

REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS

February 27, 2012

9:00 a.m.

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 27th day of February, 2012 at 9:00 a.m. at the Quay County Courthouse in 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:

Larry Moore, Quay County Road Superintendent
Cheryl Simpson, Quay County Manager's Office
Donald Adams, Quay County Fire Marshall
Darla Munsell, CDBG Coordinator
Larry Cooksey, Quay County Undersheriff
T.J. Rich and Chris Birch, Quay County Detention Center
Becky Wallace, Quay County Family Health Center
Robert C. Van Sweden, Robert N. Van Sweden & Jackie Van Sweden
Harry Heckendorn
Robert & Tressie Curtis
Dallas & Sue Dowell
Desmond Griggs

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

A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve the minutes from the February 13, 2012 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:

Dallas Dowell, resident of Quay County who lives on Quay Road AI presented the Commissioners with a letter signed by various residents, some of who were in attendance, expressing their concern with a construction company's plan to utilize Quay Road AI and Quay Road 72 for transport use during an

upcoming I-40 project. It was stated the trucks used to haul gravel and asphalt will destroy the road and should be held accountable for damages or made to repair the roadway. Jackie Van Sweden echoed the concerns of Dowell and stated if the road was damaged it would be a hazard for Emergency Vehicles posing an additional risk to the citizens in that area. Harry Heckendorn stated the surface and road was not originally constructed or intended for commercial use. Robert Curtis said the owners of the gravel pit where the material is being hauled from should be accountable perhaps. Robert Van Sweden suggested imposing stipulations regarding the expected repairs when the project is complete. Desmond Griggs asked if the County followed the State Law requirements regarding responsible parties when there is damage to a public road. Griggs suggested a compaction test of the road prior to the project starting that will allow the County to place weight limits for vehicles which will enable the NMMTD to issue citations and perhaps discourage the use of the road. Robert Curtis informed the Commission there is another route of access that can be used for the heavy equipment. Sue Dowell asked if any conditions are agreed on between the County and the construction company that it is in writing to assist the County in holding the company liable.

Chairman Curry, along with the other Commissioners and County Manager Richard Primrose, thanked everyone for their concerns and assured the residents they are and will do everything in their power to ensure the safety of the residents in that area and see to it the road is repaired to county standards if it is used and damaged.

OLD BUSINESS:

County Manager, Richard Primrose requested approval of a letter to the engineering firm Parametrix affirming the County's proposed US 54 Alignment utilizing the Option 3, the "Existing Route" for construction of the new bridge. A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to approve letter. MOTION carried with all members voting "aye". A copy is attached and made a part of these minutes.

NEW BUSINESS:

Donald Adams, Quay County Fire Marshall requested approval to proceed with the construction of a new Substation for the Bard-Endee Fire District. The building will be erected on a piece of land located in the NE¼ of Section 2, Township 11, Range 35 that was obtained from the San Jon Public Schools. The Department has the money for this expenditure and no loans will be executed. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve the construction. MOTION carried with all members voting "aye". Chairman Curry asked what the water situation was on the piece of property. Adams stated no wells were on the property. However they have permission to use a nearby dirt tank owned by Donald Carter to store water. Commissioner Lopez asked if there was an estimated completion date. Adams replied they want to have it complete between August and October, 2012.

Adams informed the Commission the State will be asking all Fire Departments who have access cash on hand, what their intended use of the money will be or it will be returned to the State. One Department has cash and he has asked them to encumber it.

Adams said negotiations for rental space continue on the tower now owned by American Tower that the County repeater is on. He also informed the Commissioners that Curry County has issued a burn ban.

Larry Cooksey, Quay County Undersheriff requested approval of the Application for Law Enforcement Protection Funds. The amount requested is \$24,200.00 and will be placed in their vehicle line item. A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to approve said Application. MOTION carried with all members voting "aye". A copy is attached and made a part of these minutes.

