

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF WATER AND SEWER COMMISSIONERS JANUARY 21, 2021, AT 8:30 A.M., IN THE PLANNING ROOM AT THE MUNICIPAL BUILDING, 101 N. HALAGUENO STREET, CARLSBAD, NM**

<b>VOTING MEMBERS PRESENT:</b>	<b>Craig Stephens Fred Beard Dennis Miehl John Bowen</b>	<b>Chairman Member Member Member</b>
<b>VOTING MEMBERS ABSENT:</b>	<b>Gary Perkowski</b>	<b>Member</b>
<b>EX-OFFICIO MEMBERS PRESENT:</b>	<b>John Lowe  Eddie Rodriguez</b>	<b>Ex-Officio/City Administrator/Secretary Ex-Officio/Mayor Pro-Tem/ Member</b>
<b>EX-OFFICIO MEMBERS ABSENT:</b>		
<b>OTHERS PRESENT:</b>	<b>KC Cass Denise Madrid-Boyea Ron Myers Melissa Salcido Wes Nichols Joe Harvey Richard Aguilar Olga Ramirez Jeff Patterson George Blakely</b>	<b>Deputy City Administrator City Attorney Director of Utilities Director of Finance Deputy Director of Utilities WWTP Superintendent Environmental Services Superintendent Assistant to City Administrator Planning Director Citizen</b>

**1. Roll Call and Determination of a quorum**

C. Stephens called roll and it was determined that there was a quorum of voting members

**2. Approval of Agenda**

The motion was made by D. Miehl and seconded by F. Beard to Approve the Agenda. The vote was as follows, Yes: C. Stephens, D. Miehl, J. Bowen, F. Beard No: None Absent: G. Perkowski. The motion passed.

**3. Approval of Minutes of the Board of Water and Sewer Commissioners Regular Meeting held December 17, 2020**

The motion was made by F. Beard and seconded by D. Miehl to Approve the Minutes of the December 17, 2020 regular board meeting. The vote was as follows, Yes: C. Stephens, D. Miehl, F. Beard, J. Bowen No: None Absent: G. Perkowski. The motion passed.

**4. Consider Approval to remove from table request from George Blakely for Outside City Limits Water Service for property located at 2007 Connie Road**

The motion was made by F. Beard and seconded by D. Miehl to remove from table the request for Outside City Limits Water Service. The vote was as follows, Yes: C. Stephens, D. Miehl, F. Beard, J. Bowen No: None Absent: G. Perkowski. The motion passed.

**5. Consider Approval of request from George Blakely for Outside City Limits Water Service for property located at 2007 Connie Road**

C. Stephens asked G. Blakely to approach the board. G. Blakely told the board he has gone to the Planning and Zoning Commission to request annexation but the board tabled the item. He is coming before this board to see what options he has. He stated his neighbors do not want to annex into the city.

E. Rodriguez asked if he was the majority landowner of that section. C. Stephens asked if that made a difference. E. Rodriguez stated yes, being a majority landowner, he could force annexation if he choose to. J. Patterson gave a brief description of the procedures needed to take to force annexation.

G. Blakely stated the neighbor that is against annexation is the same neighbor he has been receiving water from, and that neighbor has informed him that as of January 31 he would no longer be allowed to receive water.

J. Bowen asked if he knew what the neighbor's objection was to annex into the city. G. Blakely stated they just were not interested in annexing.

J. Patterson stated Mr. Blakely needs his neighbor to the north to join in order to have property contiguous to the city boundary. C. Stephens asked if there was more than one property that would make him contiguous to city property. J. Patterson responded there are two property owners if he could get one to join than they could be contiguous to city boundary.

F. Beard asked if his neighbor that was using water had trailers on his property. G. Blakely responded yes, it is an unusual situation. His neighbor has two parcels; one parcel is in the city the other parcel is in the county.

C. Stephens said one of the problems is he lives outside the city limits and there is a city policy not to provide water outside the city limits. Although, there are some instances that the city does provide water outside the city limits. G. Blakely said he is willing to annex, right now, he is under a time crunch. He has done everything the board has recommended he has exhausted all of his options.

