



**MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, SEPTEMBER 22, 2020 AT 6PM**

I. CALL TO ORDER:

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

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, Clerk/Treasurer Michael Anne Antonucci, Deputy Clerk Desire'e Trujillo and approximately 8 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, October 13, 2020 at 6 pm**
- **Proclamation: Domestic Violence Awareness Month-October 2020**
Lee Phillips accepted the proclamation and announced they were canceling the walk/run in Raton & Cimarron and also the candlelight vigils in Raton and Clayton due to COVID-19.
- **You Rock Award – Postponed**

V. COMMENTS FROM THE GENERAL PUBLIC:

None

VI. COMMITTEE REPORTS FROM COMMISSIONERS:

Commissioner Lori Chatterley reported the Senior Citizen Board met September 22. She reported they will split half the cost for the window project. She also reported the approval of the ICIP with the top projects being the HVAC, new transfer van and furnishings for the Cimarron and Raton Center and IT. Commissioner Chatterley reported the Raton Grab & Go was at a new record of 96 per day and the deliveries are averaging 100 per day. She reported there are no plans of opening back up in 2020 due to COVID-19 and the next meeting is in October. She also reported that the State Outdoor Division special projects grant awardees have not yet been announced and the yard of the month winners were announced for 3 months. Commissioner Chatterley reported the Raton Beautification is having a hard time raising funds for the downtown flower baskets and has set up a GoFund Me with a goal of \$10,000. She also reported

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they raised \$1,200 for selling the flower baskets that hung downtown this summer and thanked everyone for their support. Commissioner Chatterley reported the NCMEDD didn't meet and the NMML's next meeting will be in October via zoom.

Commissioner Donald Giacomo reported the AJML Board met on September 1st and they have increased the number of patrons in building. He reported Carol Woodworth resigned from the AJML Board September 14th after 27 years of service. He reported for the month of July the fines collected were \$193.64, copies \$436.35 and memorials \$91.15 and for the month of August the fines collected were \$92.14, copies \$771.51 and memorials \$5.00. Commissioner Giacomo reported the RPS board met August 26th and office manager/bookkeeper Robyn Osborn presented the financial report which was approved by the board. He reported the Twin Eagle Litigation is still pending and the CARES ACT was discussed. He also reported General Manager Sandy Chavez reported installing 1477 new meters.

Commissioner Ronald Chavez reported the Water Board met on September 15 and Lake Maloya is over 5 feet below spillway. He reported Raton's water is coming from the Cimarron Diversion. Commissioner Chavez reported the Cimarron pumping station consists of 3 pumps and 1 pump is needing repair. He also reported the Lift Station phase 1 is complete and is now moving on to phase 2 and that the 3rd Street Project is going well.

Mayor Pro-tem Linde' Schuster stated she was gone on family medical leave and didn't attend any of the meetings.

Mayor Neil Segotta reported attending the NMML Annual Conference the 1st week of September where they had 38 Resolutions. He reported October 3rd is the first meeting of the Board of Directors where they will rank the important Resolutions. He also reported having weekly meetings with the Governor's Taskforce. Mayor Segotta reported he is unsure when the restaurants will be able to return to 50% capacity but reported no changes for theaters and bowling alleys. He stated the criteria is very detrimental to our small businesses.

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

A. Approval of the September 8, 2020 Regular Commission Meeting Minutes

Commissioner Lori Chatterley made a motion to approve the September 8, 2020 Regular Commission Meeting Minutes. The motion was seconded by Mayor Pro-tem Linde' Schuster and the motion carried 5-0 with all voting "aye".

