



April 19, 2018

The Board of Chaves County Commissioners held their regular commission meeting in the Commission Chambers of the Joe Skeen Building, #1 St. Mary's Place in Roswell, New Mexico. Chairman Corn called the meeting to order at 9:00 a.m. Those present were Commissioners Corn, Bilberry, Cavin, Ezzell and Duffey. Also present were County Manager Stan Riggs, Sheriff Britt Snyder, Chief Financial Officer Joe Sedillo, Chief Deputy Clerk Jeff Ortega, news media, staff and guests.

Commissioner Ezzell led the Pledge of Allegiance and Commissioner Duffey led in prayer.

#### MINUTES

Commissioner Cavin moved to approve the March 15, 2018 minutes. Commissioner Duffey seconded the motion and it carried unanimously.

#### PROCLAMATIONS

Chairman Corn read a proclamation recognizing the Charlie's Angels 2018 National Dance Team Champions. A picture of the Charlie's Angels was taken with the Commissioners.

Commissioner Billberry read a proclamation recognizing National Day of Prayer.

Commissioner Cavin read a proclamation recognizing Motorcycle Awareness Month.

Chairman Corn presented Joe Clemenza with a certificate of appreciation for rendering aid and comfort to victims of an accident on Highway 13 on April 16<sup>th</sup>, 2018.

#### PUBLIC HEARINGS

##### 2018 Chaves County Annual Road Hearing

Bill Williams, Public Services Director stated the applications have been received for the 2018 annual road hearings. Chairman Corn opened the meeting for public comments.

Application #16 Ursula Road: No one spoke in favor or against.

Application #15 Tabitha Road: No one spoke in favor or against.

Application #14 Sharon Road: No one spoke in favor or against.

Application #13 Gloria Road: No one spoke in favor or against.

Application #12 Joy Road:

Philip Brainerd spoke in favor of closing .5 miles of Joy Road. He stated he's from the Flying H Ranch and would like to see it closed because it's prime grazing land.

Richard Joy, Flying H Ranch stated he's in favor of vacating but he won't be able to take anything heavy through Little Rock Road. He stated it was up to the Commissioners.

David Romine, Flying H Ranch is against closure of Joy Road. He wants the road to remain open to be able to get trucks with trailers through the ranch. He stated it's not prime grazing land and goes through the river bed.

Application #11 Pack Road: No one spoke in favor or against.

Application #10 Raleigh Road: No one spoke in favor or against.

Application #6 East Mescalero:

Bill Morris, City of Roswell Planner spoke against the closure. He stated the City needs access because of a sewer line and some properties on the west side of the BNSF ROW. Stan inquired about a bike trail through the area. Mr. Morris stated there is a possibility for a north south pedestrian bike trail that would link the city to Pine Lodge Road and eventually to Bitter Lakes.

Stan stated he spoke to Mr. Taylor's attorney and he informed us that we should be getting a letter today or tomorrow opposing the closure of this ROW.

Tom Conlee is in favor of the vacation because his farm runs about half a mile on Mescalero and when you go east off Atkinson the road dead ends and county maintenance ends. This is where his gate begins and Mr. Nesselrodts house sits. For the City to come up and say they are landlocked confuses him because no one has been on the easement or right of way for 11 years. The Taylors have fenced that area off for a horse pen and Mr. Nesselrodt has turned it into his yard and landscaped it. Mr. Conlee stated he needs access to the balance of his property. Commissioner Duffey asked Mr. Conlee if he's addressed his issues with planning and zoning. He stated he has spoken to Stan and Sonny and they let Mr. Nesselrodt do what he's done.

Trey Nesselrodt, 1702 E. Mescalero stated he is opposed to vacating this property. He stated currently he has the area landscaped because vehicles were driving through there at high rates of speed near the guest house. The landscaping was put there as a deterrent.

Application #4 Chickasaw Road: No one spoke in favor or against.

Application #2 Chickasaw Road west of quail lane to Pecos River: No one spoke in favor or against.

