

Work Session

March 21, 2007

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Work Session at the Otero County Courthouse in Alamogordo, County and State aforesaid. Meeting called to order by the Chairman at 9:00 a.m., March 21, 2007; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News, and to Radio Stations, KPSA, KINN and KYEE.

Present:

Doug Moore	Chairman
Clarissa McGinn	Vice-Chairperson
Michael Nivison	Member
Dr. Martin Moore	County Manager
Ray Backstrom	Assistant County Manager
Dan Bryant	County Attorney
Pamela Heltner	Commission Liaison
Bill Lee Parker	Road Superintendent
Lynn Estrada	Deputy Clerk

DRAFT

Marsha Slane gave the invocation. Commissioner Moore led the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

1. New Business:

Proclamation: Kimberly Turner/Prudential Spirit of Community Recognition Day

Proclamation: National Government Week

Presentation: Presentation of the Travel Management Rule on Forest Service land by Peg Crim and Connie Zipperer

Presentation: Maurice Hobson to present the Board of County Commissioners with the outcome of the 2007 Legislative Session

2. Consent Agenda:

- a. Approval of Minutes
- b. Bills Lists #41, #42, #43

3. Purchasing:

a. Consider approving sealed bid #07-006 for the Red Brick Building Renovation Phase 1-Roof replacement, for the amount of \$442,800.00 to Lancon Inc. The available funding of \$486,480.00 is from a legislative grant. The architect and low bidder negotiated a lower amount within the 10% allowed by state statutes, to keep the bid within the grant budget.

b. Consider approving sealed bid #07-019 for a 2007 Dodge Utility 4x4 utility truck to Jack Key Motors for the amount of \$32,978.00 for the Otero County Road Shop.

Bill Parker stated that we budgeted \$30,000.00 for this truck and it came in a little over this amount and he does have the money in his other capital outlay to make up the difference.

c. Consider approving sealed bid #07-023 for a 2007 Centennial Oil Distributor mounted on a Ford 750 truck for the amount of \$114,636.00 for the Otero County Road Shop.

4. Resolution, Contracts, & Agreements:

a. Consider approving Resolution No. 03-27-07/95-49 for the Sixteen Springs Volunteer Fire Department to reflect the award of a New Mexico Energy, Mineral and Natural Resources Department

grant in the amount of \$6,500.00. This grant will provide financial assistance for radio upgrades and for the purchase of wildland fire fighting personal protective equipment.

b. Consider approving Resolution No. 03-27-07/95-50 for the High Rolls Volunteer Fire Department to reflect the award of a New Mexico Energy, Minerals and Natural Resources Department grant in the amount of \$100,000.00. This grant will provide financial assistance for the purchase of a Type 6 Wildland Fire Engine and wildland fire fighting personal protective equipment.

c. Consider approving Resolution No. 03-27-07/95-51 for the Sheriff's Department to reflect the award of a Selected Traffic Enforcement Program grant from the New Mexico Department of Transportation in the amount of \$9,833.00.

d. Consider approving Resolution No. 03-27-07/95-52 for the Sacramento Mountains Senior Services to reflect the award of an emergency renovation appropriation from the New Mexico Aging and Long-Term Services Department in the amount of \$3,000.00. These funds will be used to renovate the Sacramento Mountains Senior Services kitchen.

e. Consider approving agreement #2007-0782 between Otero County, acting as fiscal agent on behalf of the Sacramento Mountains Senior Services, and the New Mexico Aging and Long-Term Services Department for an emergency appropriation of \$3,000.00. These funds will be used to renovate the Sacramento Mountain Senior Services kitchen.

f. Consider approving Resolution No. 03-27-07/95-53, committing Otero County to the conveyance process for the purpose of acquiring the Federal Building and associated property located at 1101 New York Avenue. This is a required part of the application for conveyance of this property to the County.

