



STATE OF NEW MEXICO, COUNTY OF CHAVES  
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Book 00072 Page 00650 Pages 5  
Dave Kunko, County Clerk

**NOVEMBER 20, 2014**

The Board of Chaves County Commissioners held their regular commission meeting in the Commission Chamber of the Joe Skeen Building, #1 St. Mary's Place in Roswell, New Mexico. Chairman Duffey called the meeting to order at 9:00a.m. Those present were Commissioners Duffey, Wooton, Corn, Chesser and Nibert. Also present were County Manager Stan Riggs, Public Services Director Sonny Chancey, Finance Director Joe Sedillo, Chief Deputy Sheriff Britt Snyder, Assessor Ron Lethgo, Treasurer Steve Harris, County Clerk Dave Kunko, news media, staff and guests.

Anabel Barraza led the Pledge of Allegiance and Commissioner Chesser led in prayer.

#### **MINUTES**

Commissioner Wooton moved to approve the minutes from the Regular Commission Meeting on October 16th and the Special Commission Meeting on November 7th. Commissioner Nibert seconded the motion. A voice vote was unanimous and the motion carried.

#### **AGENDA**

Commissioner Nibert asked that we combine the special use permits for wireless service towers. Mr. Sheridan felt like Case Z 2014-7 could be combined with Case Z 2014 -10.

#### **PUBLIC HEARINGS**

##### **ZONING CASE Z 2014-7 AND Z 2014-10 REQUEST FOR SPECIAL USE PERMITS**

Mr. Sheridan explained that Case Z 2014-7 and Z 2014-10 were requests for special use permits for wireless communications facilities (cell towers). Staff recommends approval with 8 conditions of approval.

IN FAVOR – None

AGAINST – Ronnie Mitchell has his ranch on Isleta Road very close to where the tower will be constructed. He has taken down 3 windmills in this area for the preservation of the Prairie Chicken. The BLM Biologist told him the Chicken will avoid roads and will lose habitat.

Commissioner Nibert moved to approve Case Z 2014-7 and Z 2014-10 with conditions 1, 2, 3, 6, 7, 8 and 9. Commissioner Chesser seconded the motion. Commissioner Nibert asked Mr. Mitchell if there were active Lecks in this area. Mr. Mitchell stated that there were chickens in the area. Commissioner Wooton stated he was surprised that the BLM was not at this meeting. Commissioner Nibert said he omitted 4 and 5 because these issues are between the land owner and the tower builder. Commissioner Wooton stated a tower would be helpful in this area because the current cell service is poor. A voice vote was unanimous and the motion carried.

##### **ZONING CASE Z 2014-11 REQUEST FOR SPECIAL USE PERMIT**

Mr. Sheridan stated this case is also for a special use permit for a cell tower. It does meet the requirements and of the 9 conditions of approval, items 4 and 5 may be deleted as was done in the previous case.

IN FAVOR – None

AGAINST – None

Commissioner Wooton moved to approve Case Z 2014-11 with conditions of approval 1 through 3 and 6 through 9. Commissioner Chesser seconded the motion. Commissioner Wooton stated there was currently poor cell service in this area. A voice vote was unanimous and the motion carried.

##### **ZONING CASE Z 2014-8 REQUEST FOR SPECIAL USE PERMIT**

Mr. Sheridan stated this case is for a special use permit for rodeo events. He explained that this is in accordance with the Planning and Zoning Ordinance and he has received no protests to this request

and there are 6 conditions of approval. Commissioner Wooton stated the P & Z Commission had 2 scheduled meetings without a quorum which means the public doesn't get time to voice their concerns and the issue comes straight to the Commission where the final decision is made. Mr. Riggs stated that this was not the fault of the applicant and these items can be returned to the P & Z Commission. Commissioner Corn stated it makes their job more difficult if the proper procedure is not followed. It just is not right.

IN FAVOR – Eloy Ortega spoke on behalf of the applicant. He stated 50 vehicles would work. They were not aware of all of the conditions. He said there are only 3 Hispanic arenas in the area and others are operating without a permit. This is about Mexican Culture. He asked why only Mexicans needed a permit? Commissioner Chessser stated he spoke to the neighbor Travis Wagner and he has no problem with this permit.

