

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 Chair person at 9:00 a.m., July 20, 2005; and she announced that reasonable notice for this meeting was given to the Alamogordo Daily News, and to Radio Stations, KPSA, KINN and KYEE.

Present:

Clarissa McGinn	Chair person
Doug Moore	Vice-Chairman
Michael Nivison	Member
Ruth Hooser	County Manager
Ray Backstrom	Assistant County Manager
Bobbie Reyes	Department Supervisor
Bill Lee Parker	Road Superintendent
Lynn Estrada	Deputy Clerk

DRAFT

Commissioner Nivison gave the invocation. Commissioner McGinn led the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

Commissioner McGinn recognized Mayor Don Carroll and City Manager, Pat McCort.

1. Consent Agenda:

- a. Approval of Minutes
- b. Bill Lists #59, #60, #1, #2

- c. Health Care Service for July 2005
- d. Personnel-New hires and promotions

2. Purchasing:

- a. Vehicle Maintenance Contracts Bid #05-031
- b. PS-04-002
- c. PS-04-003
- d. PS-04-004
- e. PS-04-005
- f. TS-003-004
- g. TS-003-005
- h. TS-04-007
- i. TS-05-001
- j. IQC-05-004

3. Resolutions, Contracts & Agreements:

a. Consider approving Contract between Dona Ana County and Otero County for Housing of Juvenile Prisoners.

Virginia Blansett, Detention Supervisor, stated that this contract is being renewed and the cost is up a little from last year. Ms Blansett recommends that the County continue this contract, because we have no place to put the juveniles except Albuquerque or Santa Fe, which would cost us more.

b. Consider approving Grant Award agreement between the New Mexico Energy, Minerals and Natural Resources Dept. and Otero County. To purchase personal protection and fire fighting equipment for High Rolls Volunteer Fire Department.

c. Consider approving Agreement between Otero County and the Forest Service to complete and maintain road projects.

Bill Parker, Road Superintendent, stated that the Forest Service contacted him. They have money left over from the Penasco Fire that has to be spent. The Forest Service would like Bill to use the money on the roads in Curtis Canyon. He will only do the county maintained part of the road. It's a good deal for us.

d. Consider approving Resolution No. 07-26-05/94-01 an Agreement regarding 2005/2006 budget for the Southeastern New Mexico Economic Development District/COG.

e. Consider approving Resolution No. 07-26-05/94-02 for the Execution and delivery of a loan agreement and intercept agreement for the La Luz VFD.

f. Consider approving Resolution No. 07-26-05/94-03 for the Execution and delivery of a loan agreement and intercept agreement for the Bent VFD.

g. Consider approving Resolution No. 07-26-05/94-04 for the 2005/2006 Final Budget Adoption.

4. Elected Official/Department Heads:

a. Bobby Jones-Blue Ribbon panel to oversee Wildlife Management in Otero County.

Commissioner Moore stated that he is on the Grazing Board and they will be sending a letter to the Commissioners to request them to seat a Blue Ribbon Panel to begin discussions about elk management in the forest. There is a huge influx of elk coming from non forest lands into the forest. The intent of the request is to gain control of the elk population.

b. Final plat approval for Sagebrush, La Luz and Danley Ranch Estates #2.

c. Consider approval of the petition for the annexation by the City of Alamogordo of numerous properties in Otero County.

Mr. McCort presented maps of the area that is going to be annexed. This request was owner initiated. Sharon Few, Planning & Zoning, stated that all property owners have been notified and we have received back about 70 percent. The area to be annexed is 626.9 acres. The County will need to give the City their right-of-ways and the City will take over maintenance of these roads. The area to be annexed is Mesa Verde Road and on Hwy. 82 up to Bearden's Body Shop.

The second annexation will include Florida Ave. and Diver's Cove down to Desert Lakes Road which includes just south of the school property and the Armory which is in the City already. Sharon stated that 90 percent of the property owners have requested to be made part of the City limits.

5. Public Hearing:

- a. Consider the naming of Not a Lane in the McCamy Subdivision.
- b. Consider the naming of Tierra De Vida in the La Luz fire district.
- c. Consider the renaming of Sari Rd. to Flor De Camp in the Dog Canyon fire district.
- d. Consider the preliminary plat for Olga Acres.

Commissioner Moore stated that we keep receiving the same objection from the State Engineer's Office pertaining to the hydrological study for each subdivision that is submitted. Commissioner McGinn stated that they are recommending it for their approval but it's not in the law that it has to be done. Commissioner Nivison stated that he doesn't think that they have the enforcement power to require it. Commissioner Moore would like to challenge this, at least to the level that if your going to include this recommendation in the subdivision approval, you need to tell us that statute by which we are forced to comply, and if they can't do this then don't include it in your recommendations.

