

Regular Meeting

December 19, 2008

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Regular Meeting at the Otero County Courthouse in Alamogordo, County and State aforesaid. Meeting called to order by the Chairman at 6:00 p.m., December 19, 2008; 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:

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| Doug Moore | Chairman |
| Clarissa McGinn | Vice-Chairperson |
| Michael Nivison | Member |
| Timothy Smith | County Manager |
| Dan Bryant | County Attorney |
| Jacqueline Jaramillo | Administrative Assistant |
| Lynn Estrada | Deputy Clerk |

DRAFT

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

New Business:

Proclamation: Commemorating the life and legacy of Alice King

Commissioner McGinn read the proclamation into the records.

1. Consent Agenda:

- a. Commissioner McGinn made a motion to approve all items under the consent agenda with the

exception of item 6 and item 17, being pulled for discussion. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

b. Request approval of RFP #09-022, New Fairgrounds Exhibit Building to White Sands Construction, Alamogordo, in the amount of \$1,046,739 plus all applicable taxes (5% contingency). Available fairgrounds funding is \$777,322.60.

Commissioner Moore stated that he has stock in one of the companies that has been named a sub-contractor, so he will recuse himself from voting.

Commissioner McGinn made a motion to approve RFP #09-022 for New Mexico Fairgrounds Exhibit Building. The motion was seconded by Commissioner Nivison.

Commissioner Moore stated that his assumption is that we will come up with the shortfall through the Emergency Fund. Mr. Smith, County Manager, stated that we will use the money from the General Fund. Harold O'Dell approached the Board and stated that the amount you were given is in the left column, bids 1 thru 8. Bids 1 thru 8 do not include the kitchen and bid lot 9 is the kitchen. White Sands Construction said that if we take all 9, there will be an additional \$7,739.00 discount, which would be column 3. The figure that is on the agenda is in column 1. We would like the Board to consider column 3, which would give us the kitchen.

Commissioner McGinn amended the motion to approve RFP #09-022, New Mexico Fairgrounds Exhibit Building, to include the options for bid lots 1 thru 9. The amended motion was seconded by Commissioner Nivison. Commissioner Moore stated that the amount will go from \$1,046,739.00 to \$1,069,000.00 plus \$53,450.00 in contingency and \$17,430.00 engineering and gross receipt tax at \$85,491.00. The total package is \$1,225,371.40. A vote was taken and the motion passed unanimously. See pages

c. Request approval of Palo Verde Dr. and Aniana Lane in Tierra De Los Ninos Subdivision for

county maintenance.

Commissioner McGinn made a motion to approve Palo Verde Dr. and Aniana Lane in Tierra De Los Ninos Subdivision for county maintenance. The motion was seconded by Commissioner Nivison. Gene Galassini approached the Board and stated the roads in this subdivision were accepted by the County Commission on April 27, 1998. In a set of minimum standards that the Commission has a copy of, under the occupancy requirements is that each of the 36 parcels that were in this subdivision were assigned a rating of 2.7 persons per lot. The maximum capacity comes to 97.20 people, 20% of this comes to 19.44 people and 2.7% into that it actually requires the minimum standard from the subdivision for 7.2 residences. The eighth house is currently being built right now. In the last six months, Mr. Galassini has worked hard to get this before the Commission to get the final adoption for each and every one of the roads. When this was approved by the County Commission on April 27, 1998, these were the regulations that covered the subdivision. These are the regulations that Mr. Galassini has followed.

Commissioner McGinn stated that Bill Parker, Public Works Director, did a road inspection on the subdivision and returned it to the Commission on December 10th. Everything was satisfactory on Villa Lucia, but there is a cul-de-sac that's too small and does not meet Otero County standards. Mr. Galassini asked why Rebekah Court was not included in this. Commissioner McGinn stated that her understanding at the time was those three roads, Villa Lucia, Rebekah and Wiley didn't meet the standard. The reason it was returned on Rebekah because it didn't have any current occupancy. The two that currently came up to standard were put on this agenda and we could look into the other ones at some future meeting. Mr. Galassini doesn't understand why Rebekah Court has been segregated as a single road and has not been included in the entire subdivision. Commissioner McGinn stated that at the time, her understanding that there had to be 20% occupancy on a particular road.

Mr. Galassini needs to know what standards are we going to go by. If there are going to be some other than the ones that were approved with the subdivision, he needs a copy. Commissioner Moore stated that the discussion at the Work Session was nothing about the occupancy and Rebekah. The discussion was Wiley and it wasn't wide enough. If there is an occupancy challenge, that's news to him tonight, and he isn't prepared to make a decision based on occupancy until he can get some more information. Commissioner McGinn stated that in the interim from the Work Session, we had the road inspections done. We have done a lot of digging through the minutes and reports from when the subdivision was approved, and there is no reason why Rebekah Court couldn't be on the next agenda for approval. Commissioner Moore stated that we have a motion and a second on the floor. A vote was taken and the motion passed unanimously. See pages.

2. Citizen Communications:

a. Donald Homan request to change the 1 mile location limit to 3 miles regarding complaints filed pursuant to Ordinance's 91-03 and 91-04.

Commissioner Moore stated that ordinance 91-03 and 91-04 deal with trash and junk vehicles on private property. Within the language of both of those ordinances, the requirement is that any civil person who files a complaint against a neighbor has to live within a 1 mile radius of the property that may not be in compliance. We discussed this at Work Session, and Mr. Homan is requesting to change the 1 mile radius to 3 miles. The Board re-did these ordinances 5 years ago to specifically change the radius. We had people from Alamogordo filing complaints against people in Weed because they had a tractor sitting in their front yard.

Mr. Homan stated that the community has to look to Mr. Colquitt, the developer, to approach these people to clean up their trash and junk cars. Commissioner Nivison stated that one person doesn't have to cover

the community. It should be the community covering the community. Commissioner Nivison doesn't want to change the ordinance. We have a consistency across the County and this is real important.

4. County Manager Report:

a. Mr. Smith stated that we have changed the date to move from this building to the Federal Building to the week of January 12th.

The Courthouse construction will start the renovation of the DA's Office on January 5th. The north part of the building will be blocked off for the duration of the project.

5. Unscheduled Citizen Communications:

a. Mr. Donald Homan approached the Board and thanked them and Mr. Bill Parker for the great effort by the Road Department. The community really appreciates the work that has been done on the roads the past couple of weeks. We are hoping that the roads with the potholes can be completed also. Mr. Parker stated that he will do his best to complete the potholes on the roads from the list that Mr. Homan has given to him.

6. Executive Session:

Commissioner Moore made a motion to go into Executive Session to discuss item D. Land-acquisition and disposal, and G. Contracts-Lobbyist Services. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner Nivison	yes
Commissioner McGinn	yes
Commissioner Moore	yes

Commissioner Moore made a motion to come out of Executive Session having discussed item D. Land-acquisition and disposal and G. Contracts-Lobbyist Services. The motion was seconded by

Commissioner McGinn. Roll call was taken as follows:

Commissioner Nivison	yes
Commissioner McGinn	yes
Commissioner Moore	yes

Commissioner McGinn made a motion under land-acquisition and disposal that we accept the letter of intent to accept the offer on subject property. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

There being no further business before the Board, the Chairman adjourned the meeting at 7:02 p.m.

APPROVED:

Doug Moore, Chairman

ATTEST:

Robyn Holmes, County Clerk

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