

REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS

August 15, 2012

9:00 a.m.

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 15th day of August, 2012 at 9:00 a.m. at the Quay County Commission Room 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
Janie Hoffman, Quay County Assessor
Donald Adams, Quay County Fire Marshal
Thomas Garcia, Quay County Sun
Becky Wallace, Presbyterian Medical Clinic Supervisor
Don Schutte, Attorney for Quay County
Harold Daniels, Resident
Mike Martin, Resident
Charles Benton, Resident
Don & Louis James, Residents

Chairman Bill Curry called the meeting to order. Thomas Garcia led the Pledge of Allegiance.

A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to approve the minutes from the July 23, 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: None.

A MOTION was made by Robert Lopez, SECONDED by Brad Bryant, 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. MOTION carried with Lopez voting "aye", Curry voting "aye" and Bryant voting "aye". Time noted 9:05 a.m.

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

Return to regular session. Time noted 9:50 a.m.

A MOTION was made by Brad Bryant, SECONDED by Robert Lopez that only the items listed above were discussed during Executive Session. Chairman Curry stated that action during Executive Session included the

Boards decision to reject the Stipulation placed on the Board of County Commissioners by the 10th Judicial District Judge regarding the Amended Disclosure Statement for Ute Lake Ranch Subdivision Filing No. 1 MOTION carried with Lopez voting “aye”; Curry voting “aye” and Bryant voting “aye”.

Under Old Business:

1. County Manager, Richard Primrose stated no documents were provided for this item of business. A MOTION was made by Robert Lopez, SECONDED by Brad Bryant to table approval of the Amended Disclosure Statement for Ute Lake Ranch Subdivision Filing #1. MOTION carried with all members voting “aye”.
2. Mike Martin, requestor for closure of a portion of Quay Road K approached the Board stating he was not satisfied with the County Manager and his lack of urgency to assist him with this closure. Martin said he requested this closure over a year ago and he was promised the road would be filled with caliche and the cattle guards that were in bad repair would be fixed. The cattle guards are in terrible shape and he had a vehicle fall through one. The Sheriff’s Department came and has a report of that incident. Martin said he had a new road built costing him \$38,000.00 to county specifications which the County can add to their Road Certification. An Environmental Study is required for this road to be accepted by the County and was not done at the time of construction as Martin did not realize that was a requirement. Martin said they have numerous items that have been stolen from their ranch due to the road remaining open allowing thieves to pass through the property. Martin said he had a gate across the road to keep the cattle inside the property due to the cattle guards being non-operational. Martin said the Quay County Sheriff’s Department removed the gate and issued a citation to him for blocking a county road. Opening the gate caused the cattle to get out and mix with an adjoining landowners cattle. The cattle had to be sorted and gathered at a cost to Martin and he intends to send an invoice to the County for his time spent gathering cattle and also for the damages to the vehicle that fell through the cattle guard.

Martin said Louis James has requested the road to remain open so he can have access to his property, however he does have access to the property by using another County Road. Martin said the other road may be a little further away, but never the less he would not be land locked. Martin has also offered to provide James with a key to the gate if the road is closed but is not interested in authorizing a legal easement to James. He said he would sign something simple saying James could use the roadway but not anything legally binding. Martin said if James did not agree to this closure he would file against the State Lease land currently leased by James and obtain the lease for himself and keep James out of his property permanently. Martin said James would end up losing all around if he did not agree to the closure.

Louis James said it was only today that Martin offered him a key to have access. James said he does not believe having a key and a piece of paper that is not legal and binding will provide long term access that he needs to that property. James said he refused the key due to the lack of legal documentation providing him the easement. James said he considers Martin’s comments regarding filing on his State Lease a threat and blackmail. James agreed the cattle guards are in bad shape. James believes the roads have not been maintained due to Martin’s lack of cooperation with the County.

Commissioner Bryant asked if James was currently using the road. James replied that six weeks ago it was determined there is some State Land they did not have an easement to cross and have since requested an easement so they have not used the road since then.

