



MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, AUGUST 8, 2023 AT 6 PM

I. CALL TO ORDER:

Mayor Neil Segotta called the meeting of the Raton City Commission to order at 6:00 p.m.

II. ROLL CALL/ATTENDANCE:

Answering roll call was: Mayor Neil Segotta and Mayor Pro-tem Linde' Schuster. Commissioners: Ronald Chavez, Donald Giacomo and Lori Chatterley. Also present were City Manager Scott Berry, City Clerk Desire'e Trujillo, and 30 visitors.

III. MAYOR NEIL 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, August 22, 2023 at 6:00 p.m.**
- **Notice of Potential Quorum: A Quorum of the Raton City Commission May Attend the 66th Annual New Mexico Municipal League Conference August 29 - September 1, 2023 at the Farmington Civic Center**
- **Proclamation:** Recognizing the Efforts and Contributions of New Mexico Legislators in the Sugarite Canyon State Park Expansion Efforts.
- **Proclamation:** Recognizing the Efforts and Contributions of New Mexico Energy, Minerals and Natural Resources Department in the Sugarite Canyon State Park Expansion Efforts.

V. Items from Citizens Present: Pat Walsh came to speak about the fireworks that the public privately lights before and after the 4th of July Holiday. She came to speak on behalf of the Raton Humane Society and private pet owners. She felt the fireworks situation is out of control and should be limited to July 1st – 6th, due to the trauma it causes the domestic pets and citizens. No action was taken.

Dennis Bouman addressed an issue that occurred at the Raton High School involving his daughter. He apparently addressed the concerns to the staff at the High School and reported the issue to the Raton Police Department. He stated he was upset and felt the issue had not been handled properly. The Commission stated they would look into the matter. No action was taken.

Laurie Bunker wanted to address the neighboring property next to her residence at 713 South 3rd Street. She stated the Code Enforcement Officer has been actively issuing citations and taking the matter to the Municipal Court, with no prevail. She stated it's like living next to a junk yard and that she had to spend \$2,000 on a

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fence to provide some peace and not have to constantly see all the junk. No action was taken.

Lou Anne Young addressed the city animal ordinance due to a dog that is constantly roaming free in her neighborhood, and is wanting something done by the Animal Control Officer. She stated she has called the police dispatch center on several occasions due to this matter. No action was taken.

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. *REPORT ON Eagle Nest Reservoir/Cimarron River Water System Update by RWW General Manager Terry Sykes*

City Manager Scott Berry stated Raton Water Works General Manager, Terry Sykes has turned in his resignation and City Manager Berry requested he report on the current standings of the department to the City Commission. Mr. Sykes reported 3 pumpstations and 35 miles of piping is currently being upgraded on the Cimarron System. The stations should be up and running by the end of the month. The Filter Plant recently went through \$2,500,000 of upgrades in 2020. The valves and water meters throughout the City of Raton that had lived past their useful life have all recently been replaced. The commission commended Mr. Sykes for a job well done, noting that he was highly recommended by previous General Manager Dan Campbell and that he did not disappoint. No action was taken.

B. *DELIBERATE AND ACT on Approval of the July 27, 2023 Regular Meeting Minutes*

A motion was made by Commissioner Ronald Chavez to approve the July 27, 2023 Regular Meeting Minutes. The motion was seconded by Mayor Pro-tem Linde' Schuster and carried 5-0 with all voting "aye".

C. *DELIBERATE AND ACT on Event Form for the Raton School Homecoming Parade*

City Manager Scott Berry stated the event form has been reviewed and signed off on by the Raton Police Department, Raton Fire Department and the Public Works Department. A motion was made by Mayor Pro-tem Linde' Schuster to approve the Event Form for the Raton High School Homecoming Parade. The motion was seconded by Commissioner Lori Chatterley and carried 5-0 with all voting "aye".

D. *DELIBERATE AND ACT on Stakeout Dining Club Inc. Application to Change Floor Plan of Liquor License Premises*

City Manager Scott Berry stated this application will be sent to the New Mexico Regulation & Licensing Department requesting a permanent change to the liquor license floor plan. The request is to place four (4) tables on the outside sidewalk with stanchion posts and velvet rope around the extended area. City Manager Berry noted the New Mexico Regulation & Licensing Department requires Commission approval. A motion was made by

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Commissioner Ronald Chavez to approve the Stakeout Dining Club Inc. Application to Change Floor Plan of Liquor License Premises. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting “aye”.