- e. Consider approving Ordinance No. 03-05 repealing and amending certain provisions contained in Ordinance No. 91-04 regulating Collection and Disposal of Refuse, Litter, Handbills and Weed Control to

include state statutes on Burning of Garbage.

Gus Marker stated that due to the questions brought forth from the fire chiefs, all we are doing is bringing what is already a state regulation into a County ordinance.

f. Under Department Heads discussion, Virginia Blansett stated that she has been asked by the City to discuss with the Commission about changing the address of the Detention Center. The City is requesting to change from 1958 Business Center to Martin Luther King. The post office said that they will do an address change for 1 year, but the inmate correspondence and revenues coming in to this address will cause a problem. Virginia would like at least 60 days before we change and we don't know if we are going to be keeping the same number after the name change.

6. Citizen Communications:

a. Lee Ann Loney- Consider approval of Health Council Membership FY06.

b. Bill Wright-Consider approval to chip-seal Sherwood Forest and Robin Hood Roads in a cost sharing allotment between the property owners and the County.

Mr. Wright and several property owners were present to petition the Commission to approve their request.

The property owners have raised enough money to pay for their portion of the chip seal. It's a tremendous dust problem and would like to have an all weather road. Bill Parker stated that we won't be able to get the 24 ft. and there are some waterlines that will have to be dug up along with some phone lines. Water might be a problem. Commissioner Nivison stated that there is water in the pond in Cloudcroft that Bill could use for the road. He believes there is enough to finish the road.

Jean Botton and Vonn Lockett, residents in Robin Hood spoke about the awful dust problem from this road. Julie McKlesky stated the pot holes in the road are a big problem also.

c. Pat and Tom Atkins-Consider approval to have the County abandon the abandoned road easement

between my two lots.

Bill Parker stated that this is not a County road but an un-used easement between her 2 lots. Dale Palkki stated that he thinks she should go through the Planning Commission and follow procedures for an application to abandon this easement. Commissioner McGinn directed staff to contact her to make application with the Planning Commission. This item will be pulled from the agenda for Tuesday's night meeting.

7. Unscheduled Citizen Communications:

Johnny Ragan and his brother are property owners in Del City. The map shows a County road going into their property but there doesn't seem to be one. There is a private road to their property, but the ranchers have the roads locked up. Mr. Ragan would like to know if these are County roads that the ranchers have put gates on and locked up. Bill Parker will go look at the roads to see if they are County roads. Commissioner Moore stated that we need to find out who the property owners are surrounding Mr. Ragan's property. Bill will report back to the Commission and Mr. Ragan.

Commissioner McGinn recessed the Work Session until 12:00 p.m. to meet with the Planning Commission to discuss any subdivision ordinances and changes.

The time being 12:00 p.m. the Chair person called the meeting back to order.

Monroe Curtis, Chairman of the Planning Commission, and Hans Steinhoff, Board Member, approached the Board to discuss some of the new regulatory changes that may effect our subdivision regulations and ordinance. The agencies listed below submitted comments;

1. State Engineer
2. New Mexico Environment Office
3. Cultural Affairs

4. Highway Department

Hydrological studies were discussed. This is the study that the State Engineer's Office has been requesting with each new subdivision. The study is not legally required. Commissioner Moore stated that he would like the Planning Commission to work with Dan Bryant to compose a letter to the State Engineer to cite the statute that requires this hydrological study.

Mr. Curtis stated that we have discussed the subdivisions that are sub-standard to come back into an agreement where the County will fix the roads and charge the sub-divider so much a month over a period of time. The County has been reluctant to do this in the past, but this might be something to reconsider. He believes this would put a stop to the private roads. They are doing private roads to get around doing anything else and the purchaser has to sign an agreement that they agree to maintain the road. Mr. Curtis believes this should be put in the Disclosure Statement or eliminate private roads. Commissioner Moore told Mr. Curtis to propose some language to take private roads out.

Commissioner McGinn stated the other big issue is the process of subdivision reviews. Mr. Steinhoff stated that preliminary plat, allows 30 days for all the state agency's to review and then come to the County Commission. There is no provision for in between these two for it to come back to the Planning Commission. Mr. Steinhoff would like to have another 30 days put in so the Planning Commission has to act within that time period, then 30 days from that the County Commission has to act. The Planning Commission does not like to approve with conditions. Commissioner Moore would even like to consider 120 days after it's been through the Planning Commission

Commissioner McGinn stated that we will meet again on August 10th Work Session, talk with Dale Palkki, Subdivision Coordinator, about the time line process and have the attorney present at this meeting.

There being no further business before the Board the Chair person adjourned the meeting at 1:30 p.m.

APPROVED:

Clarissa McGinn, Chair person

ATTEST:

Robyn Silva, County Clerk

Work Session July 20, 2005