B. Public Hearing on Proposed Changes to Chapter 90: Animals

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City Manager Scott Berry stated that this item was talked about at a previous Commission meeting. He also noted that no action has been taken, but the City is seeking direction on how to proceed with the proposed changes to the animal ordinance. City manager Berry stated that there were a couple dog attacks this past year so the City is trying to see what can be done to prevent this from happening in the future. He also stated that owners of a potentially dangerous dog need to be responsible and under the proposed change to the ordinance would be required to carry \$300,000 of liability insurance coverage. City Manager Berry stated that the current ordinance requires the owner of a potentially dangerous dog to pay a \$150 annual registration fee but reported there are no dogs currently registered. He also stated the ordinance needs to hold the dog owner personally responsible and must be enforceable. Leslie Fernandez was present and stated that she helped the Raton Humane Society and committee draft the current ordinance 5 years ago. Leslie Fernandez expressed concern with the proposed change to the ordinance and stated there are certain breeds that insurance companies will not insure which would make it impossible for some dog owners to get homeowner's insurance and comply with the ordinance. She also stated she objects to the proposed language regarding the definition of a dangerous dog and further commented that the only way the ordinance works is if there is strict enforcement. Mrs. Fernandez also voiced concern about a dangerous dog involved in a recent attack that is being held at the Raton Animal Shelter and told the City that the Raton Humane Society is not interested in keeping the dog. Mrs. Fernandez stated that the immediate remedy would have been for the City of Raton Animal Shelter to petition the court for a warrant to seize the animal and then the dog could have been euthanized, and the owner cited. City Manager Berry advised that the public hearing is not to speak about specific cases or dogs but to discuss the proposed revisions to the animal ordinance. Mr. John Rerecich, a concerned citizen, stated that he is worried if the dog is ever released from the animal shelter then the City would be liable if someone else is hurt. He also voiced concern about the bears roaming around town and stated that he called 911 to report a bear roaming down the street in the middle of the day but was told they couldn't respond unless it was an attack. Mr. Rerecich also stated that he contacted Game & Fish and reached a recording stating they would be closed for 4 days which was concerning due to the bear being in the neighborhood since Labor Day and could potentially attack someone. City Manager Berry stated that due to Raton's location, we live with wildlife and advised citizens to keep the dumpster lids closed and latched to prevent damage to the lids and from bears climbing in and getting trapped. Mayor Segotta commented on the City's limited animal control staff but agreed that something needs to be done and that the owners need to be responsible. Commissioner Chavez also commented that it comes down to enforcement and that responsible pet owners will take care of it most of the time. There was no further discussion and no action was taken.

C. Deliberate and Act on Lodgers' Tax Recommendations for Radio Advertising

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City Manager Scott Berry stated the Lodgers' Tax Board met on September 16, 2020 and are making a recommendation for KENW-FM. He stated the recommendation is for \$3,400 which would give the City 14 announcements/ads a week for a full year to begin 30 days from approval. He also stated the Center for Community Innovation Director of Marketing Patricia Duran has agreed to coordinate with KENW-FM Development Director Desire'e Markham. A motion was made by Commissioner Ronald Chavez to approve the Lodgers' Tax Recommendation for Radio Advertising. The motion was seconded by Commissioner Lori Chatterley and carried 5-0 with all voting "aye".

D. Deliberate and Act on Resolution 2020-58: Authorizing the Northern Regional Housing Authority to Function within the City of Raton

Executive Director Terri Baca stated that Raton Housing Authority, per HUD guidance, is merging into the Northern Regional Housing Authority which will operate within the City of Raton and will create more jobs. Mr. Baca stated the Northern Regional Attorney will not sign without a Resolution being approved by the City of Raton. He reported the merger would consist of Raton, Las Vegas and Taos which will be 650 units. He also reported the City of Las Vegas tore down 100 units which they are required to rebuild. Mr. Baca reported those units may also be rebuilt in Raton as well which opens the opportunities for larger HUD Grants. He reported he has been having weekly meetings with HUD and the merger date would be January 1, 2021. Mayor Neil Segotta gave his compliments to Mr. Baca stating he is doing an outstanding job and has shown great work ethic in trying to expand. Mayor Pro-tem Schuster agreed and stated Mr. Baca and his staff are doing a great job. Mr. Baca reported the Raton Housing units are currently being painted and having some toilets and roofing replaced. A motion was made by Mayor Pro-tem Linde' Schuster to approve Resolution 2020-58: Authorizing the Northern Regional Housing Authority to Function within the City of Raton. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