D. Miehl stated so legally Mr. Blakely could annex and the city would supply him water. J. Lowe clarified he has the right to start the process, if he is the majority owner.

F. Beard asked why the city could not supply Mr. Blakely water if his neighbor who is outside the city limits is getting water. R. Myers stated they could, the city has done it in the past, but that is a decision for the board. J. Lowe asked if this was the same situation as what council previously just approved. R. Myers stated they are different because council approved just a residence, this a business. C. Stephens asked what the water rate was. R. Myers stated rates are two ½ times the city limits. C. Stephens stated so it would be beneficial to annex into the city. He asked what the zoning was. J. Patterson said the applicant is proposing to change to a C2 zoning.

The motion was made by F. Beard to grant Mr. Blakely to have outside city limits water, contingent upon the process started by him to annex his property and the neighbors into the city limits and seconded by D. Miehl. The vote was as follows, Yes: C. Stephens, D. Miehl, F. Beard, J. Bowen No: None Absent: G. Perkowski. The motion passed.

#### **6. Update on Revision to Wellhead Protection Ordinance Draft by Maria O'Brien and Dave Romero**

M. O'Brien stated the Wellhead Protection Ordinance has been in effect for quite some time. The Ordinance is to try to protect the City's future water supply. The updated Ordinance will include the developing Tatum, Sheep's draw, and Double Eagle.

D. Romero gave a brief highlight of the old Ordinance and the New Ordinance. He gave an update on the analysis of water pumped over 20 years and over 100 years.

C. Stephens said the changes are they expanded the protection area, updated the language and included Tatum. D. Romero stated yes, that is correct.

M. O'Brien stated yes that is correct. This is not only based on updated information but also to correlate and to stay consistent with the wellfield protection with the city's water planning. C. Stephens asked if this was the maximum amount of protection, the city could have to protect the wellfields. M. O'Brien responded yes. She reminded the board the city cannot prevent the oil and gas drilling but they could regulate the activities to protect its critical water supply. She said this is an excellent approach to protect the water supply.

E. Rodriguez asked for an explanation on the process or system of analysis is that actually depths or an extrapolation of numbers. D. Romero stated back in 2000 the analysis was based on a model that was supported by the Environmental Protection Agency; it was a simple model and did not have the actual structure of the Aquifer.

D. Miehl asked so the 2020 analysis is more defensible. D. Romero stated yes.

#### **7. Consider Approval to recommend to City Council Updated Wellhead Protection Ordinance**

The motion was made by J. Bowen and seconded by D. Miehl to recommend to City Council approval of the Updated Wellhead Protection Ordinance. The vote was as follows, Yes: C. Stephens, D. Miehl, F. Beard, J. Bowen No: None Absent: G. Perkowski. The motion passed.

**8. Utilities Department Monthly Reports and Project Updates presented by Ron Myers**

R. Myers said there was not much to report, business as usual. Septage revenue is up a bit. J. Harvey stated they are getting bigger trucks going through, which is the reason for the increase in septage revenue. He reported they hired a new secretary, Loni Carlson whom previously worked for the city. Frances Leyva retired at the end of December.

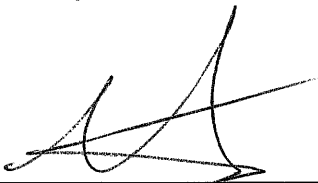
**9. Financial Reports presented by Melissa Salcido**

M. Salcido gave a summary of the November Financials. Revenues are favorable to the budget. Labor costs are favorable to the budget. Operating and Capital costs are favorable to the budget. She stated Capital projects are on hold so not a lot of spending in that area.

C. Stephens asked about the status of the Tatum agreement. J. Lowe responded he submitted the draft agreement to Select Energy. It is in their hands, waiting for a response from them to proceed.

**10. Adjourn**

The motion was made by F. Beard and seconded by J. Bowen to Adjourn. The vote was as follows, Yes: C. Stephens, D. Miehl, F. Beard, J. Bowen No: None Absent: G. Perkowski. The motion passed.



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Chairman