

REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS

March 26 2012

9:00 a.m.

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 26th 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
Becky Wallace, Quay County Family Health Center
Robert & Jackie Van Sweden
Robert & Tressie Curtis
Sue Dowell
Harry Heckendorn
David Gonzales, NM State Highway Department
T.J. Rich and Chris Birch, Quay County Detention Center

Chairman Bill Curry called the meeting to order. T.J. Rich led the Pledge of Allegiance.

A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve the minutes from the March 12, 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:

Sue Dowell quoted excerpts from the official minutes of various Commission Meetings where she and other citizens voiced their concerns with regards to the NM State Highway Departments project on I-40 and the contractor utilizing Quay Road AI and 72. Dowell requested permission from Chairman Curry to allow the residents in attendance at today's meeting to ask questions of David Gonzales following his presentation. Chairman Curry agreed brief questions would be allowed.

OLD BUSINESS:

David Gonzales, NM Department of Transportation Project Manager addressed the Board with regards to concerns from citizens who reside along Quay Road AI north of Hwy 54. Gonzales provided the following points:

1. Department of Transportation is aware of the residents' concerns along Quay Road AI during the hauling of materials by the contractor.
2. Gonzales has met with County Manager, Richard Primrose and has indicated whatever the contractor tears up on a county road will be repaired.
3. Quay Road AI has a lot of current damage to the chip sealed surface at the present time including severe alligator cracking and pot holes.
4. During a previous project between WWC and the State Highway Department, that road was utilized and damaged. WWC did not finish the project and it was taken over by F & F Construction who repaired the damages. Gonzales stated he understood the repairs may not have been to a standard the residents preferred however the State can only control so much when the original contractor could not be held liable.
5. The current contract for this project has been given to Richard Primrose and specifies repairs to County roadways.
6. The State cannot dictate which haul roads to use as that affects the bid price of the project and those costs are passed on to the taxpayers.

With that, Gonzales stood for questions. Sue Dowell requested a copy of the contract. Primrose passed out the contract and the Certified Road report from 1992 showing that portion of Quay Road 72 in question has been on the County Road list since at least that long ago.

Harry Heckendorn stated when WWC had the contract in March of 1993 and utilized that road, a portion of the funds were to be held back for repairs until the road was back in good repair. Heckendorn stated that did not happen. Gonzales responded by saying the road was repaired and there are several locations showing where an actual lay-down of paving occurred after the project. Gonzales reiterated it is their responsibility to repair the road back to the condition it was prior to use. It is not their policy to reconstruct a new road and if the residents are asking for that, it will never happen. Gonzales said in his opinion, the road has more patching than he expected with 200-300 feet of lay-down creating portions of the roadway that are in better repair than the original surface.

Robert Curtis stated he believes the repairs to the road were done prior to WWC hauling and not after. Gonzales stated he was not on that project however that is not normal protocol. Gonzales said occasionally a company will repair pot holes prior to a project and then come in after the hauling is complete and make any necessary repairs.

Robert Van Sweden asked if Gonzales had any solutions to their concerns as the roadway was not in good condition now. Van Sweden said what can the State, County and residents do to get this road in better condition. Gonzales said he can only speak strictly on behalf of the Department of Transportation. They will have the contractor repair only what is damaged by them and not existing conditions. Jackie Van Sweden said the repairs after the last construction project were not adequate and left the road in terrible condition. Gonzales again stated he cannot address that problem only what he can hold Fisher reliable for after this project. Ms. Van Sweden also requested the drivers not be allowed to use jake brakes. Gonzales said that was not an issue the State could control. Those roads are public access roads and they have no control over those issues.

Sue Dowell asked who would be enforcing the terms of the contract with regards to repairs. Gonzales said the NM Transportation Department would be the enforcing agency with regards to the specifications set forth in the Contract including the 5% that is withheld for repairs, paper work and final cleanup of the project. Gonzales stated the project originated by WCC was a unique one as it's impossible to hold a contractor accountable when they file bankruptcy in the middle of a project.

David Peacock joined the meeting. Time noted 9:20 A.M.

Dowell asked if the State conducted compaction tests and if that roadway was constructed for heavy equipment. Gonzales stated the State conducts compaction tests on State Highways and that is a county road used for public transportation and will not conduct a test on that road. Dowell asked who is responsible for conducting that test. County Manager, Richard Primrose stated he spoke to Engineers Inc. regarding a compaction test and weight limit signs. He was informed that coring every 1000 feet would have to occur and if a problem was noticed coring would have to be done every 500 feet followed by a traffic count conducted over a period of time. Primrose said if a traffic count was done today it would show very little traffic and no heavy equipment which would result in the test results showing no limits or restrictions needed on that roadway.

Commissioner Bryant asked if the State had requested the company utilize State Highways as often as possible. Gonzales said he met with officials from Fisher and the routes he intended to use were determined during the bid process. Gonzales said he encouraged Fisher to not use Quay Road AI south of US 54 due to the newly constructed road. Bryant said there is a weight limit sign on that portion of the road way. Gonzales said he has not seen any posted and Larry Moore, Quay County Road Superintendent stated they had all been stolen.