Martin said James has access to the property by using Quay Road J. James agreed they can use that road but it would be inconvenient and add time and cost to their daily operations.

Chairman Curry thanked Martin and James for their comments and said the Commission would take all matters into consideration and make a determination at a future meeting.

Donald Adams, Quay County Fire Marshall presented the following:

1. Requested approval of the Ragland Tower Bill of Sale between Hearst Properties Inc. and Quay County. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve said Bill of Sale. MOTION carried with all members voting "aye". A copy is attached and made a part of these minutes.
2. Presented the Lease between Joyce L. Cone and Quay County for a portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 7 N., Range 30 E. for the Repeater Tower. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve the Lease. MOTION carried with all members voting "aye". A copy of said Lease is attached and made a part of these minutes.
3. The RFP for the Bard/Endee Station will be circulated beginning Wednesday, August 22, 2012.
4. All Fire Departments are compliant with reporting.
5. The new Rural 2 Fire Truck is en route to Quay County and has experienced some breakdowns that are being addressed by manufacturers.

Janie Hoffman, Quay County Assessor gave a brief overview of the NMAC Board of Directors meeting held in August. Items discussed included Legislative Priorities, Workman's Comp Contributions and update on new NMAC building. Hoffman told the Commissioners that Ellen White, Quay County Clerk had requested a bid packet for upcoming conferences and they will be distributed at the NMAC Board Meeting in October. Hoffman informed the Commissioner of Yolanda Archuleta's resignation as NMAC Events Coordinator. Hoffman said the 21st Gathering of Counties will be held in September at the NM State Fair and more information should be coming.

Chairman Curry requested a ten minute break. Time noted 10:35 a.m.

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

1. Following the treatment of the Fog Sealing on Quay Road AD, the School Bus Projects will be complete.
2. The drainage and shoulder work will begin on Quay Road 64. Drainage and culverts will be specific to the Engineers design.
3. Heavy rains in the Forrest area have created the need to have 3 blades working in that area.
4. John Burson is still not at work following medical complications.
5. The next RPO meeting will be held in Angel Fire on August 22.
6. Construction of an entrance to the Road Barn is nearing completion. This will keep the office and equipment cleaner and less noise for office staff. It has already helped with regulating the temperature in the offices.

Quay County Manager, Richard Primrose presented the following report:

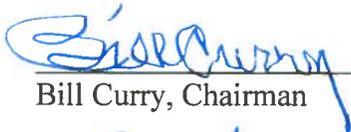
1. Presented proposed Ordinance No. 44; Control of Dogs and other Pets. Primrose requested permission to proceed with the adoption of the Ordinance by properly advertising the contents. The Board of Commissioners directed Primrose to proceed.
2. Primrose introduced the Auditors from the Kubiak & Melton, LLC Firm. They are on-site performing the audit for the County.
3. Provided the monthly RPHCA Report for the Quay County Family Health Center for June, 2012.
4. An upcoming DFA audit of the DWI records is approaching on September 12.
5. Primrose, along with Commissioner Bryant attended the Xcel Ground Breaking.

PAYMENTS WERE REVIEWD AND APPROVED.

Under Other Business: NONE

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, August 27, 2012 unless sooner called. The Commissioners announced they would be having lunch at the Cornerstone Deli and all those in attendance were invited. MOTION carried with all members voting "aye". Time noted 11:10 A.M.

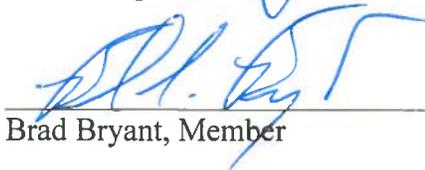
BOARD OF QUAY COUNTY COMMISSIONERS



Bill Curry, Chairman



Robert Lopez, Member



Brad Bryant, Member

ATTEST:



Ellen L. White, County Clerk