T.J. Rich requested approval of the following items:

1. Approval of a Professional Services Proposal with ARCHONIX. This will include new hardware for the Securus Booking System. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve said Proposal. MOTION carried with all members voting "aye". A copy is attached and made a part of these minutes.
2. Approval of the Master Services Agreement between Quay County Detention Center and Securus Technologies. A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to approve said Agreement. 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 along with Primrose attended the RPO meeting in Raton and presented paperwork for the two bridge projects on Route 66 numbered 1042 and 1044.
2. Crews are working 6 days a week on the Quay Road BK project at Montoya and alternating Friday and Saturday off. Blademen are assisting on the project where needed due to the lack of moisture. The project has progressed up to 2 miles complete and the crews have hauled 29 straight days. Culverts may need to be installed due to the increased height of the road to avoid pooling of water.
3. The hydraulic cylinders on the trash trucks are being repaired.
4. A tort claim regarding the accident involving a Road Department vehicle has been submitted.

Richard Primrose, Quay County Manager gave the following report and items for approval:

1. Presented Resolution No. 22; Authorization of Budget Transfer-Law Enforcement Protection Fund (607). 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. Requested approval of the Lease Agreement between Quay County and Presbyterian Medical Services d/b/a Quay County Family Health Services. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve the Agreement. MOTION carried with all members voting "aye". A copy is attached and made a part of these minutes.
3. Attended two meetings of the NM Interstate Stream Commission on the 17th and 20th regarding utilization of the Intake Structure #2. A third meeting will be held on February 28, 2012 in Santa Fe with the various entities. Following that, a meeting of the Interstate Stream Commission will be held on February 29, 2012 at 10:00 a.m. in Albuquerque.
4. Provided a list of meeting dates for the Commissioners to review to move various meetings to other locations throughout the County.

5. Supplied an email from Renee Ortiz from EPCOG asking if Quay County would like to be on the agenda of the NMDOT Transportation Commission who is having their meeting in Tucumcari on March 15. Commissioner Lopez suggested reiterating the needs of continued I-40 & US 54 improvement projects as well as continued funding of the CAP, COOP and School Bus projects. Chairman Curry said he would welcome the group and convey a message to them regarding the projects.
6. Provided the NM Environment Department Discharge Permits.
7. Presented the monthly Gross Receipts Tax revenue for the month.
8. Reported the Capital Outlay legislation has not yet be signed by Governor Martinez.
9. Requested the Commissioners decide about becoming a paid member of the Northeast Economic Development Organization enabling a voting voice at their meetings and perhaps be able to request support of the Tucumcari Gaming Authorities efforts to secure the Race Track.
10. The County will be having a garage sale to get rid of some surplus equipment on March 2 and 3 at the Fairgrounds.
11. Reported the County is negotiating fees with Plateau regarding the Fiber Optic availability and phone services.

A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to go into session as the Indigent Claim Board. MOTION carried with all members voting "aye". Time noted 10:55 a.m.

-----INDIGENT CLAIMS BOARD-----

Return to regular session. Time noted 11:05 a.m.

CHECKS WERE REVIEWED AND APPROVED:

Chairman Curry requested a ten minute break. Time noted 11:15 a.m.

Under Other Business:

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 NMSA to discuss pending litigation, Board of County Commissioners vs. Ute Lake Ranch, Inc. and DVR, LLC. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant. MOTION carried with Lopez voting "aye", Curry voting "aye" and Bryant voting "aye". Time noted 11:20 A.M.

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

Return to regular session. Time noted 11:45 A.M.

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

There being no further business, a MOTION was made by Brad Bryant, SECONDED by Robert Lopez to adjourn the regular meeting of the Board of Quay County Commissioners until the next regular meeting set for Monday, March 12, 2012 unless sooner called. The Commissioners announced they would be having lunch at Rockin Y Restaurant and all those in attendance were invited. MOTION carried with all members voting "aye". Time noted 11:55 A.M.

BOARD OF QUAY COUNTY COMMISSIONERS



Bill Curry, Chairman



Robert Lopez, Member



Brad Bryant, Member

ATTEST:



Ellen L. White, County Clerk