

REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS

March 12, 2012

9:00 a.m.

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 12th day of March, 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
Becky Wallace, Quay County Family Health Center
Robert & Jackie Van Sweden
Robert & Tressie Curtis
Sue Dowell
Michael Mulligan
Ina Little
Susan Pautler, NM Adult Probation Services

Chairman Bill Curry called the meeting to order. Becky Wallace led the Pledge of Allegiance.

A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve the minutes from the February 27, 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:

Ina Little, Quay County resident stated she understands the County budgets \$231,000.00 towards the operation of Trigg Hospital. She questioned when the Contract with Presbyterian renews, is there a clause in the contract or can it be added that they give or continue to give community care and obtain or keep accreditation. Commissioner Bryant asked Ms. Little to rephrase her question and perhaps he could answer as he also serves on the Hospital Board. Ms. Little said according to information she has obtained, the hospital does not have accreditation through the Joint Commission and asked why. Bryant responded by saying the Hospital has accreditation through another source due to the fact they are a Critical Access Hospital due to the population

size and rural location along an Interstate Highway. Little stated it's due to our location, this hospital should be operating as a level 3 or 4 trauma center. Little said there are a Board Certified Surgeon and Internal Medicine Physician and if we don't utilize them they will leave the area which would be disastrous for Quay County. Little said the Commission need to get involved and find out why the hospital is not being operated to its full capacity. Ms. Little stated another concern is that Presbyterian is skimming funds from the local hospital to pay large salaries elsewhere. Chairman Curry informed Ms. Little the County is the landlord of the building and has the facility leased to Presbyterian who operates and runs the facility. The County does not and will not get involved in the day to day operation of the hospital as the landlord of the building. Chairman Curry said the Commission and County Manager does from time to time voice concerns of the citizens to the Administrator at the hospital and wants to assure Ms. Little it's in the best interest of everyone the hospital remain in Quay County and serving the needs of the people. Ms. Little asked if there was a possibility another hospital could operate this facility. Commissioner Bryant stated others have been contacted and declined to invest in this community.

Sue Dowell voiced her displeasure with the Commissioners with regards to not having an agenda item regarding the construction project where Quay Road AI will be used by a construction company. Dowell stated a letter expressing concerns by residents was presented at the last meeting regarding Fisher Construction Company using Quay Road 72 and Quay Road AI for hauling purposes. Dowell stated residents have previously met with Primrose, Moore and WWC Construction during a prior construction project whereby the roads in question were used for hauling and damaged and never repaired. Dowell said the Commissioners and Primrose listened to concerns at the last meeting while residents made specific requests of things they wanted done. It was asked the construction company put up a bond to protect the condition of Quay Road AI, established a contract between Quay County and Fisher Construction requiring repair of Quay Road AI following the project, and to study statutes that regulate the use of roads. During the previous meeting Dowell said the residents were told the Commission would begin finding out what exactly could be done to address their requests. Primrose noted at that meeting he would speak with the County Attorney with regards to this issue. On March 9, Dowell contacted Commissioner Bryant and County Manager Primrose to see what had been done and stated she was told nothing at all had been done. Today, Dowell asked the Commission to listen to their concern and take steps and make decisions to protect Quay Road AI. Dowell reported she had researched the County Commission Handbook and it's the duty of the Board of County Commissioners to include care for county property and County Officials should promote decisions that benefit the public's interest and actively promote public confidence in county government. Dowell said it is in the public's interest the Commission listen and protect Quay Road AI and the safety of the citizens that live along that road. Dowell said the residents have come to the Board with concerns and request action but nothing has been addressed. Quay County maintains 1161 miles of roadways and we asked you protect those roads. It is Dowell's understanding the Commission can alter or discontinue any roads and to perform other duties with regards to roads. She also understands the Board is responsible for the general control and management of all roads including the dedication thereof. Dowell reported that could be an issue because she believes part of the road in question was never dedicated and accepted as a county road but suddenly appeared on the county maps as a county road. Dowell reported Harry Heckendorn, former Quay County Road Superintendent has informed the residents that was never a county road. Dowell said the Board of Commissioners has the authority to secure performance bonds with regards to contractors who perform work in the County. With regards to the previous project with WWC Construction, the residents trusted the County would protect their interests and nothing was done. However, this time the residents will not be quiet and go away and if the County does not address their concerns they will go to a higher command. Dowell asked if anything had progressed.

Primrose responded he has sent a request to the County Attorney but has not received information as to the legal action the County can pursue.

Dowell said the County has wasted two weeks not doing anything requested and the residents want to know where they should go for results.

Chairman Curry reiterated the County is not ignoring them and is continuing with their efforts to obtain legal guidance.

Commissioner Lopez asked Primrose if he has spoken with David Gonzales with the State Highway Department as the Contract for work is between the State and Fisher Construction. Primrose stated he had not recently. Lopez and Primrose said they both spoke with Gonzales prior to the last meeting and it was said the State would video the roadway and hold Fisher accountable and they would be required to put the road back to the condition prior to hauling per State Statute. Dowell responded by saying that didn't happen last time. Lopez said WWC Construction Company filed bankruptcy and no one could force the issue and that is why the County was left holding the ball when the project ended.