AGAINST – None

Commissioner Nibert asked Andy how many vehicles could be allowed. Andy stated 50 would probably have room. Commission Nibert moved to approve Case Z 2014-8 with conditions 1,2,4,5,6,7 and revising 3 to state no more than 50 vehicles. Commissioner Chessser seconded the motion and asked if 2 should be revised for access for emergency vehicles. Eloy stated the entry to the property is very wide and there would be plenty of room for emergency access. Commissioner Duffey stated the neighbors do appreciate the applicant. A voice vote was unanimous and the motion carried.

#### **ZONING CASE Z 2014-9 REZONE PROPERTY FROM AGRICULTURAL TO COMMERCIAL**

Mr. Sheridan stated this was a request for rezoning property from agricultural to commercial. He stated it was for the operation of a Flea Market. This request does not fit in the Comprehensive Plan and would be considered spot zoning. Staff recommends denial of the request for rezoning.

IN FAVOR – Bernice Juarez stated she did not have a flea market but just wanted to be able to sell items on the weekend. She works during the week for the school district.

AGAINST – None

Commissioner Nibert asked if a garage sale would be a special use instead of rezoning. Mr. Sheridan stated it could possibly be a conditional use permit, but there is a problem having commercial use in an agricultural zone. Commissioner Nibert felt like spot zoning was a stretch and asked if there was anything in the ordinance that would allow garage sales. Andy stated it did not address garage sales and many other issues. Commissioner Chessser stated that if this was rezoned the taxes would increase. Commissioner Chessser moved to deny the request and send back to staff and the Planning and Zoning Commission for further action. Commissioner Nibert seconded the motion. A voice vote to deny the request was unanimous and the motion carried.

#### **PROPOSED ORDINANCE O-088 ECONOMIC DEVELOPMENT PLANNING**

Mr. Riggs stated Ordinance O-088 is for Economic Development Planning. He stated the ordinance comes from a model used around the state and has been modified for Chaves County. In Section 6.2 it should state that just the Chairman may appoint a member and not the County Manager. Also there is a typo in Section 7.

IN FAVOR – Mark Roper representing the Economic Development Corporation stated this ordinance comes from the Local Economic Development Act (LEDA). Mr. Mulcahy stated this ordinance must be in place in order for them to apply for State Funding.

AGAINST – None

Commissioner Wooton moved to approve Ordinance O-088 as amended. Commissioner Chessser seconded the motion. A voice vote was unanimous and the motion carried.

#### **AMENDMENT TO ORDINANCE #7**

Mr. Riggs stated this amendment would add Article 20 to Ordinance #7 referencing Sexually Oriented Businesses (SOB's). This amendment would regulate the locations, permitting, licensing and operation of Sexually Oriented Businesses / Adult Entertainment Enterprises.

IN FAVOR – None

AGAINST – None

Commissioner Nibert moved to send this back to committee for additional amendments. Commissioner Corn seconded the motion. A voice vote was unanimous and the motion carried.

#### **AGREEMENT A-14-042 BETWEEN CHAVES COUNTY AND DFA**

George stated this agreement between Chaves County and DFA is a grant for \$199,000.00 for purchasing and equipping vans for transportation of Veterans in Chaves County. Commissioner Wooton moved to approve Agreement A-14-042. Commissioner Corn seconded the motion. Commissioner Wooton stated he was contacted by a citizen that was concerned that this might conflict with Lovelace's care of Veterans. Stan stated these vans are desperately needed and Lovelace only has a pilot program that is not open to all veterans. Magil Duran stated they are looking at getting two 5 – 6 passenger vans and one 12 passenger van. They cover all of South East New Mexico and part of West Texas. They take Veterans to Albuquerque 2 times a week and to Artesia Monday through Thursday. They do this with 100% volunteers and the Elks Lodge is another big supporter. A voice vote was unanimous and the motion carried.

