



MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, MAY 24, 2022 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. Commissioners: Donald Giacomo and Lori Chatterley. Also present were City Manager Scott Berry, Deputy Clerk Desire'e Trujillo, Clerk/Treasurer Michael Anne Antonucci, and 12 visitors. Mayor Pro-tem Linde' Schuster and Commissioner Ronald Chavez were absent.

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:

- All City Offices will be closed Monday, May 30th in Observance of Memorial Day
- Next Regular Commission Meeting Tuesday, June 14, 2022 at 6:00 p.m.

V. COMMITTEE REPORTS FROM COMMISSIONERS:

Commissioner Chatterley attended the North Central New Mexico Economic Development District meeting via zoom on April 29th. There was discussion about the Calf Canyon and Hermit's Peak Fire and the assistance being provided to the senior citizen's by the Non-Metro AAA and the fire concerns and problems from Mora and San Miguel Counties. The audit was approved and the work on the affordable workforce housing is currently moving forward. NCNMEDD received \$370,000 from the 2022 Legislative Session to support member communities with technical assistance, grant writing, and engineering services. They also discussed budget adjustments and approved contracts. She attended the Raton MainStreet MRA meeting on May 5th via zoom where they discussed priority projects. She attended the Colorado Outdoor Industry Leadership Summit on May 18th-20th where they mainly focused on outdoor recreation and entrepreneurship in outdoor recreation. She attended the Run For The Wall Welcoming and Dinner on May 20th which was well attended and very successful. She attended the New Mexico Municipal League Budget Committee via zoom on May 21st where they discussed the budget, the need for more full time employees, the need to revisit the membership rates, and a reimbursement for legal expenses. The Colfax County Senior Citizens Board did not meet.

MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, MAY 24, 2022 (Cont.)

Commissioner Donald Giacomo attended the Arthur Johnson Memorial Library Board meeting on May 17th where they discussed boiler and elevator concerns, donations, fines, copies, memorials and programs. He attended the Raton Public Service Special Board meeting on May 16th where they reviewed and approved the Fiscal Year 2023 Interim Budget and the Lease between the City of Raton and Raton Public Service Company.

Mayor Neil Segotta attended the New Mexico Municipal League Budget Committee in Santa Fe where they discussed the budget, the need for more full time employees, the need to revisit the membership rates, the GRT increase and a reimbursement for legal expenses. He will be attending the New Mexico Self Insurers Fund Budget meeting in Santa Fe this week, the NRA Whittington Center meeting via zoom and the fire reports via zoom.

VI. ITEMS FROM CITIZENS PRESENT:

Colfax County Manger Monte K. Gore was present. He introduced himself to the Commission and stated he was looking forward to working in collaboration with the City of Raton for positive growth.

Michael Gatti was present to address Vacant Building Ordinance 1012 and the violation letters issued. He was concerned that the violation letters weren't specific to each recipient about what the violations are, and it doesn't state the right to appeal. Mayor Segotta stated the Commission would do its due diligence and look into the matter. City Manager Berry stated Mr. Gatti's appeal will be on the agenda for the first Commission meeting in June.

Four of the Independent Riders were present to extend their appreciation to the City of Raton and the City Commission for their continued support of the Run For The Wall with a plaque.

Leslie Fernandez was present to address her concerns about the lease agreement between the City of Raton and Colorado Parks & Wildlife for Lake Dorothey State Wildlife Area. Her wishes are to not continue hunting and to expand the use for outdoor recreation such as mountain biking and ebiking. She also urged the Commission to enter into a three-year lease rather than a ten-year lease.

Trinidad, Colorado Outdoor Recreation Director and Raton resident, Jared Chatterley was present to address his concerns about the lease agreement between the City of Raton and Colorado Parks & Wildlife for Lake Dorothey State Wildlife Area. He was concerned about the intentions to have seasonal closures, restrictions, and the plans they have to audit all Colorado State Wildlife areas to add additional restrictions. His suggestion was for the City of Raton to take care of Lake Dorothey giving Colorado Parks & Wildlife hunting and fishing rights in exchange for fire services. He stated he has knowledge that Colorado Parks & Wildlife intends to charge Raton residents a \$46 entrance fee with a required \$36 habitat stamp. He suggested the City of Raton hold a public meeting to further address the concerns and possibilities.

MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, MAY 24, 2022 (Cont.)

