

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)

MINUTES OF AUGUST 18, 1998
REGULAR BOARD OF DIRECTORS MEETING

I. CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by John Chaney, Chairman pro tem, at 1:00 p.m. Mr. Chaney had been asked to chair the meeting by Mr. Yarbrough.

Directors in attendance were Bill Joiner, James Dorn, Guy McDowell, John Chaney and Dub Yarbrough. Staff members present were David Stoliker, Executive Director, and Pam McGrath, Administrative Secretary. Bernard Metzgar, SSCAFCA's attorney, and members of the public were also present.

APPROVAL OF AGENDA.

A motion was made by Bill Joiner to approve the Agenda as presented. It was seconded by James Dorn and passed unanimously.

APPROVAL OF MINUTES OF JULY 21, 1998.

A motion was made by Bill Joiner to approve the minutes of the regular meeting of July 21, 1998 as presented. It was seconded by James Dorn and passed unanimously.

APPROVAL OF MINUTES OF SPECIAL MEETING OF AUGUST 4, 1998.

A motion was made by James Dorn to approve the minutes of the special meeting of August 4, 1998 as presented. It was seconded by Guy McDowell and passed unanimously.

II. SECRETARY'S REPORT.

None.

III. TREASURER'S REPORT.

1. Approve Expenditures for 06/01/98 to 06/30/98.

A motion was made by James Dorn to approve the expenditures for June, 1998 as presented. It was seconded by Bill Joiner and carried unanimously.

2. Approve Treasurer's Report of 06/30/98.

A motion was made by James Dorn to approve the Treasurer's Report dated June 30, 1998 as presented. It was seconded by Dub Yarbrough and carried unanimously.

3. Approval by DFA of Final Budget for Fiscal Year 1998/99.

Because the final budget numbers were now available, the final budget adjustments were briefly discussed resolving increases in carryover funds and making adjustments to individual line items with those funds.

A motion was made by Bill Joiner to make the approval of DFA of SSCAFCA's final budget for fiscal year 1998/99 a part of these minutes and to attach said approval to these minutes. It was seconded by James Dorn and carried unanimously.

4. Resolution 1998-13, Fiscal Year 1998 Line Item Adjustments.

A motion was made by James Dorn to approve Resolution 1998-13 adopting line item adjustments for fiscal year 1998. It was seconded by Bill Joiner and carried unanimously.

5. Update of Banking Accounts Compliance.

Mr. Stoliker explained that SSCAFCA had two accounts in banks out of SSCAFCA's jurisdiction and that those funds have been moved to current banks in SSCAFCA's jurisdiction. Mr. Stoliker is going to look into direct deposit of Sandoval County treasurer funds distribution and investment strategies. He will review these matters with Mr. Metzgar, Ms. McGrath and SSCAFCA's auditor prior to proceeding.

IV. LEGAL COUNSEL REPORT.

1. Resolution 1998-14, Local Government Drainage Assistance.

Mr. Metzgar stated that at the last meeting, the Board adopted the criteria for local government drainage assistance. Resolution 1998-14 adopts that criteria by resolution thus making the adoption more formal and will be easier to access.

A motion was made by James Dorn to adopt Resolution 1998-14. It was seconded by Bill Joiner and carried unanimously.

V. RIO RANCHO PARKS & RECREATION MASTER PLAN.

Meaghan Ellsworth, of the City of Rio Rancho Parks and Recreation presented the Rio Rancho Parks & Recreation Master Plan.

Ms. Ellsworth stated that Rio Rancho can use the arroyos as a trail network and can provide parks and recreation to the city instead of building parks elsewhere and planting grass. Rio Rancho wants to partner with SSCAFCA to be able to develop trails and open space areas along the arroyos.

She stated that the hills near the escarpment are ripped up by motorcycles and off-road vehicles. They are a major cause of erosion. Motorcycles and off-road vehicles will not be allowed on any of the property that Rio Rancho parks and recreation owns. Rio Rancho has installed fencing in some of the areas, but it is a problem that will have to be dealt with continuously. Parks and Recreation does not see that they will go down into the arroyos with the trails and will encourage people to stay out of them.