#### **AMENDMENT #1 TO AGREEMENT A-14-011 BETWEEN CHAVES COUNTY AND DFA AND AGREEMENT A-14-041 BETWEEN CHAVES COUNTY AND WINGS FOR LIFE**

Stan explained that amendment #1 to Agreement A-14-011 would increase the local DWI Grant by \$26,227.00 for professional services and educational supplies. Agreement A-14-041 would provide incarcerated inmates at CCDC with an educational program suitable to the current needs of our society, the courts and law enforcement. He also mentioned this was for adult and juvenile offenders. Commissioner Corn moved to adopt amendment #1 to Agreement A-14-011 and Agreement A-14-041. Commissioner Chesser seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-14-056 HOLIDAY SCHEDULE FOR 2015**

Mr. Riggs stated the employees have had a chance to look over the proposed Holiday Schedule and staff recommends approval. Commissioner Wooton moved to approve the 2015 Holiday Schedule as presented. Commissioner Chesser seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-14-058 AUTHORIZING REVISION TO THE CHAVES COUNTY PERMANENT FUND INVESTMENT POLICY**

County Treasurer Steve Harris stated that the Permanent Fund Investment Policy is routinely reviewed and revised as necessary. Cutwater Asset Management is the County's permanent fund investment advisor and they have proposed amendments to the policy for consideration and approval. Commissioner Nibert moved to approve Resolution R-14-058. Commissioner Chesser seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-14-059 FY 2014-2015 BUDGET INCREASE FOR OTHER GRANTS AND CONTRACTS**

Resolution R-14-059 reflects budget adjustments to FY 2014/2015 for 2014 legislative projects and other grant awards. The total budget adjustments are for \$953,075.00. Commissioner Wooton moved to approve Resolution R-14-059. Commissioner Nibert seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-14-060 DECLARING THE INTENT OF CHAVES COUNTY TO ISSUE A PROMISSORY NOTE FOR THE CONSTRUCTION AT THE DETENTION CENTERS**

Mr. Riggs explained that this would begin the process whereby Chaves County would issue a gross receipts tax revenue promissory note in an amount not to exceed \$4,000,000.00 for the purpose of providing funds for construction at the Chaves County Detention Centers. Once approved the County would purchase the note as a municipal security and it would become part of the County's investment portfolio. If approved a public hearing will be held on December 9, 2014. Commissioner Chesser moved to approve Resolution R-14-060. Commissioner Wooton seconded the motion. A voice vote was unanimous and the motion carried.

#### **RESOLUTION R-14-061 APPROVAL OF TRANSFER ADJUSTMENTS**

Joe Sedillo explained that the Finance Department is redesigning the current budget transfers to adjust the availability of authorized cash within the participating funds. Commissioner Wooton moved to approve R-14-061. Commissioner Nibert seconded the motion. A voice vote was unanimous and the motion carried.

#### **AUTHORIZATION TO EXECUTE COMPLIANCE DOCUMENTS**

Mr. Riggs explained that this authorization allows the Chairman or County Manager to execute compliance documents for Chaves County properties, including the new addition to the Detention Center. Commissioner Nibert moved to approve the authorization to execute documents. Commissioner Wooton seconded the motion. A voice vote was unanimous and the motion carried.

#### **PERMISSION TO PUBLISH FOR A PUBLIC HEARING PROPOSED ORDINANCES O-089, O-090 AND O-091 FOR HOLD HARMLESS GROSS RECEIPTS TAX**

Mr. Riggs requested to advertise for a public hearing to be held Tuesday, December 9, 2014 to consider Ordinance O-089, O-090 and O-091 for a Hold Harmless Gross Receipts Tax. He also stated that at the same meeting the Commission would consider Resolution R-14-062, lowering the Chaves County Residential Property Tax Rate by 1 Mil beginning in 2015. Commissioner Chesser moved to authorize permission to publish for a public hearing proposed Ordinances O-089, O-090 and O-091 to be heard at a Special Commission Meeting to be held December 9, 2014. Commissioner Wooton seconded the motion. A voice vote was unanimous and the motion carried.

#### **PERMISSION TO PUBLISH FOR A PUBLIC HEARING REVISION #3 TO ORDINANCE #44 THE CHAVES COUNTY RIGHT-OF-WAY USE PERMIT ORDINANCE**

Sonny Chancey explained that the revisions would include traffic control plans, depth requirements for trenching and excavations and a requirement for the applicant to have a copy of the permit on site at all times during the construction. There was some discussion about whether this item should go to the Road Committee. The Committee members felt that since they were minor changes they would not need to see it first. Commissioner Nibert moved to approve permission to publish for public hearing Revision #3 to Ordinance #44 the Chaves County Right-of-Way Use Permit Ordinance. Commissioner Corn seconded the motion. A voice vote was unanimous and the motion carried.