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. *DELIBERATE AND ACT on Approval of May 10, 2022 Regular Meeting Minutes and May 17, 2022 Special Meeting Minutes*

A motion was made by Commissioner Lori Chatterley to approve the May 10, 2022 Regular Meeting Minutes and the May 17, 2022 Special Meeting Minutes. The motion was seconded by Commissioner Donald Giacomo and carried 3-0 with all voting "aye".

B. *PUBLIC HEARING/DELIBERATE AND ACT on Lodgers' Tax Board Recommendations for Events & Billboards*

City Manager Scott Berry stated the Lodgers' Tax Advisory Board met on May 18, 2022. The Lodgers' Tax Advisory Board recommended awarding \$11,075 to the Run to Raton Motorcycle Rally July 21-23, 2022 for music/bands, security, sanitation, radio ads, insurance, print ads, raffle tickets, and online advertising from the annual events line item. They also recommended retention of the Lindmark Billboard at the Armex #F07 I-25, .56 SMP 452, obtaining Lindmark Billboard US 64/87, .33 WMP 350, and obtaining a Lamar Billboard between Amarillo, TX and Clayton, NM. City Clerk/Treasurer Michael Anne Antonucci stated she met with a Lamar Billboard representative today and recommended bringing back the Lamar Billboard to the June 14th Commission Meeting. She also recommended approval for a three-year contract for the two Lindmark billboards for \$557.81 and \$425. A motion was made by Commissioner Lori Chatterley to approve the Run to Raton Motorcycle Rally request and the two Lindmark billboards. The motion was seconded by Commissioner Donald Giacomo and carried 3-0 with all voting "aye".

C. *DELIBERATE AND ACT on J & M Displays 2022 Firework Show Proposal*

City Manager Scott Berry stated the City of Raton intends on sponsoring its annual 4th of July fireworks show. The city began contracting with J & M Displays several years ago with the Raton Firefighters on duty. The proposed total amount from J & M is \$28,000. City Clerk/Treasurer Michael Anne Antonucci stated there is currently \$5,500 in the fireworks donations line item and that the remaining balance would be paid from the lodgers' tax fund. She noted that any donations received this year would go towards next years fireworks display. A motion was made by Commissioner Donald Giacomo to approve the J & M Displays 2022 Fireworks Show Proposal. The motion was seconded by Commissioner Lori Chatterley and carried 3-0 with all voting "aye".

MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, MAY 24, 2022 (Cont.)

D. *DELIBERATE AND ACT on Award of RFP for Specialized Services Related to Brownfield Program*

City Manager Scott Berry stated this recommendation is in regard to the City of Raton clean up efforts that are being made with the blighted buildings around town. The City of Raton primarily intends to assess, remediate, and cleanup by renovation or demolition existing commercial and residential structures that are abandoned, vacant, and dilapidated in support of the community goal to eliminate slum and blight. The City of Raton advertised a solicitation requesting proposals with one sealed proposal received by Stantec Consulting Services Inc. The proposal was reviewed and determined responsive. The proposal was evaluated by a selection committee consisting of Scott Berry - City Manager, George Riley – Code Enforcement, and Jolene Greene – Community Facilities Director. Based on the evaluation, the committee recommended awarding the contract to Stantec Consulting Services Inc. A motion was made by Commissioner Lori Chatterley to approve the award of RFP for Specialized Services related to the Brownfield Program. The motion was seconded by Commissioner Donald Giacomo and carried 3-0 with all voting “aye”.

E. *DELIBERATE AND ACT on NMDOT Aviation Grant Agreement for Taxiway B Preliminary Engineering Report & Environmental*

City Manager Scott Berry stated this is the first step in the reconstruction of Taxiway Bravo. He noted that Taxiways Alpha and Delta were previously reconstructed. City Manager Berry stated the first step will be the design and then it will be brought back to the Commission for approval of the grant agreement and the construction phase. The total funding amount for Taxiway B – Preliminary Engineering Report and Environmental is \$92,533 including the City of Raton’s sponsor contribution of \$925. A motion was made by Commissioner Lori Chatterley to approve the NMDOT Grant Agreement for Taxiway B Preliminary Engineering Report & Environmental. The motion was seconded by Commissioner Donald Giacomo and carried 3-0 with all voting “aye”.