E. Deliberate and Act on Parametrix Cost Proposal for Environmental Assessment for Proposed Paving and Drainage Improvement Project at the Raton Depot

City Manager Scott Berry explained that the City has \$200,000 left from the FHWA grant funding that can be used for civil improvements at the depot but the City must perform an environmental assessment. City Manager Berry stated when the Multi Modal site was excavated there was a recovery of artifacts done. He also stated the insurance map goes back to the 1800's sanborn maps and that the Parametrix fixed fee to make sure no other structures are on site is \$7,116.74. A motion was made by Commissioner Lori Chatterley to approve the Parametrix Cost Proposal for Environmental Assessment for Proposed Paving and Drainage Improvement Project at the Raton Depot contingent upon the FHWA concurrence. The motion was seconded by Mayor Pro-tem Linde' Schuster and carried 5-0 with all voting

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“aye”.

F. Deliberate and Act on Resolution 2020-59: Authorizing the Certification of the City of Raton’s 2020 Capital Asset Inventory

City Clerk/Treasurer Michael Anne Antonucci stated she is still working on the report and requested it be postponed until the October 13th Commission meeting. A motion was made by Mayor Pro-tem Linde’ Schuster to postpone Resolution 2020-59: Authorizing the Certification of the City of Raton’s 2020 Capital Asset Inventory. The motion was seconded by Commissioner Lori Chatterley and carried 5-0 with all voting “aye”.

G. Deliberate and Act on Resolution 2020-60: FY21 Budget Adjustment #1

City Clerk/Treasurer Michael Anne Antonucci reported the first adjustment includes a temporary transfer from the General Fund to the Library Grant line item to cover Go Bond expenses pending reimbursement. She also reported the Aquatic Center’s \$60,000 for the Mechanical System Replacement Project was not included in the Budget and the NM True Grant is still in the budget but was completed last fiscal year. Clerk/Treasurer Antonucci also reported creating a new fund (230) for the COVID-19 Emergency Fund and placing the Small Business Grant in a separate fund (215). A motion was made by Mayor Pro-tem Linde’ Schuster to approve Resolution 2020-60: FY21 Budget Adjustment #1. The motion was seconded by Lori Chatterley and carried 5-0 with all voting “aye”.

H. Deliberate and Act on Resolution 2020-61: Supporting Daily Amtrak Service to Raton

City Manager Scott Berry reported he has had extensive discussion on Amtrak and the proposed cutbacks. He stated they are wanting to reduce to running long-distance trains to 3 days a week starting in October. He stated it is very important to have trains running daily not only to the City of Raton, who has 15,000 passenger boarding’s and alightings each year, but for numerous rural communities. He also stated how important the train route is for Philmont Scout Ranch who has over 5,000 visitors annually. City Manager Berry stated \$100 million has been invested since 2014 on the Southwest Chief route in Kansas, Colorado and New Mexico which is comparable to investment in aviation or highway transportation infrastructure as a viable and necessary expenditure of public and private funds. He also stated once this passes, it is important to communicate with the federal delegation and make our voices heard. A motion was made by Commissioner Ronald Chavez to approve Resolution 2020-61: Supporting Daily Amtrak Service to Raton. The motion was seconded by Mayor Pro-tem Linde’ Schuster and carried 5-0 with all voting “aye”.

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I. *City Manager's Report*

- City Manager Berry reported the Brownfield Grant Application for Building cleanup will need a Phase 2 report, by the New Mexico Environment Department before it can move forward.
- City Manager Berry reported receiving the Airfield Navigation Grant and the notice to proceed to the contractor which will begin the 1st of the year.
- City Manager Berry reported the Senior Center is not able to negotiate the cost for window replacement per procurement statute. He stated the board committed to cover half of the additional cost for the project.
- City Manager Berry reported the EDA application has been completed and submitted.

VIII. ADJOURNMENT:

The meeting adjourned at 7:27 p.m.

CITY OF RATON


James Neil Segotta Jr., Mayor

ATTEST:


Michael Anne Antonucci, City Clerk