E. *DELIBERATE AND ACT on NMED CPB Infrastructure Revolving Loan Program Solid Waste Collection Truck Purchase*

Public Works Director Jason Phillips stated that he held back some reserves from the Transfer Station and that he has \$50,000 in grant funding. The New Mexico Environment Department Construction Programs Bureau has reviewed the application and is happy to provide loan funding in the amount of \$150,000 at 1%. The loan repayment term is up to 20 years and there is no penalty for extra principal payments or early pay-off. The deadline to accept the loan offer is August 16, 2023. A motion was made by Mayor Pro-tem Linde’ Schuster to approve the NMED CPB Infrastructure Revolving Loan Program Solid Waste Collection Truck Purchase. The motion was seconded by Commissioner Lori Chatterley and carried 5-0 with all voting “aye”.

F. *PUBLIC HEARING/DELIBERATE AND ACT on Ordinance No. 1023: Amendment of Raton Code of Ordinance Section 30.24 Increase of Commission Compensation*

City Manager Scott Berry stated Ordinance No. 1023 was introduced at the July 11th Commission Meeting. The intent is to increase the Commission Compensation from \$300 a month to \$1,000 a month. City Manager Berry noted that the increase will only apply to newly elected or re-elected officials. The Commission stated the intent is to encourage citizens to rise to the challenge and step up to do the job. A motion was made by Commissioner Lori Chatterley to approve Ordinance No. 1023: Amendment of Raton Code of Ordinance Section 30.24 Increase of Commission Compensation. The motion was seconded by Mayor Pro-tem Linde’ Schuster and carried 5-0 with a unanimous roll-call vote of “yes”.

G. *DELIBERATE AND ACT on Resolution 2023-47: Intent to Designate Raton Magistrate Court Having Jurisdiction Over Municipal Ordinance and Designation of Municipal Ordinance Jurisdiction Advisory Committee*

City Manager Scott Berry stated this resolution was discussed and postponed at the last Commission meeting. This is the first step, per Senate Bill 173, in designating the magistrate court of the county in which the municipality is located as the court having jurisdiction over municipal ordinances. It requires a public hearing, and adoption of ordinance and approval by the NM Supreme Court. Judge Roy Manfredi and Court Clerk Christine Pianciano addressed the city budget, personnel raises, the municipal court budget, the number of court cases held as well as many other reasons as to why the Municipal Court is an asset to the city and it’s citizens. After a very lengthy discussion a motion was made by Commissioner Lori Chatterley to reject Resolution 2023-47: Intent to Designate Raton Magistrate Court Having Jurisdiction Over Municipal Ordinance and Designation of Municipal Ordinance Jurisdiction Advisory Committee. The motion was seconded by Mayor Pro-tem Linde Schuster and carried 3-2 with a roll-call vote with Mayor Neil Segotta voting “no” to reject, Mayor Pro-tem Linde’ Schuster voting “yes” to reject, , Commissioner Ronald

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Chavez voting “no” to reject, Commissioner Donald Giacomo voting “yes” to reject and Commissioner Lori Chatterley voting “yes” to reject.

H. *DELIBERATE AND ACT on Appointment of Municipal Ordinance Jurisdiction Advisory Committee*

City Manager Scott Berry stated that due to Item G. being rejected by City Commission 3-2, the Commission should table Item H. A motion was made by Commissioner Lori Chatterley to table the Appointment of Municipal Ordinance Jurisdiction Advisory Committee. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting “aye”.

I. *PUBLIC HEARING/DELIBERATE AND ACT on Resolution 2023-50: Infrastructure Capital Improvement Plan (ICIP) FY25-FY29*

City Manager Scott Berry stated this is an annual process in which several public hearings are held to establish City of Raton priorities for anticipated future infrastructure projects for local government agencies and legislature when requesting Capital Outlay Funding. The deadline to submit the FY2025-2029 ICIP is August 18, 2023. After some discussion, and a decision to add a \$150,000 monument sign to year 2029, the top five (5) project rankings are #1 Maloya Dam Safety Improvements, #2 Storm Drainage Improvements. #3 Railroad Depot Renovation, #4 Animal Shelter Replacement, and #5 Photovoltaic Array and Storage. A motion was made by Commissioner Lori Chatterley to approve Resolution 2023-50: Infrastructure Capital Improvement Plan (ICIP) FY25-FY29 adding amendment as discussed. The motion was seconded by Mayor Pro-tem Linde’ Schuster and carried 5-0 with all voting “aye”.