#### **Case FP 2018-01 Request for a Variance to the Flood Damage Prevention Ordinance**

Marlin Johnson stated the property is located at 409 Sacaton Street. The variance request is for a flood plain development permit to replace an existing manufactured home with a new manufactured home.

In favor: Heather Henry of 409 Sacaton stated the trailer on the property is not safe and wants to replace with something safer for her kids.

Commissioner Ezzell moved approval of Case FP 2018-01 with the stipulations and findings of fact. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

#### **Case Z 2018-01 Special Use Permit in Area II, Agricultural**

Marlin Johnson stated this permit is to allow aggregate crushing at an asphalt hot mix plant in an agricultural district. The property is on the northside of Chickasaw Road about one-half mile east of Hwy 285. The Planning and Zoning Commission recommends approval with the conditions and findings of fact.

In favor: Jana Lesard, J&H services project manager stated they want to start producing asphalt hot mix, cold mix and various other materials for all of SE New Mexico and the State of New Mexico. They currently have a state contract. She stated this would be a good economic impact for Chaves County. The crushing operation will have approximately 10 permanent positions and the hot plant will have 5 permanent positions. The fuel for the hot plant will be purchased locally and the asphalt will come from the Artesia Area. They plan on producing 50 thousand tons of hot mix.

Commissioner Duffey moved approval of Case Z 2018-01 with stipulations and findings of fact. Commissioner's Ezzell, Bilberry and Cavin seconded the motion. A voice vote was unanimous and the motion carried.

#### **Case Z 2018-02 Request to Rezone to Industrial District from Agricultural District**

Marlin Johnson stated this request is to rezone to industrial district to allow a trucking business to include parking the trucks, truck repairs, service and maintenance. The property is located south of 7956 Bronzite Rd. The Planning and Zoning Commission recommended approval with the conditions and findings of fact.

In favor: Yolonda Martinez. Her daughter translated for her and stated her mother is requesting rezoning from residential to commercial. They have 4 dump trucks and need a place to park the trucks. Commissioner Bilberry moved approval of Case Z 2018-02 with the stipulations and findings of fact. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

## **AGREEMENTS AND RESOLUTIONS**

### **Amendment No. 2 to Agreement A-17-019 between Chaves County and the State of New Mexico, DFA/Local government division for the FY 17/18 Local DWI Grant Program**

Lucia Serrano stated DFA is requiring the amendment to ensure positive budget balances under the in-kind match for the screening fees that have already been collected during the 2<sup>nd</sup> quarter billing. Commissioner Duffey moved approval of Amendment No. 2 to Agreement A-17-019. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

### **Agreement A-18-004 between Chaves County and Waide Construction Inc.**

Sandra Rodriguez stated Agreement A-18-004 is the contract for Chaves County garbage compacter sites for electrical services and concrete pads. The amount of the contract is for \$106,402.56. Stan stated the state is requiring us to use this contract. Commissioner Duffey asked how much more this project is costing because of the environment department regulations. Bill Williams stated the cost is significantly more. If we had done the work ourselves it would of cost \$50,000 at the most. Commissioner Ezzell moved approval of Agreement A-18-004. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

### **Resolution R-18-010 Deletion of Property and Proposed Disposition**

Lucia Serrano stated the Chaves County Flood Commission is donating a 2002 excavator to the Hagerman/Dexter Soil and Water Conservation District for the purpose of maintaining the Hagerman Canal. Berrendo Fire Department is donating a 1999 freightliner rescue pumper and a mobile radio to the Lake Sumner Fire Department. Commissioner Duffey moved approval of Resolution R-18-010. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

## **OTHER BUSINESS**

### **Permission to Publish for a Public Hearing Regarding Ordinance O-099 An Ordinance of Chaves County Regulating the Use of Off-Highway Motor Vehicles on County Roads**

Mr. Riggs stated the hearing will take place Monday May 21, 2018 and will also be advertised in the Roswell Daily Record. Commissioner Duffey moved approval for Permission to Publish for a Public Hearing Regarding Ordinance O-099. Commissioner Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