Gonzales said it's important the citizens realize this company is utilizing local businesses and contractors as sub-contractors creating revenue for Quay County. It is an 8 million dollar project and Quay County will benefit from the gross receipts generated as well as the local residents being employed.

Mr. Heckendorn asked if the State could enforce load limits. Gonzales stated it is the job of the NM Safety Department and not that of the Transportation Department.

Chairman Curry thanked those in attendance and Gonzales passed out his contact information to those who wanted it.

T.J. Rich, Quay County Detention Center Administrator requested approval of a change in the Juvenile Detention Center Policy and Procedures Manual Section JDC 904 Use of Force/Restraints. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve the procedural change. MOTION carried with all members voting "aye".

Ellen White, Quay County Clerk presented the following report:

1. Requested approval of a Contract between Quay County Clerk and Danny Wallace, Voting Machine Technician. A MOTION was made by Brad Bryant, SECONDED by Robert Lopez to approve said Contract. MOTION carried with all members voting "aye". A copy is attached and made a part of these minutes.
2. Presented the final list of delinquent businesses who have not obtained an Occupation License. White stated these businesses will receive final notice followed by liens on their properties.
3. White informed the Board her office is proceeding with a mass mailing to all registered voters within the County and providing them a new information card with their proper voting districts. Along with the card, a letter will be mailed regarding election information and current district changes as well as informing the public of the Voter Convenience Center to be utilized in Tukumcari.

Donald Adams, Quay County Fire Marshall requested approval of the Volunteer Fire Assistance Grant Program for the fiscal year 2013. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve said Application. 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 Richard Primrose and Chairman Curry attended the Transportation Commission meeting held in Tukumcari.

2. The caliche pit owned by Gene Cox is no longer available for use.
3. Quay Road BK is nearing completion with 5/10ths of a mile remaining of the project. Equipment continues to need repairs due to the long haul and wear and tear on equipment.
4. Crews are blading and shaping Quay Road AD as the beginning phase of that project. With the completion of Quay Road AD, the projects for this year will be complete.
5. The next project for some crews will be placement of reflectors and cleaning of culverts as well as replacing signage as it needs repairs with retro-reflectivity signage.
6. Sand from bar ditches along Quay Road AC is being removed and hauled away.
7. There is an RPO meeting in Springer on March 28.
8. A demonstration for the new coal mix by Larry Parker of Desert West will be held at the Road Department on Thursday, March 29 at 9:00 a.m.
9. The clutch in the Mac dump truck had to be replaced and the deck on the low boy trailer was rebuilt.
10. A video of the current condition of Quay Road AI has been made and will be retained by the Road Department.
11. Engineers Inc. has informed Moore that an Archeological Survey is being required on Quay Road 64.

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

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

1. Requested approval of the Audit contract between Quay County and Kubiak & Melton, LLC for the fiscal year 2012. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve said contract. MOTION carried with all members voting "aye". A copy is attached and made a part of these minutes.
2. Presented the final proposal from Plateau for broadband internet and phone services. 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.
3. The NACO 2012 WIR Annual Conference will be held in Santa Fe on May 16-18. The NMAC is requesting sponsorship fees in the amount of \$500 from the New Mexico Counties and/or a Pin from each county. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to contribute \$500 to the event. MOTION carried with all members voting "aye".
4. Provided Discharge Permits from the NM Environment Department.
5. Presented a letter from Comcast regarding scholarship recipients.
6. Distributed an email from 10th Judicial District Judge Albert Mitchell regarding courthouse security and the lack thereof.
7. Presented an email from Becky Wallace, Administrator of the Quay County Family Health Center regarding their new physician Dr. John Tucker.
8. Provided the monthly Gross Receipts Tax report for the previous month.
9. Primrose attended the monthly Quay County Dispatch meeting held March 21. Art Rios of DFA was present and will be addressing concerns involving dispatch of 911 from the Conchas Dam area. Currently a 911 call generated from that area is answered in Las Vegas and then rerouted to Quay County which could take upwards of 45 minutes. As well he will be addressing the concerns regarding the State Police being the back-up dispatch for the Centralized Dispatch Center when the State Police has no radios to dispatch from.
10. There will be a Health Forum hosted by Presbyterian at the Convention Center on March 27.
11. Representative Dennis Roch will be hosting a public meeting on April 3 at 5:00 P.M. at the Logan Civic Center.
12. The Courthouse will be closed at noon on April 6 for Good Friday.

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 10:35 a.m.

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

Return to regular session. Time noted 10:45 a.m.

CHECKS WERE REVIEWED AND APPROVED:

Under Other Business: NONE

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 11:00 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, April 9, 2012 unless sooner called. The Commissioners announced they would be having lunch at Pow Wow Restaurant and all those in attendance were invited. MOTION carried with all members voting "aye". Time noted 11:45 A.M.

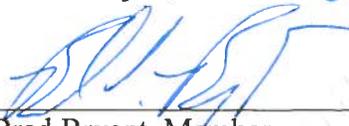
BOARD OF QUAY COUNTY COMMISSIONERS



Bill Curry, Chairman



Robert Lopez, Member



Brad Bryant, Member

ATTEST:



Ellen L. White, County Clerk