No negative comments were made by the Board to working with the City of Rio Rancho to have recreational use connected with the arroyos.

VI. APPROVAL OF DEDICATION OF PARCEL 7-3 TO CORRALES FOR LOMA LARGA AND ACCEPTANCE OF ROADWAY STORMWATER RUN-OFF INTO POND 5 WITH IMPROVEMENTS.

David Thompson, of Avid Engineering, which represents the Village of Corrales on this project, stated that he had appeared before the Board a few months ago to ask for approval of the dedication of Parcel 7-3. At that time, there was a verbal agreement to proceed and that he was

to return after details had been worked out with Mr. Stoliker and Mr. Metzgar. He stated that the cost of the improvements is \$4,800.00, which was included in the bid package that the Village sent out in the first part of August. However, the real value of the pond to the Village is the outfall to the MRGCD canal. To buy the land from a private individual, at \$1.70 per square foot, would cost \$15,072.20. The cost of the outfall to the MRGCD canal, which would include the cost of a 24 inch culvert into the canal, the concrete work required into the canal, a standpipe and concrete work at the upstream end, would be \$14,766.99. The permit to dump water into the canal required by MRGCD costs \$12,500.00. Therefore, the total value of the pond to the Village is \$42,339.19. That amount includes the right of way and the cost of putting in the outfall to the MRGCD canal. The Village of Corrales is requesting that SSCAFCA approve the donation of the right of way to the Village of Corrales by dedicating the right of way to the Village for \$1.00.

Mr. Metzgar stated that he received a proposed contract from David Mathews between the Village and SSCAFCA on the Loma Larga grant of land. Mr. Metzgar stated that he had made some revisions to the contract and that it had been approved administratively by Corrales and SSCAFCA. The contract is ready to be signed by the Chairman and the contract would then go to Corrales to be put on their agenda at their next meeting. Mr. Metzgar also prepared a Quitclaim Deed where SSCAFCA would transfer Parcel 7-3 to the Village of Corrales.

A motion was made by James Dorn to approve the Contract and Quitclaim Deed for the transfer of Parcel 7-3 from SSCAFCA to the Village of Corrales. It was seconded by Bill Joiner and carried unanimously.

VII. EXECUTIVE DIRECTOR'S REPORT.

1. Urban Ponds/Trinity Estates Drainage Study Approval.

Mr. Stoliker stated that there has been a change in the engineering firm for this project and it was now Cinfran. Mike McGovern, of Cinfran Engineering, stated that Cinfran has completed a drainage report for the Trinity Subdivision. The report was submitted for approval to SSCAFCA, the City of Rio Rancho and Leedshill-Herkenhoff, which represents the Village of Corrales. Cinfran has received comments back from the City of Rio Rancho, David Stoliker and Leedshill-Herkenhoff and is now looking for final approval of the drainage report.

Joe Kelly, of Cinfran Engineering, presented the technical points of the drainage report as follows:

MINUTES OF THE REGULAR BOARD OF DIRECTORS MEETING AUGUST 18, 1998

Pond #1 is 7 acre feet in size and discharges through 24 inch pipe into Pond #2, which discharges into a 42 inch pipe that discharges into an open channel that runs through Trinity Estates, which is vacant land right now, and into Pond #4. Pond #3 only catches run-off from Trinity and the plan is to eliminate Pond #3 completely. Pond #4 will be expanded to approximately 32 acre feet in size, which is the size needed to contain the 100 year run-off in the pond.

The surface run-off from Sara Road currently goes to Urban Pond #4 and the underground run-off goes to the drains and to the Tree Farm Ponds. That is not being changed at all. Mr. Rios, of the Village of Corrales, stated that it is going to change because of the development. He said that oil and other deposits from vehicles will drain into the ponds along with the water. Mr. Kelly replied that the pollution that is in the pond now is the same pollution that will run into the pond after the subdivision is built.

