Raton \$32,004 per year, in two equal payments of \$16,002. The first payment on the first day of July and the second payment on the first day of January. A motion was made by Commissioner Lori Chatterley to approve the Dispatch Agreement between the City of Raton and Town of Springer. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

J. *PUBLIC HEARING/DELIBERATE AND ACT on Ordinance No. 1017 Establishing Formula for Emergency Water Rates*

City Manager Scott Berry stated this proposed ordinance was introduced several meetings back where Raton Water Works General Manager, Terri Sykes was present to review the current reading of the ordinance. He noted that it has been decades since the City of Raton has implemented emergency water rates and that with the current ordinance that was adopted on January 19, 1978, the emergency water rates would in fact be cheaper than the water rates currently in effect. With no one present from the public the Commission discussed the reasoning and the need of the changes to the emergency water rates. A motion was made by Commissioner Ronald Chavez to approve Ordinance No. 1017 Establishing Formula for Emergency Water Rates. The motion was seconded by Mayor Pro-tem Linde' Schuster and carried 5-0 with a unanimous roll call vote with everyone voting "yes".

K. *PUBLIC HEARING/DELIBERATE AND ACT on Ordinance No. 1018 Establishing Rates for Water and Sewer Use*

City Manager Scott Berry stated this proposed ordinance was introduced several meetings back and the public was made aware of the hearing. He noted that when discussed previously the rising costs of inflation were addressed and how this is affecting the costs of operation at the Wastewater Treatment Plant as well as other operations. A brief discussion followed regarding the effective dates for the tap fees and water/sewer rates. With no one present from the public the Commission discussed the reasoning and the need of the increase in rates. A motion was made by Commissioner Donald Giacomo to approve Ordinance No. 1018 Establishing Rates for Water and Sewer Use. The motion was seconded by Mayor Pro-tem Linde' Schuster and carried 5-0 with a unanimous roll call with everyone voting "yes".

L. *DELIBERATE AND ACT ON BUDGET ADJUSTMENTS*

- **JJAC Grant No. 21-2084-3 FY22 Budget Adjustment No. 3**
- **Resolution 2022-26: Budget Adjustment #12 FY22**

City Clerk/Treasurer Michael Anne Antonucci stated the line item adjustment for the Juvenile Justice Program is for \$1,320 from the Pre/Post into the Circle, in order to fulfill new referrals for fiscal year 2022. She noted that Grant No. 21-2084-3 is the template required by CYFD. There was some additional funding provided by the Raton Public Schools in the amount of

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\$1,980 to provide additional girls circle sessions in the month of May. A motion was made by Mayor Pro-tem Linde' Shuster to approve JJAC Grant No. 21-2084-3 FY22 Budget Adjustment No. 3 and Resolution 2022-26: Budget Adjustment #12 FY22. The motion was seconded by Commissioner Lori Chatterley and carried 5-0 with all voting "aye".

M. *DELIBAERATE AND ACT on FY22 Audit Services Recommendation of Award and Authorization to Contract with Selected Firm*

City Manager Scott Berry stated there is a state requirement to switch auditors after so many years and the City of Raton recently solicited a request for proposals. City Clerk/Treasurer Michael Anne Antonucci stated two proposals were received and determined to be responsive. She noted there was an audit selection committee that consisted of City Manager Berry, RPS General Manager Piancino, and RWW General Manager Sykes who reviewed and scored the proposals. Upon evaluation the committee recommended award to SJT Group LLC. After a brief discussion, a motion was made to approve FY22 Audit Services Recommendation of Award and Authorization to Contract with Selected Firm. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

N. *PUBLIC HEARING AND REVIEW of City of Raton FY23 Interim Budget*

City Manager Scott Berry stated City Clerk/Treasurer Antonucci has been working extensively on drafting the fiscal year 2023 interim budget. City Clerk/Treasurer Michael Anne Antonucci stated the budget process was started a little later than usual this year. She noted that the Budget Workshop that was held on April 30th was very successful and that she appreciated the time put into each department heads presentation. She also noted the value of hearing each departments needs in order to better balance and prioritize the budget. Clerk/Treasurer Antonucci proposed another brief workshop and after some discussion it was decided to hold a Special Commission Meeting Tuesday, May 17th, at 6:30 p.m. No action was taken.

O. *DELIBERATE AND ACT on City of Raton v. Racing at Raton LLP – Complaint for Breach of Contract, Declaratory Judgement, Unjust Enrichment, Ejectment and Quiet Title*

City Manager Scott Berry stated this was discussed at the April 26th Commission meeting and the complaint has been completed by legal counsel regarding the real estate offered by the City of Raton to bring horse racing to Raton. He stated that the agreement states that if the horse racing, for any reason, did not happen the property was to be returned to the City of Raton. This has not happened after several requests made by the City of Raton to Racing at Raton. Upon Commission approval the City of Raton will be taking this to District Court with the intent of recovering the title to the property. A motion was made by Commissioner Lori Chatterley to approve the City of Raton v. Racing at Raton LLP-Complaint for Breach of Contract, Declaratory Judgement, Unjust Enrichment, Ejectment and Quiet Title. The motion was seconded by Mayor Pro-tem Linde' Schuster and carried 5-0 with a unanimous roll call with everyone voting "yes".

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P. CITY MANAGER REPORT

- City Manager Berry reported on the Hermits Peak Fire reaching over 200,000 acres and that it could possibly reach Colfax County. He stated there are currently 1,700 firefighters battling this fire and that the high winds and low humidity levels are not helping. He noted that the City of Raton is actively preparing to respond as needed.
- City Manager Berry reported he was asked to speak at a Western Landowners Conference held at Vermejo Park Ranch today and tomorrow. He stated there were people attending from all over the country.
- City Manager Berry reported he will be attending a Rural Infrastructure Conference this coming up Thursday and Friday in Santa Fe and that he intends on making his thoughts known about the resources needed in rural areas.
- City Manager Berry reported the concrete is being poured this week at the Train Depot parking lot.
- City Manager Berry reported that the Downtown Project on Clark Avenue and 3rd Street of milling concrete has commenced and will continue into next week.
- City Manager Berry reported the Greenhouse construction is well underway but due to some supply chain issues they are waiting on some panels to finish the project.
- City Manager Berry reported there are currently electrical improvements taking place at the Armory with supply chain issues happening as well.
- City Manager Berry reported the LED Light Project is close to completion at the Visitor Information Center.

VII. ADJOURNMENT:

The meeting adjourned at 7:21 p.m.

CITY OF RATON


James Neil Segotta Jr., Mayor

ATTEST:

Michael Anne Antonucci, City Clerk