

# REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS

October 10, 2011

9:00 a.m.

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 10<sup>th</sup> day of October, 2011 at 9:00 a.m. in the Commissioners' Room of the Quay County Courthouse, Tucumcari, New Mexico for the purpose of taking care of any business that may come before them.

## PRESENT & PRESIDING:

Bill Curry, Chairman  
Robert Lopez, Member  
Brad Bryant, Member  
Ellen L. White, County Clerk  
Richard Primrose, County Manager

## OTHERS PRESENT:

Janie Murray, Quay County Assessor  
Larry Moore, Quay County Road Superintendent  
Warren Frost, Attorney  
Dusty & Lee Stone, Quay County Residents  
Muriel Agnelli & Bruce Hamon, Ute Lake Ranch Residents  
Nancy English, Attorney for Barry Freedman  
Barry Freedman, Ute Lake Ranch, Inc  
Jim Kruetz, Attorney for Barry Freedman  
Don Schutte, Attorney for Quay County  
Ron Scarpa, Ute Lake Ranch  
Charles Benton, Ute Lake Ranch  
Franklin McCasland, Former County Commissioner  
Becky Wallace, PMS Medical Services

Chairman Bill Curry called the meeting to order. Larry Moore led the Pledge of Allegiance.

A MOTION was made by Robert Lopez SECONDED by Brad Bryant to approve the minutes from the September 26, 2011 regular commission meeting. MOTION carried with all members voting "aye".

A MOTION was made by Brad Bryant SECONDED by Robert Lopez to approve the Agenda as presented. MOTION carried with all members voting "aye".

Public Comments: Jim Kruetz, Attorney for Barry Freedman expressed his concern and displeasure with the County Commission pursuing a lawsuit against Ute Lake Ranch, Inc. and DVR, LLC. Kruetz presented a handout to the Board of Commissioners outlining his concerns.

Janie Murray, Quay County Assessor presented the following items from the NMAC Board of Directors meeting:

1. Sole Community Provider Fact Sheet
2. 2012 NMAC meeting schedule, holiday schedule and conference information.
3. Requested approval of Resolution No. 11; Support of the NMAC Legislative Priorities for the 2012 Session. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve said Resolution. MOTION carried with all members voting "aye". A copy is attached and made a part of these minutes.

Larry Moore, Quay County Road Superintendent presented the following report:

1. Moore is in contact with Heather Sandoval of the State Highway Department regarding responsibility of cattle guards lying along State Highways and Interstates within the County. A meeting with Sandoval has been scheduled for October 12 in Tucumcari and Moore will report the findings.
2. A meeting will be held in Tucumcari on October 12 with Mary Anna Padilla of Parametrics regarding a "Categorical Exclusion" for Quay Road 64.
3. The crews are mowing, blades are operating where it's possible and the crews will continue repairing potholes as needed.

Commission Bryant said he received a request to have Quay Road AL bladed.

Primrose stated he attended the RPO meeting with Moore and it was reported the State will be working on I-40 and SH 54 in Quay County which will generate some gross receipts tax.

County Manager Richard Primrose presented the following Manager's Report:

1. Presented Resolution No. 9; Authorization of Increase and Transfer of Funds – CDBG Planning (656). A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to approve said Resolution. MOTION carried with all members voting "aye". A copy is attached and made a part of these minutes.
2. Presented Resolution No. 10; A Resolution of Interest from Quay County to join with entities from adjacent jurisdictions in Northeast New Mexico to support the formation of a new Regional Economic Development Organization. Patrick Vanderpool will be the representative for Quay County. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve said Resolution. MOTION carried with all members voting "aye". A copy is attached and made a part of these minutes.
3. Presented the NM Environment Department Discharge Permits for Quay County.
4. Reported his attendance at numerous meetings recently regarding water issues throughout the County. Items of concern remain the Encroachment Agreements at Ute Lake to the cost of use of the Intake Structure as well as the Drought Management Plan.
5. Reported the Health Office will be moving to its new location on Second Street by the 24<sup>th</sup> of October.

CHECKS WERE REVIEWED. A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to approve the expenditures as presented. MOTION carried with all members voting "aye". A copy of the expenditure report is attached and made a part of these minutes.

Under Other Business: NONE

Chairman Curry called for a recess. Time noted 10:10 A.M.  
Return to regular session. Time noted 10:20 A.M.

A MOTION was made by Brad Bryant, SECONDED by Robert Lopez, to go into Executive Session pursuant to the Open Meetings Act 10-15-1(H)7 regarding Board of County Commissioners vs. Ute Lake Ranch, Inc. and DVR, LLC. MOTION carried with Lopez voting "aye", Curry voting "aye" and Bryant voting "aye". Time noted 10:25 A.M.

-----EXECUTIVE SESSION-----

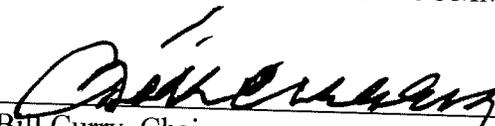
A MOTION was made by Robert Lopez, SECONDED by Brad Bryant that the above described items were discussed during Executive Session and no action was taken. MOTION carried with Lopez voting "aye", Curry voting "aye" and Bryant voting "aye".

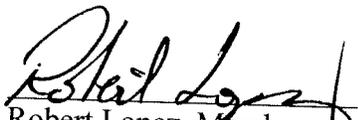
Return to regular session. Time noted 11:40 A.M.

Chairman Curry stated if the Commissioners had Items from Executive Session regarding the Board of County Commissioners vs. Ute Lake Ranch, Inc. and DVR, LLC requiring action, the Agenda called for those items now. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant for the Board of Quay County Commissioners to ratify all prior actions taken on behalf of Quay County regarding the Board of County Commissioners vs. Ute Lake Ranch, Inc. and DVR, LLC which is pending in District Court. (Cv-2011-62) MOTION carried with Lopez voting "aye", Curry voting "aye" and Bryant voting "aye".

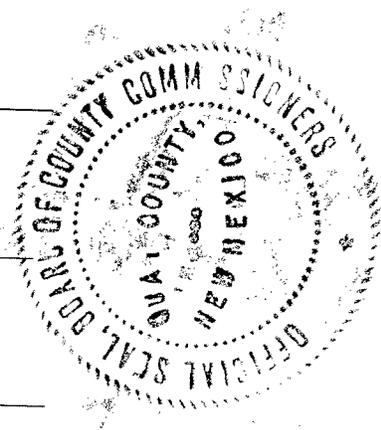
There being no further business, a MOTION was made by Robert Lopez, SECONDED by Brad Bryant to adjourn the regular meeting of the Board of Quay County Commissioners until the next regular meeting set for Monday, October 24, 2011 unless sooner called. The Commission announced they would be having lunch at the K Bobs Restaurant. MOTION carried with all members voting "aye". Time noted 11:55 A.M.

BOARD OF QUAY COUNTY COMMISSIONERS

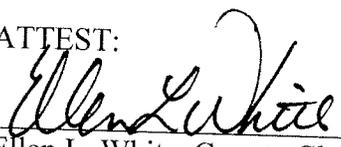
  
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Bill Curry, Chairman

  
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Robert Lopez, Member

  
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Brad Bryant, Member



ATTEST:

  
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Ellen L. White, County Clerk