Mr. Stoliker stated that he had contacted the State Environment Department's Ground Water Bureau, Surface Water Bureau and Drinking Water Bureau and they indicated that from the State's perspective the pond is not regulated for water quality at this time. Therefore, SSCAFCA is following all regulations in place (i.e., none) at this time with regard to water quality regulation of stormwater ponds.

Chris Phillips, from Easterling & Associates, said that AMAFCA is currently doing a study in Albuquerque regarding this same problem. They have found that in the first flush of the storm you have a moderate concentration of pollutants, the vast majority of which are suspended. If you are able to trap them in a pond where you can prevent the water from flowing out quickly, you can settle the sediment. Then you have the opportunity to remove them at your leisure and dispose of them properly. There is no proof that they percolate into the groundwater and create a problem. Septic tanks are the biggest threat to the water in the ground.

Mr. Yarbrough stated that SSCAFCA is already taking steps to make sure the pollution does not go into the ground water. The water is metered out of those ponds at 5 cfs. There is also a pit (i.e., pond) that the water goes into before it goes into the irrigation ditch. That pit is cleaned out during regular maintenance.

Mr. Stoliker stated that as part of the review process, Leedshill and Cinfran asked if the facility, as it exists right now, was designed and constructed properly and would it take the extra flow. Mr. Stoliker contacted Wilson & Co. and they stated that they had a sign-off by the state engineer when it was designed and constructed for the size of the pond that is there now. Mr. Aguirre recommended that, because of the modifications to the pond and since there is a new

MINUTES OF THE REGULAR BOARD OF DIRECTORS MEETING AUGUST 18, 1998

state engineer design manual, SSCAFCA go back in and re-evaluate the facility. Leedshill has provided a quote of \$22,600.00 for the re-evaluation.

Mr. Chaney suggested postponing approval of the drainage plan until it is proven that the pond can handle the extra flow.

Mr. McGovern stated that the facility is not a dam and is not a facility that requires oversight by the State Engineer. Cinfran has contracted for a technical report of the pond. If Cinfran received SSCAFCA approval today, it would be at least a year before they started using the pond. Cinfran is going to the City of Rio Rancho for a preliminary plat and needs SSCAFCA approval quickly as they cannot start the development approval process until they have SSCAFCA's approval. If the structure is fine like it is, they can go ahead with their development. If it is faulty there will still be time to bring it up to specs.

A motion was made by Bill Joiner to approve the Urban Ponds/ Trinity Estates Drainage Study contingent upon addressing the technical issues that have been raised by SSCAFCA and the question of the stability of the Pond. It was seconded by James Dorn.

A roll call vote was taken on the matter: James Dorn, yes; Bill Joiner, yes; Guy McDowell, yes; Dub Yarbrough, no; John Chaney, no. The motion passed, 3-2.

Mr. Stoliker requested approval to hold a special Board meeting to review and approve a Task Order for Leedshill/Herkenhoff to study Urban Pond #4. Mr. Chaney so directed Mr. Stoliker to do so.

Mr. Chaney asked if the developer would cost share the study, design and construction. Mr. McGovern said he had discussed this with the owner and they would be willing to do so possibly on a proportional flow basis.

2. Phase I Final Change Order Approval.

Mr. Stoliker stated that the final change order has been prepared. The net increase in the change order is \$24,135.14.

He stated that one pond still needs to be constructed and Lot 116 of the Stribling estates needs to be acquired, which Mr. Metzgar will handle.

A motion was made by Dub Yarbrough to approve the Phase I Final Change Order. It was seconded by John Chaney and carried unanimously.

3. Approval of the Northern Meadows DMP and Management Plan for Arroyo De Los Montoyas.

Mr. Easterling stated that this project began in 1995. The City of Rio Rancho approved the Drainage Management Plan for Northern Meadows in 1996. Bob Garman had given verbal approval in 1996 also. The plan was presented to SSCAFCA in November for final written approval and while it has been discussed many times since then, SSCAFCA has never given written approval on the Management Plan.