F. *DELIBERATE AND ACT on Hold Over Letter for Existing Lease Agreement with Colorado Parks & Wildlife for Lake Dorothey State Wildlife Area till December 1, 2022*

City Manager Scott Berry stated they are still currently negotiating various items with Colorado Parks & Wildlife. Due to the terms of the new lease still being negotiated. City Manager Berry recommended treating CPW as a holdover tenant in accordance with Colorado law once the Lease expires upon the same terms and conditions as the expired lease with one exception. The City of Raton understands that CPW is prohibited by law from paying any rent or fees for the entire duration of the holdover period and will not be paying any “back rent” for the holdover period. The City of Raton will permit CPW to hold over until November 30, 2022 without executing a new lease, so long as the parties continue to negotiate a new lease. A motion was made by Commissioner Donald Giacomo to approve the hold over letter for existing lease agreement with Colorado Parks & Wildlife for Lake Dorothey State

MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, MAY 24, 2022 (Cont.)

Wildlife Area till December 1, 2022. The motion was seconded by Commissioner Lori Chatterley and carried 3-0 with all voting "aye".

G. *DELIBERATE AND ACT on Building Lease Agreement Between the City of Raton and Raton Public Service Company*

City Manager Scott Berry stated the building located at 334 North Second Street, has been owned by the City of Raton since the 1990's at which time it was leased to Raton Public Service Company. The lease has expired, and a new lease has been drafted under the same terms as the previous lease. The draft lease is for an eight-year term for \$1,400 a month. City Manager Berry noted the RPS Board has already reviewed and approved the lease. A motion was made by Commissioner Lori Chatterley to approve the Building Lease Agreement between the City of Raton and Raton Public Service Company. The motion was seconded by Commissioner Donald Giacomo and carried 3-0 with all voting "aye".

H. *DELIBERATE AND ACT on American Rescue Act Funding Transfer Agreement Between the City of Raton and Raton Public Service for Photovoltaic Project*

City Manager Scott Berry stated the City of Raton received funding from the American Rescue Plan Act in 2021 and used the funds for a couple of different projects. \$847,155 is what remains from the total amount received. City Manager Berry recommended transferring the entire remaining amount to Raton Public Service Company exclusively for the planning, designing, constructing, operating, and maintaining of a solar photovoltaic facility that would reduce power rates for the rate payers. City Manager Berry noted that the Raton Public Service Co. Board of Directors have reviewed and approved this agreement. After a brief discussion, a motion was made by Commissioner Donald Giacomo to approve the American Rescue Act Funding Transfer Agreement Between the City of Raton and Raton Public Service for Photovoltaic Project. The motion was seconded by Commissioner Lori Chatterley and carried 3-0 with all voting "aye".

I. *DELIBERATE AND ACT on Credit Card Processing Agreements for Municipal Court and Ambulance Payments*

City Clerk/Treasurer Michael Anne Antonucci stated NM Department of Finance and Administration had a mandatory training in regard to the acceptance of credit cards and compliance with section 6-10-1.2 NMSA 1978 requiring the local government to adopt procedures subject to approval of DFA on the terms and conditions of accepting payments by credit card. The City of Raton has utilized the services of nCourt, a third party vendor, since 2008 without a formal agreement for processing online municipal court payments. She noted that having a contract would ensure that nCourt is also compliant with PCI data security standards to safeguard cardholder information. Clerk/Treasurer Antonucci stated the ambulance contract is not quite ready for approval. A motion was made by Commissioner Lori Chatterley to approve the nCourt Credit Processing Agreement for the Municipal Court Payments. The motion was seconded by Commissioner Donald Giacomo and carried 3-0 with all voting "aye".

MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, MAY 24, 2022 (Cont.)

**J. *PUBLIC HEARING/DELIBERATE AND ACT on Resolution 2022-27:
FY23 Interim Budget Approval for City of Raton, Raton Water Works and
Raton Public Service***

City Clerk/Treasurer Michael Anne Antonucci stated the final budget workshop held on May 17th was very helpful and that she made corrections, changes, and provisions to the interim budget per the discussion at the workshop. After a brief discussion, a motion was made by Commissioner Lori Chatterley to approve Resolution 2022-27: FY23 Interim Budget for the City of Raton, Raton Water Works and Raton Public Service. The motion was seconded by Commissioner Donald Giacomo and carried 3-0 with all voting "aye".

