

**LINKED MINUTES OF A EMERGENCY MEETING OF THE CITY COUNCIL OF
THE CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON JANUARY 26, 2018 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor <i>via telephone</i>
	Edward T. Rodriguez	Councilor
	Leo B. Estrada	Councilor
	J. R. Doporto	Councilor
	Jason Shirley	Councilor
	Richard Doss	Councilor
	Wanda Durham	Councilor <i>via telephone</i>
Absent:	Ward 3	Vacancy
Also Present:	Steve McCutcheon	City Administrator
	Michael Hernandez	Deputy City Administrator
	Eileen P. Riordan	City Attorney
	Nadine Mireles	City Clerk
	John Lowe	Community Dev. Director
	Wendy Hammett	Finance Director
	Jeff Patterson	Planning Director

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

0:00:00 **Call Meeting to Order**

0:00:01 Invocation - Pledge of Allegiance

0:00:16 **1. APPROVAL OF AGENDA**

0:00:19 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Rodriguez to approve the Agenda

0:00:24 **Vote**

The vote was as follows: Yes -Shirley, Durham, Anaya Flores, Doporto, Doss, Estrada, Rodriguez; No - None; Absent- None; Vacancy - Ward 3; the motion carried.

Mayor Janway stated that Councilor Durham, Councilor Anaya Flores, and Mr. John Heaton, Chairman of the Brine Well Committee are present via telephone conference.

0:00:51 **2. CONSIDER APPROVAL OF RESOLUTION NO 2018-08, A RESOLUTION IN SUPPORT OF THE PROPOSAL TO FUND THE REMEDIATION OF THE SOUTH Y BRINE WELL WITH A COMBINATION OF FUNDS FROM THE STATE OF NEW MEXICO, THE COUNTY OF EDDY, AND THE CITY OF CARLSBAD AND, TO THE EXTENT ALLOWED BY LAW, COMMITTING THE CITY OF CARLSBAD'S PORTION OF THOSE FUNDS**

Mayor Janway thanked everyone for coming together for this issue of the upmost importance. He explained at this time this is the best possible opportunity for a potential solution to fixing the South Y Brine Well. He said there is not a more important issue in the entire state than fixing the Brine Well. He said we are all focused on taking care of this issue in the best possible way.

Mr. McCutcheon explained staff received a call from our Legislative Delegation which included Representative Catherine Brown, Representative Jim Townsend, Senator Leavell, Senator Kernan, and Senator Griggs. He explained on the call they indicated that they had been working on a solution. He explained the solutions brought forth by the Brine Well Committee, which were 5 bills, they all failed. He explained through the Democratic process there were some other funding sources identified. He said Representative Townsend was the spokesman for the group and spoke to him, Mr. Hernandez, and Mayor Janway. He said they indicated they thought they had a deal if the city could move quickly and give an answer before Sunday. He explained that the deal was for the city to commit \$4 million dollars over the next three years and for Eddy County to commit \$4 million dollars over the next three years and the State through Highway Funds and the General Fund would commit the balance, with the current estimate for repair prior to collapse is \$43 million dollars. He said thinking of the urgency that the city is dealing with and things that we are starting to see on the subsurface which make us believe that the collapse is getting closer every minute that it is delayed. He said before Council is an emergency drafted Resolution. He added the County is also having an Emergency Meeting tomorrow at 1:00 p.m.

Councilor Doss said he has been given an indicator from one Commissioner that their \$4 million will not be a hindrance.

0:05:41 **Mr. John Heaton** thanked everyone for coming together on such short notice. He said this is the latest proposal and seems to be most viable at the moment. He explained the proposal is that this year the State will put \$3 million dollars in 2018 into the Special, which is usually used for emergencies of this type and other special needs. He explained the Corrective Action Fund will place \$1 million for 2018 and \$1 million for 2019. He said with the \$4 million commitment over 2019, 2020, and 2021 from the City and County. He said and the other portion from the Motor Vehicle Excise Tax, with 1/8th of the Tax going from the General Fund to the Road Fund which will be \$10 million a year for 2019, 2020, and 2021 totaling \$30 million from the Tax. Mr. Heaton cautioned that this is a proposal and these things do not always materialize. He added

the support of the City and County is appreciated and thanked everyone. He explained it is critical for the legislators to understand the urgency.

Councilor Doss thanked and congratulated Mr. Heaton for this proposal.

0:13:18 **Mayor Janway asked if anyone in the audience would like to comment on the Resolution.**

Mr. Robert Balgridge said there is a sense of urgency that exists here. He said although there is a date that sits out there that says 2022 is the estimated time of collapse, it is clearly estimation. He said from working in the potash industry and inside salt rock formations, one of the things known is that the formations are not homogeneous. He said he would like to reiterate from his experience that the collapse is imminent and any delay could be a catastrophe for the City, County, and the State.

Mr. Robert Defer stressed the importance of the Resolution being presented today. He said he thinks it's wonderful that the City is able to step up and show the citizens, the community, and the County that the City is serious about a solution. He thanked the Mayor, staff, and Council on behalf of the community.

Mr. Wesley Carter said the biggest issue facing the city is to get this remediated and limit the financial damage because the economic impact this would have on our town would be huge. He said moving forward as quickly as possible on the proposal is in the best interest of our community.

Councilor Anaya Flores thanked Mr. Heaton and everyone else involved for all of their efforts on this issue.

Councilor Shirley said the Resolution caps the City at \$4 million, but what happens if there is an overrun, will the overrun become the burden of the State. **Mr. McCutcheon** said at this point the city is agreeing to what has been asked, he said there is a possibility that something may come back later. He said the best estimate is based on a thorough RFP by qualified engineers that say \$43 million can solve the issue.

Councilor Shirley said best case scenario if this is approved, when will the remediation begin. **Mr. Heaton** said the contract being negotiated at the moment anticipates all engineering, design, and field technical research will be forth coming by the end of June, to begin construction on July 1st. **Councilor Shirley** asked how long the remediation will take. **Mr. Heaton** said the general consensus is between 2 1/2 to 3 years. He said 230,000 cubic yards of fill is a major process.

Councilor Doport asked if the community will be able to drive over the area during the remediation process. **Mayor Janway** answered yes, at this time. **Mr. Heaton** said at this time yes, but added if there is further deterioration and the monitoring system tells something differently there may have to be alternative routes put in place. He added

the Highway Department and the Transportation Department are working on alternative routes and how to improve them if needed.

0:21:12 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Rodriguez to approve Resolution No. 2018-08, a Resolution in Support of the Proposal to Fund the Remediation of the South Y Brine Well with a Combination of Funds from the State of New Mexico, the County of Eddy, and the City of Carlsbad and to the Extent Allowed by Law, Committing the City of Carlsbad's Portion of those Funds

0:21:22 **Vote**

The vote was as follows: Yes -Shirley, Durham, Anaya Flores, Doporto, Doss, Estrada, Rodriguez; No - None; Absent- None; Vacancy - Ward 3; the motion carried.

0:21:49 **3. ADJOURN**

0:21:52 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Doporto to Adjourn

0:21:57 **Vote**

The vote was as follows: Yes -Shirley, Durham, Anaya Flores, Doporto, Doss, Estrada, Rodriguez; No - None; Absent- None; Vacancy - Ward 3; the motion carried.

0:22:24 **Adjourn**

There being no further business, the meeting was adjourned at 3:33 p.m.

/s/Dale Janway
Mayor

ATTEST:

/s/Nadine Mireles
City Clerk