### **Permission to Publish for a Public Hearing Regarding Ordinance No. O-100 An Ordinance of Chaves County Approving the Project and Authorizing the Execution of an Intergovernmental Agreement and a Project Participation Agreement, accepting from the New Mexico Economic Development Department \$200,000 for Economic Assistance to Support the Expansion and Construction of a Frozen Warehouse Facility by Leprino Foods Company in Chaves County**

Mr. Riggs stated this is a LEDA Ordinance and will be heard Monday May 21, 2018. Commissioner Cavin moved approval of Permission to Publish for a Public Hearing Regarding Ordinance No. O-100. Commissioner Ezzell seconded the motion. A voice vote was unanimous and the motion carried.

### **Permission to Publish for a Public Hearing Regarding Ordinance No. O-101 An Ordinance of Chaves County Relating to Promotion of Economic Development and Commerce by Regulation of Certain Involuntary Payments Required of Employees in Chaves County.**

Mr. Riggs stated this is also known as the Right-to-Work Ordinance. The hearing will also take place Monday May 21, 2018. This ordinance has been through the Finance Committee. Commissioner Ezzell moved approval of Permission to Publish for a Public Hearing Regarding Ordinance No. O-101. Commissioners Cavin, Duffey and Bilberry seconded the motion. A voice vote was unanimous and the motion carried.

### **Waiver of Pavement Cut Fee for Cumberland Water Cooperative**

Mr. Williams stated Cumberland Water Cooperative has applied for a permit to install a new water meter from their line which lays beneath tumbleweed road. They've requested Chaves County

waive the \$1,100-dollar fee required by Ordinance No. 44. Cumberland Water Cooperative will pay the basic \$50.00 permit fee which covers the county inspection costs and they would comply with all other provisions of Ordinance No. 44 including utility locates, safety barricades, traffic control and final patch of the chip seal road. Commissioner Bilberry moved approval of waiver of pavement cut fee for Cumberland Water Cooperative. Commissioner Ezzell seconded the motion. Commissioner Duffey asked what effect this would have on Berrendo and all the cuts they make on county roads. Will they also be asking for waivers now? Is this a onetime deal from Cumberland? Bill Williams stated it's his understanding they have done this in the past and the language is in the ordinance to allow them to. The reason Cumberland asked for this specifically is because when they installed the water line the road was not chip sealed at the time. There was further discussion about assessing different fees depending on the width of the cut. Joe West stated they could change some of the fee's but they would need to amend the ordinance. Commissioner Ezzell moved to amend the motion to use a trencher instead of a backhoe in exchange for the fee waiver. Commissioner Bilberry agreed to change his motion. A voice vote was unanimous and the motion carried. Chairman Corn asked the Road Committee to take a look at Ordinance 44 for possible updates.

#### **APPROVAL OF CHECKS**

Commissioner Duffey moved approval of checks in the amount of \$ 1,599,743.71. Commissioner Cavin seconded the motion. A voice vote was unanimous and the motion carried.

#### **APPROVAL OF REPORTS**

Commissioner Bilberry moved approval of reports. Commissioner Duffey seconded the motion. A voice vote was unanimous and the motion carried.

#### **UNSCHEDULED COMMUNICATIONS**

Rita Kane Doerhoeffer stated Ordinance O-099 is different from the State Ordinance and the City Ordinance. She would like to see the County Ordinance with the same safety regulations as the State and City Ordinance.

Larry Connolly stated he hopes all parties to the cooperative agreement that support the flight to Phoenix will come through with a large guarantee.

Randy Robertson stated they didn't want to duplicate everything on the ATV Ordinance that is already in place such as seat belt, motorcycle and helmet laws.

Alys Klein reminded everyone of Walk for Hope on May 11, 2018 at Cielo Grande Soccer Fields.

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

Stan Riggs stated we are on the road Monday April 23<sup>rd</sup> for the Road Tours. Our Budget Workshop is Thursday May 10<sup>th</sup> at 8:30am. We hope to pass the Interim Budget Monday May 21<sup>st</sup>. This will be our next regular Commission Meeting. The auditors are here this week. They started early this year because of a time crunch last year. We will have a closed session to discuss our collective bargaining strategy.