**K. *PUBLIC HEARING/DELIBERATE AND ACT on Resolution 2022-28:
Approval of April 2022 Financial Reports***

City Clerk/Treasurer Michael Anne Antonucci gave a financial summary as of April 30, 2022. The General Fund Gross Receipts year to date is 14.94% above budget projection. The General Fund available cash has dropped due to temporary transfers to complete the Airport Projects, Senior Center Boiler Project, CDBG Downtown Paving Project, Greenhouse Project and Depot Parking Lot Project. These funds will be transferred back to the General Fund once the projects are closed out and the final grant reimbursements are received. Upon approval, the City will submit the Fiscal Year 2023 Interim Budget by June 1st. Preparations are also being made to close-out the fiscal year. Purchases will only be made for goods and services that can be delivered prior to June 30th otherwise they will wait until after July 1st. Clerk/Treasurer Antonucci also went over the Lodgers' Tax Comparison and Gas Tax Comparison. A motion was made by Commissioner Lori Chatterley to approve Resolution 2022-28: Approval of April 2022 Financial Reports. The motion was seconded by Commissioner Donald Giacomo and carried 3-0 with all voting "aye".

**L. *DELIBERATE AND ACT on Resolution 2022-29: Budget Adjustment #13
FY22***

City Clerk/Treasurer Michael Anne Antonucci stated she is shifting monies throughout the funds due to getting close to the end of Fiscal Year 2022. The adjustment consisted of adjustments in the General Fund, Special Revenue Fund, Lodgers' Tax Non-Promo Fund, Street Improvement Fund and the Sanitation Fund. After a brief discussion, a motion was made by Commissioner Donald Giacomo to approve Resolution 2022-29: Budget Adjustment #13 FY22. The motion was seconded by Commissioner Lori Chatterley and carried 3-0 with all voting "aye".

MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, MAY 24, 2022 (Cont.)

M. *DELIBERATE AND ACT on Resolution 2022-30: Approval to Dispose of Surplus Property*

City Clerk/Treasurer Michael Anne Antonucci stated that she recently reviewed the handgun inventory with Police Chief, John Garcia. The City of Raton Police Departments handguns are 10+ years old and in need of replacement. The City of Raton Police Department suggested to the City Commission that 15 Springfield handguns be declared surplus and requested authorization to use them as a trade-in to offset the cost of purchasing new handguns once quotes have been obtained and a vendor selected. A motion was made by Commissioner Lori Chatterley to approve Resolution 2022-30: Approval to Dispose of Surplus Property. The motion was seconded by Commissioner Donald Giacomo and carried 3-0 with all voting "aye".

N. *DELIBERATE AND ACT on Agreement Between the City of Raton and the State of NM CYFD Juvenile Justice Grant #21-690-3200-20841 for FY23*

City Clerk/Treasurer Michael Anne Antonucci stated when the agreement was drafted in 2020, it was a four-year agreement. She stated the agreement is in its third year and that there are additional training requirements that the Continuum Coordinator, Danielle Vanderpool has completed and is waiting on her certificate. Clerk/Treasurer Antonucci went over the Budget for the Continuum and Board Activities, Girls Circle, Boys Council, Restorative Justice and the City of Raton 40% minimum match. After a brief discussion, a motion was made by Commissioner Lori Chatterley to approve the Agreement Between the City of Raton and the State of NM CYFD Juvenile Justice Grant #21-690-3200-20841 for FY23. The motion was seconded by Commissioner Donald Giacomo and carried 3-0 with all voting "aye".

O. *CITY MANAGER REPORT*

- City Manager Berry reported the Hermits Peaks Fire has been very concerning for Colfax County citizens due to water supply impacts that can be problematic for years after a fire. He stated the City of Raton sent a fire crew, a fire engine and RFD Chief Anthony Burk for a couple of weeks and has utilized whatever resources the City has available to assist with the fire.
- City Manager Berry reported he attended the Bohannon Houston I-25/Clayton Interchange Stakeholders Meeting today in the City Commission Chambers and that there were three alternative designs being proposed. He urged the citizens to attend the zoom meeting tomorrow and stated the link and information is on the city website at ratonnm.gov.
- City Manager Berry reported the CDBG Project, and the Train Depot Parking Lot Project have been delayed due to weather and may commence next week.
- City Manager Berry reported the Byron & Whittier Project construction will begin the second week in June.
- City Manager Berry reported he attended a Rural Information Conference at the Roundhouse in Santa Fe organized by Representative Roger Montoya & Isaac Casados and there was a lot of frustration expressed over what has been ongoing in Rural New

MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, MAY 24, 2022 (Cont.)

Mexico. He noted it was received well and that it was a very productive meeting.

VIII. ADJOURNMENT:

The meeting adjourned at 7:58 p.m.

CITY OF RATON


James Neil Segotta Jr., Mayor

ATTEST:

Michael Anne Antonucci, City Clerk