J. *DELIBERATE AND ACT on Liability Release, Waiver, Discharge and Covenant Not to Sue Agreement Between the City of Raton and BNSF Railway Company*

City Manager Scott Berry stated he had a meeting with BNSF personnel and that there are about 16,000 passengers getting on and off the train at our local train station a year. The train depot is an iconic building in our historic downtown, but the inside of the building is in poor shape. The intent is to remodel the inside in order to provide services to railroad passengers. BNSF has offered to perform the necessary abatement so long as the City of Raton agrees to the terms set forth in this agreement. City Manager Berry recommended approval, noting that the agreement was also reviewed by City Attorney Ray Floersheim. A motion was made by Commissioner Ronald Chavez to approve the Liability Release, Waiver, Discharge and Covenant Not to Sue Agreement Between the City of Raton and BNSF Railway Company. The motion was seconded by Mayor Pro-tem Linde’ Schuster and carried 5-0 with a unanimous roll-call vote of “yes”.

K. *DELIBERATE AND ACT on Capital Outlay Agreement No. 22-G2791 Between the City of Raton and the Department of Finance & Administration for Kearney Film Production Facility*

City Manager Scott Berry stated that the City of Raton was appropriated \$1,100,000 at the 2022 Regular Legislative Session. The grant agreement

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wasn't received in a timely manner and has some special conditions tied to it. The agreement is for \$1,100,000 to plan, design, construct, equip, and furnish the Kearney Film Production Facility. A motion was made by Commissioner Lori Chatterley to approve Capital Outlay Agreement No. 22-G2791 Between the City of Raton and the Department of Finance & Administration for Kearney Film Production Facility. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with a unanimous roll-call vote of "yes".

L. *DELIBERATE AND ACT on Agreement Between the City of Raton and Revize Custom Design Web Services*

City Manager Scott Berry stated the City Commission has stated for quite some time that they had been wanting to replace and upgrade the City's website. The total fee for a new City of Raton website is \$15,800, which includes the project planning & analysis, discovery & design, template development, quality assurance testing, site map development/content reorganization and migration from old website, content editing/administrator training, and the annual maintenance. A motion was made by Commissioner Lori Chatterley to approve the Agreement Between the City of Raton and Revize Custom Design Web Services. The motion was seconded by Commissioner Ronald Chavez and carried 5-0 with all voting "aye".

M. *DELIBERATE AND ACT on Resolution 2023-51: Corporate Authorization to Establish New Accounts with INBANK and Authorization of Signatories*

City Treasurer Michael Anne Antonucci stated an RFP was advertised several months ago and was awarded to INBANK. The City has been working with INBANK for the last four weeks to get all of the funds transferred over. Resolution 2023-51 reads that pursuant to City Ordinance No. 919, all instruments of payment (check, draft, transfer, and the Like) shall be signed by two individuals. It also establishes the individuals who are authorized signatories for the city accounts and lists the employees authorized to pick up deposit bags and endorse the petty cash checks. A motion was made by Mayor Pro-tem Linde' Schuster to approve Resolution 2023-51: Corporate Authorization to Establish New Accounts with INBANK and Authorization of Signatories. The motion was seconded by Commissioner Lori Chatterley and carried 5-0 with all voting "aye".

N. *CITY MANAGER REPORT*

- City Manager Berry reported that Senator Heinrich has announced the planning efforts for Interstate 27. The appropriation is for \$1,600,000 to be matched by NMDOT with \$400,000.
- RPS General Manager Dave Piancino reported that the Photovoltaic Project is complete and after being inspected by the state will be ready to deliver power to RPS customers.
- City Manager Berry reported the City of Raton Staff participated in a consultation with HUD environmental program to establish a plan for environmental compliance.
- City Manager Berry reported Mr. Jaden Welch has joined the City of Raton Team as the new City Engineer.

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O. *CLOSED EXECUTIVE SESSION Pursuant to Sections 10-15-1 H(2) Personnel – City Manager and 10-15-1 H(7) Pending Litigation Case No. D-809-CV-2023-00132*

A motion was made by Commissioner Ronald Chavez to Enter Closed Executive Session Pursuant to Section 10-15-1 H(2) Personnel – City Manager and Section 10-15-1 H(7) Threatened Litigation Case No. D-809-CV-2023-00132 at 8:31 p.m. with a 5 minute recess. The motion was seconded by Commissioner Lori Chatterley and carried 5-0 with a unanimous roll-call vote of “yes”.

P. *CERTIFICATION OF CLOSED SESSION*

The City Commission returned from closed session at 9:11 p.m. and City Manager Scott Berry read the Certification of Closed Session stating the only business discussed was Personnel – City Manager and Threatened Litigation Case No. D-809-CV-2023-00132. Mayor Neil Segotta, Mayor Pro-tem Linde’ Schuster, Commissioner Ronald Chavez, Commissioner Donald Giacomo and Commissioner Lori Chatterley all agreed with the statement by signifying “yes”.

VII. ADJOURNMENT:

The meeting adjourned at 9:12 p.m.

CITY OF RATON


James Neil Segotta Jr., Mayor

ATTEST:


Desire'e Trujillo, City Clerk