#### **COMMISSIONER'S COMMUNICATIONS**

Commissioner Duffey stated there is a rodeo this weekend to support the Assurance Home. He thanked everyone for making their jobs easier. He stated Chaves County is very well organized and we are very fortunate to be in Chaves County. Pray for Rain.

Commissioner Bilberry thanked the Elected Officials for their hard work and the people in the County. We have a great County and I'm proud to be part of it.

Commissioner Ezzell reiterated the pray for rain and thanked Stan and the Commissioners for supporting the proposed Right to Work Ordinance. This will make Chaves County a better place.

Commissioner Cavin stated it's awesome to work with all the elected officials and all the hard-working folks that take care of Chaves County. God Bless America. It's going to be a busy upcoming month. Hopefully everyone is safe when they are on the road.

Commissioner Corn stated it is great to be able to preside over these meetings. They go well. Everybody's got their ducks in a row before we get here. We are getting close to having another meeting with the Interior Department. Nothings posted yet with the wilderness area's and ACEC's. One hot topic that doesn't seem to go away is the air space issue with the Airforce at Holloman bringing in potentially four training wings which is a bunch of airplanes. We will keep talking about it as long as people want to. This is an issue that needs to be looked at. If I lived in Eddy or Lea County I'd be looking at it differently than I am here. We are excited about Leprino's expansion and are more than happy to step up and do our part for that process to bring in more people and put people to work.

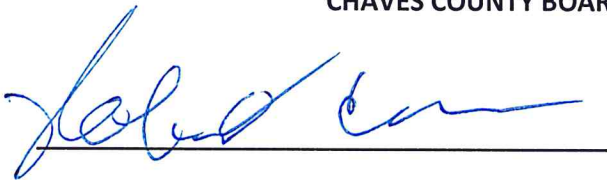
**CLOSED SESSION: PURSUANT TO SECTION 10-15-1H (5) NMSA 1978 COLLECTIVE BARGAINING**

Commissioner Duffey moved to go into closed session pursuant to 10-15-1H (5) for collective bargaining. Commissioner Ezzell seconded the motion. Commissioners Bilberry, Duffey, Ezzell, Cavin and Corn all voted yes to closing in a roll call vote.

Commissioner Duffey moved to come out of the closed session at 11:50 a.m. and the items discussed in the closed session were limited to those mentioned in the motion for closure and no action was taken. Commissioner Ezzell seconded the motion. Commissioners Bilberry, Duffey, Ezzell, Cavin, and Corn all voted yes in a roll call vote.

The meeting was adjourned at 11:50 A.M. pending the signature of documents.

**CHAVES COUNTY BOARD OF COMMISSIONERS**



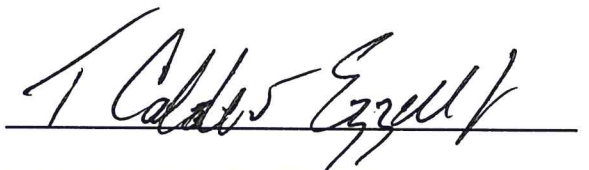
**ROBERT CORN, CHAIRMAN**



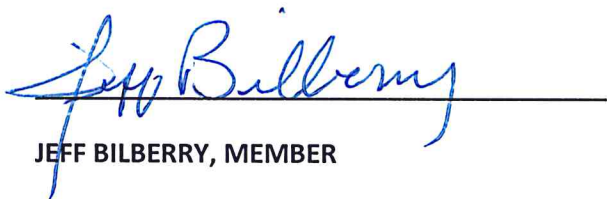
**WILLIAM E. CAVIN, VICE CHAIRMAN**



**JAMES W. DUFFEY, MEMBER**



**T. CALDER EZZELL JR, MEMBER**



**JEFF BILBERRY, MEMBER**

**ATTEST:**



**JEFF ORTEGA, CHIEF DEPUTY CLERK**