Dr. Moore stated that with the approval of this resolution, it will allow us to submit the application to the Government Services Administration, who administers the federal property for the Forest Service. If we are successful, we will acquire ownership of the building and land with no money exchanged.

g. Consider approving Resolution No. 03-27-07/95-54 voicing formal opposition to construction of the proposed new land fill in Chaparral and urging the State of New Mexico to void the permit process and restore dignity to the residents of Chaparral who feel exploited by this land fill initiative.

h. Consider approving Resolution No.03-27-07/95-55 requesting approval to submit the 2007 annual certified County Maintained Mileage Report to the New Mexico Department of Transportation. At this time, Otero County maintains a total of 1,617.08 miles

Dr. Moore would like to thank Mr. Parker for his efforts in finding the error that was made by the State, reducing the number of miles that were indicated on their inventory. Mr. Parker has identified this error and this resolution is reflecting the increase of the number of miles, which increases our amount of funding by the State.

g. Requesting an amendment to the Detention property warranty deed between Michael Shyne and Otero County, regarding the chain link fence that will be needed for the new Detention containment yard. This chain link fence will face the Detention Center and will not be visible to the adjoining properties.

Dan Bryant stated that he has negotiated an agreement that provides for construction of the containment yard. There are two exhibits at the back of the agreement. The first page of the exhibit reflects the location of the containment yard in relationship to the main building and the 2nd page reflects the construction of the containment yard. The areas in the drawing that appear white are the

portions that will be chain link fence. When you look at those in connection with the two drawings, you will see that those will allow line of site visibility into the containment yard from the main Detention Center. The agreement allows for the construction of that facility in this manner, otherwise it maintains the deed restrictions that were negotiated with Mr. Shyne when we purchased the property for the Detention Center back in the mid 90's.

Michael Shyne stated that this is actually a clarification of the applicability of the covenants of the deed restrictions to the plans. This is in writing from Mr. Shyne, that indeed the plans that you have are in compliance with the covenants. Dan Bryant stated that we should adjust the language on the agenda to read that we are requesting approval of the agreement.

5. Public Hearings:

a. Martin Moore/Dan Bryant-Consider amending the Otero County Personnel Policy Ordinance 98-01 as presented.

b. Bill Lee Parker-Consider removal of approximately 31.24 miles from the Otero County road maintenance list: G-006 (4) miles, G-007 (2.24), G008 (19) miles, G-009 (4) miles, and G-010 (2) miles. All of these roads are located in the southeast corner of Otero County in Crow Flats area, north of Dell City, TX.

c. Ray Backstrom-Consider amending the Otero County Subdivision Ordinance 97-03.

6. Commission Discussions/Correspondence:

a. Clarissa McGinn-Accept Villa Christina Road in La Luz for County maintenance.

Commissioner McGinn stated that Villa Christina Road in La Luz has been inspected by the Road Department and is ready for County acceptance for maintenance. Commissioner McGinn would like

this item to be placed on the regular agenda for Tuesday night for consideration for approval.

7. Unscheduled Citizen Communications:

a. Michael Shyne stated as the cell phone and other wireless technology proliferates the demands for locations to install antennas is going to proliferate. In some cities those towers are restricted to architecturally disguised installations. When County property is close to a residential development, Mr. Shyne encourages the Commission to address any need to create additional restrictions to limit the height and the looks of towers being installed.

Dan Bryant stated about three years ago we had a proposed ordinance restricting cell towers locations. We had a public hearing and the ordinance failed to pass. A number of things have changed in the industry since then. It is probably right to reconsider the issue. We can put a draft together and have it ready for the last meeting in April.

8. Executive Session:

Commissioner McGinn made a motion to go into executive session to discuss pending threatening litigation, personnel-organizational restructuring, land-disposal and acquisition of land, road, detention center-housing of city prisoners and contracts. The motion was seconded by Commissioner Nivison.

Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Nivison	yes
Commissioner Moore	yes

Commissioner McGinn made a motion to come out of executive session having discussed items on the executive session agenda as listed, B through G, having made no decisions. The motion was seconded

by Commissioner Moore. Roll call was taken as follows:

Commissioner McGinn yes

Commissioner Moore yes

There being no further business before the Board the Chairman adjourned the meeting at 10:47 a.m.

APPROVED:

Doug Moore, Chairman

ATTEST:

Robyn Silva, County Clerk

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