He stated that the City of Rio Rancho has approved a preliminary plat for Northern Meadows Unit 10. A condition on final plat approval is a 404 Permit from the Corps of Engineers. The Corps of Engineers will not give a 404 Permit until they have final construction drawings. There are still many steps to go through before they go to the Corps and start the development.

A motion was made by Bill Joiner to approve the Northern Meadows DMP contingent upon addressing the technical issues that have been raised. It was seconded by James Dorn and carried unanimously.

Mr. Easterling stated there will be no construction in the arroyo until all issues are addressed. All agencies involved will receive copies of the plan and get the chance to make comments, which the Corps of Engineers will receive. The Corps makes the ultimate decision.

A motion was made by Bill Joiner to approve the Management Plan in concept for Arroyo De Los Montoyas, contingent upon addressing the technical issues that have been raised. It was seconded by James Dorn and carried unanimously.

4. Northern Meadows Drainage O & M and Ownership, Discussion and Approval.

Mr. Stoliker stated that he prefers that for liability purposes, the City own the arroyo and that SSCAFCA have an easement on it.

Mr. Metzgar stated that SSCAFCA could take over O & M of the arroyo by easement. The City of Rio Rancho Parks and Recreation wants to have facilities on the arroyo and SSCAFCA does not want to deal with things like that on a daily basis. If SSCAFCA has an easement only, it would have the right to do what was needed for O & M and the City would continue to own the facility and deal with other uses.

Mr. Stoliker stated that this was acceptable to Mr. Fossenier, but that he does not have it in writing. Mr. Stoliker was instructed to

prepare an agreement with the City and bring it before the Board for further discussion.

5. Approval of Insurance Cost Sharing Increase.

This matter was postponed until the next meeting of the Board.

6. Approval of Recorder Purchase for Board Meetings.

Mr. Stoliker stated that Ms. McGrath has contacted many companies on a recorder purchase. The places she has contacted do not carry a dual cassette recorder/transcriber. However, they are looking at other alternatives.

Further discussion of this matter was postponed until the next meeting of the Board.

7. Project Cost Sharing Update: 7/31/98 Correspondence from NMSHTD; Status of HJC Letter to COE

Mr. Stoliker stated that the State Highway Department came forward and said that it would go ahead and cost share with SSCAFCA on the Venada and the Barrancas Management Plans.

Mr. Stoliker's August 7, 1998 letter to the Corps is to remind them that SSCAFCA still wants the permit for sediment removal on the Harvey Jones Channel.

VIII. CHAIRMAN'S REPORT.

Mr. Chaney stated that the six month building lease renewal is up in September. A motion was made by Bill Joiner to approve the building lease renewal. It was seconded by James Dorn and carried unanimously.

IX. OTHER BUSINESS.

None.

X. DIRECTORS' COMMENTS.

None.

XI. PUBLIC FORUM.

None.

XII. CLOSED SESSION.

A motion was made by John Chaney to go into a closed session for purposes of reviewing legal action on Dams 1 & 4, Phase I and II Projects. It was seconded by Bill Joiner. Roll call vote: James Dorn, yes; Bill Joiner, yes; Guy McDowell, yes; John Chaney, yes; Dub Yarbrough, yes. Motion passed 5 to 0.

The Board went into closed session at 3:27 p.m.

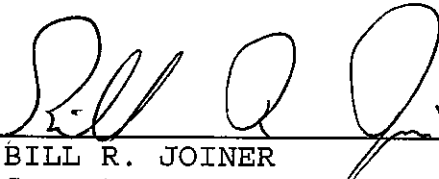
XIII. RESUMPTION OF OPEN MEETING.

The Board reconvened in open session at 4:20 p.m.

The matter discussed in the closed meeting was limited only to that specified in the motion for closure and Mr. Chaney stated that no official action was taken.

XIV. ADJOURNMENT.

A motion was made by John Chaney and seconded by Bill Joiner to adjourn the meeting. It was carried unanimously. Meeting adjourned at 4:25 p.m.



BILL R. JOINER
Secretary



WM. C. YARBROUGH
Chairman

DATE APPROVED: 10/20/98