Robert Van Sweden stated he would like to see a compaction test done and post weight limit signs. Van Sweden stated if the weight limit signs were posted Fisher Construction could be made to construct a brand new road after they tear it up. Van Sweden said he wants answers and action by the Board of Commissioners.

Michael Mulligan stated that some of the local companies have sub-contracted and Quay County will benefit somewhat from this project.

Commissioner Bryant said he did not realize the urgency of the matter with the impending project date being the end of March as the Board had not yet been told the start date and he would see to it something was on the Agenda for the next Commission meeting.

Robert Curtis asked if the County would ask the construction company to go south to Hwy 54 and stay off the county roads.

Chairman Curry said they would keep the group informed as to what if anything the County can do.

OLD BUSINESS: NONE

Donald Adams, Quay County Fire Marshall presented the following items for approval:

1. Adams presented the PERA Volunteer Firefighters Annual Reports for approval. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve. MOTION carried with all members voting "aye". Copies are attached and made a part of these minutes.
2. Resolution No. 24; Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority (Rural 2 Fire Truck). A MOTION was made 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. Presented Resolution No. 23; Certification of the 2012 Certified County Maintained Road Mileage. A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to approve. MOTION carried with all members voting "aye" and a copy is attached and made a part of these minutes.

2. The State Transportation Commission will have their monthly meeting in Tucumcari on March 15, 2012 at the Tucumcari Convention Center.
3. Crews have finished 2 miles on the Quay Road BK project at Montoya and will begin moving equipment to Quay Road AD for the upcoming project.
4. Provided an estimate of costs for a new coal mix product from Desert West Enterprises, LLC.

Commissioner Bryant asked if the crews were moving back to the area of Quay Road AD would they be able to move the sand from the bar ditches as previously requested and Moore said yes.

Albert Mitchell, 10th Judicial District Judge joined the meeting. Time noted 10:10 A.M.

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

1. Primrose introduced Susan Pautler, NM Adult Probation Services along with Albert Mitchell, District Judge who requested space in the basement adjacent to the Domestic Violence office for housing of an adult Probation Officer to enable the State to keep a person on site in Quay County as the State would no longer have funds to occupy a rental location for this person. The Commissioners agreed that the space available in the basement could be occupied by that person.

Chairman Curry requested a ten minute break. Time noted 10:20 a.m.

2. It was reported the County has been informed of available space on a KOB television tower at Ragland, NM that will allow the use of space by the County to place the repeater required for EMS to receive signal. The use of the tower will be free of charge. The county will have to but a building at the location for the equipment. The contract with SpectraSite Communications for use of their tower was on the agenda for today to approve prior to KOB's offer. A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to not approve the contract with SpectraSite. MOTION carried with all members voting "aye".
3. Provided information regarding the costs the County will incur when switching to Plateau for telephone and all internet services.
4. Attended a meeting of the Interstate Stream Commission whereby the major concern revolved around the cost for the City of Tucumcari to use Intake Structure No. 1, which is located at Mine Canyon and at a zero cost to the City of Tucumcari versus being forced to use the Eastern New Mexico Intake Structure No. 2 which will cost the City \$6,600,000.00. It was noted the Interstate Stream Commission voted to require use of Intake Structure No. 2 regardless of the cost to the City of Tucumcari. A member of Representative Udall's staff was there and a conference call has been scheduled with them for tomorrow at 1:30 P.M. from City Hall.
5. Quay County received \$185,000.00 in Capital Outlay legislation for the roof repairs at the Courthouse.
6. The balance in the Conversation Grant received by the County is \$70,000.00 and could be used for insulation to assist with the roof project.
7. There will be a Presbyterian Community Health Forum on March 27, 2012 at 1:30 P.M.
8. Provided a news release from Excel Energy regarding construction of the Quay County Generating Facility.
9. Presented budget estimates from the NMSU Extension Office for three different levels of employment for a 4H program assistant. It is the request of the Extension Agent to try and fill the full time position.
10. The 2012-2013 budget process has been initiated with the Department Heads.
11. Provided the February RPHCA Report from the Quay County Family Health Center.

CHECKS WERE REVIEWED AND APPROVED:

Under Other Business:

Chairman Curry requested Primrose follow up with Kelly McFarland regarding the status of the Quay Community Centers 501C3 status as he would like this issue to be cleared up before the end of this year.

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 10:45 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 26, 2012 unless sooner called. The Commissioners announced they would be having lunch at Cornerstone Deli and all those in attendance were invited. MOTION carried with all members voting "aye". Time noted 11:45 A.M.

BOARD OF QUAY COUNTY COMMISSIONERS



Bill Curry, Chairman



Robert Lopez, Member



Brad Bryant, Member

ATTEST:



Ellen L. White, County Clerk