

**MINUTES OF THE BOARD OF WATER AND SEWER COMMISSIONERS MEETING
HELD ON JANUARY 17, 2013, AT 8:30 A.M. IN THE PLANNING ROOM, #204, AT
CITY HALL, 101 N. HALAGUENO STREET, CARLSBAD, NM**

VOTING MEMBERS PRESENT:	Craig Stephens Steve Massey Larry Henderson Jon R. Tully	Chairman Member Member Ex-Officio/City Administrator/Secretary
VOTING MEMBERS ABSENT:	Gary Perkowski Larry Sells	Member Member
EX-OFFICIO MEMBERS PRESENT:	Jon R. Tully	Ex-Officio/City Administrator/Secretary
EX-OFFICIO MEMBERS ABSENT:	Mayor Dale Janway	Ex-Officio Member
BOARD SECRETARY PRESENT:	Jon R. Tully	Ex-Officio/City Administrator/Secretary
OTHER MEMBERS PRESENT:	Steve McCutcheon Monica Harris Eileen Riordan Luis Camero Mike Abell Richard Aguilar Joe Harvey Richard Aguilar Art Sena Annette Barrick Edward T. Rodriguez Kevin Kerst Tricia Banister Regina Ballard	Deputy City Administrator Finance Director City Attorney Public Works Director Double Eagle Superintendent Environment Officer Water Superintendent Environmental Services Waste Water Superintendent Exec Asst./City Clerk Citizen Citizen/Requestor Citizen/Applicant Citizen

Time Stamps and headings below correspond to recording of meeting and the recording is hereby made a part of the official record.

0:00:02 Roll Call

0:00:24 1. Approval of Amended Agenda

The motion was made by Steve Massey and seconded by Larry Henderson to approve the January 17, 2013, Amended Agenda of the Meeting of the Board of Water and Sewer Commissioners. All members present voted "yes", the Motion passed.

0:00:34 2. Approval of Minutes of Board of Water and Sewer Commissioners meeting held December 20, 2012

The motion was made by Larry Henderson and seconded by Steve Massey to approve the Minutes of the Board of Water and Sewer Commissioners meeting held December 20, 2012. All members present voted "yes", the Motion passed.

0:00:50 3. Check Register and Bills

The motion was made by Steve Massey and seconded by Larry Henderson to approve the Check Register and Bills. All members present voted "yes", the Motion passed.

0:01:07 4. Operating Reports

a. Statistical Reports

b. Water and Sewer Monthly Reports

Mike Abell explained the Double Eagle Ogallala Water level in the report. He said with the re-drilling of Caprock 19 and Hudsons 1, we were taking the water level in the north well field to one of the wells that was down. He added that an official air line was installed in that location and both levels were checked.

Larry Henderson asked about the productivity in the new well. Mike Abell said Hudson 1 is still under construction.

The motion was made by Steve Massey and seconded by Larry Henderson to approve the Operating Reports. All members present voted "yes", the Motion passed.

0:05:03 5. Consider request from Kevin Kerst regarding Water Billing Issue at 2401 W. Utah Street

Jon Tully explained that this matter was brought before the Board at the last meeting and it was denied. He said to re-open consideration there will have to be a motion to reconsider which is not appropriate today because it is not on the agenda. He told the members that they can hear the request but no action can be taken until it is properly listed on the agenda.

Mr. Stephens called for Mr. Kerst. Mr. Kerst was not present at that time. Mr. Tully said the matter may be set on the Agenda for the next meeting.

0:05:25 6. Consider approval of request from Melvin Banister for Water Outside the City Limits, located at 2018-4 N. Mission Avenue

Tricia Banister appeared before the Board. Eileen Riordan explained that the request had previously been approved for another applicant by the name of Daniel Spoon. The property was owned by the Banisters but Mr. Spoon had an agreement with them for the purchase of the property. Mr. Spoon passed away unexpectedly and the ownership never changed from the Banisters. The current request is the same as the previous request made by Mr. Spoon but in the original owner's name, Melvin Banister.

The motion was made by Steve Massey and seconded by Larry Henderson to approve the request from Melvin Banister. All members present voted "yes", the Motion passed.

0:09:10 7. Discussion regarding Drought and Conservation

Mr. Tully said there is little change since the last discussion regarding the Drought. He said the extended drought suggests that we are returning to a normal condition after a couple of decades of higher precipitation. The drought conditions seem to be prolonged. There was more drought awareness in the past year and the City really reduced the amount of watering on the parks. He said he recommends a public awareness campaign. He said it seems that the conservation measures are making some difference. Larry Henderson said City Council needs to look at financial incentives for conservation measures. Jon Tully said that is exactly what is being considered along with other things and it will be brought back to the Board for approval to recommend to the City Council. Jon Tully said the benefits may be long term but it is necessary to start now.

Larry Henderson said one of the new potash mines near Lovington will effect our springs and water availability. Jon Tully said the City contracted with a hydrologist to see if the mine would have any effect on our Capitan. The hydrology showed there was no expected impact on Sheep's Draw but there was to the flow of the river. He said those findings were shared with the Interstate Stream Commission. He said river flow affects the Compact. Larry Henderson said the river flow also affects the day to day life in Carlsbad as the river is a main attraction. There was brief discussion regarding the Tatum wells and effluent water for city parks.

0:32:35 Mr. Kerst returned for discussion regarding Water Billing Issue at 2401 W. Utah Street.

Mr. Kerst said since he moved to Carlsbad from California, he has been charged for 16,000 gallons and he does not use that much. He said he feels he is being overcharged on his sewer. He said he thinks that new customers should be charged actual usage until they have established use. He said he does not think it is fair. Ms. Harris explained how the sewer use policy had been developed. She said there is not a method that works 100% of the time. This policy was selected as the best policy for most users. She said it is difficult to come up with something that is fair to every citizen and fair to the City. Ms. Harris said it is not appropriate for her to contradict the Ordinance. She said she does not recommend going to a system that allows customers to choose how they want to be billed. She said she offered actuals to Mr. Kerst but he insisted on appearing before the Board so she rescinded the offer until the Board made their recommendation. Mr. Henderson said the matter could be re-considered at the next meeting.

Water Board Handbooks were given to all Board Members present.

0:44:49 8. Adjourn

The motion was made by Larry Henderson and seconded by Steve Massey to adjourn. All members present voted "yes", the Motion passed.

/s/ Craig Stephens
Chairman

ATTEST:

/s/ Annette Barrick
City Clerk