#### **APPROVAL OF CHECKS**

Commissioner Nibert moved to approve checks in the amount of \$3,623,908.87. Commissioner Chesser seconded the motion. A voice vote was unanimous and the motion carried.

#### **APPROVAL OF REPORTS**

Commissioner Nibert moved to approve the reports for the period. Commissioner Wooton seconded the motion. A voice vote was unanimous and the motion carried.

#### **UNSCHEDULED COMMUNICATIONS**

Rita Kane Doerhoefer said she was a presiding judge at the General Election and everything went very well. She thanked the County for making the courthouse lawn look so nice for the upcoming Veteran's Day Parade. She also said she would not be here for the next meeting.

#### **MANAGER'S COMMUNICATIONS**

Stan stated there would be a special meeting on December 9<sup>th</sup>, the regular meeting on December 18<sup>th</sup> and the swearing in ceremony on Wednesday, December 31<sup>st</sup>. Sonny is working on a Solid Waste Ordinance which will go through the Road Committee. This needs to be done for our transfer stations and how things are handled. We have always had a problem with scavengers and it seems to be getting worse. He would like to have some committee meetings in December if we can find the time. We will be closed Thursday and Friday for Thanksgiving. We are still working on the Rotunda issue in the courthouse and there is nothing new to report. The jail project is moving right along. There will be a statewide recount for the Commissioner of Public Lands race, we just do not know when yet. He wished everyone a Happy Thanksgiving.

**COMMISSIONER'S COMMUNICATIONS**

Commissioner Nibert took exception to something that was said during the meeting and he stated this Commission has always dealt with matters in a fair, open manner and everyone is treated the same. We weigh the merits of everything that comes before us.

Commissioner Corn stated he was watching the election process on election night and it ran very smoothly and hats off to the County Clerk and his staff and all the election workers. He wished everyone safe travel for Thanksgiving. He thanked Rita for the baked goods and wished everyone a Happy Thanksgiving.

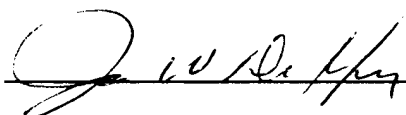
Commissioner Wooton thanked Rita for the goodies. He wished a Happy Thanksgiving to everyone. He asked everyone to get out and support High School Football in the area and enjoy time with your families.

Commissioner Chesser thanked Rita. He stated he understood what Mr. Mitchell was saying about the tower and his situation. It is frustrating to see the Endangered Species Act is affecting everything and everybody. He may have felt like we did not pay attention to him but we have been very much involved with this issue. He wished everyone a Happy Thanksgiving and stated he truly appreciates working with the Staff and the Commissioners.

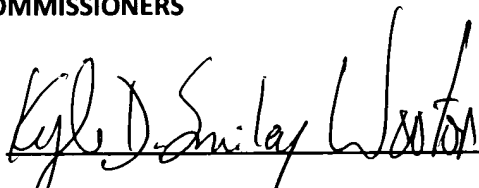
Chairman Duffey thanked Rita. He stated in this country we are blessed and should give thanks that we live here and not many other places in the world. We should really look at things from the optimistic point of view and be positive.

The meeting was adjourned pending the signature of documents at 10:58a.m.

**CHAVES COUNTY BOARD OF COMMISSIONERS**



**JAMES DUFFEY, CHAIRMAN**



**KYLE D. "SMILEY" WOOTON, VICE CHAIRMAN**



**ROBERT CORN, MEMBER**



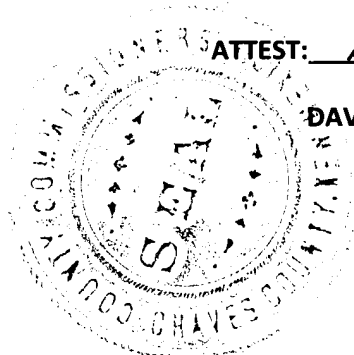
**GREG NIBERT, MEMBER**



**KIM CHESSER, MEMBER**



**DAVE KUNKO, COUNTY CLERK**



ATTEST: