

SOUTHERN SAN JUAN COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)

MINUTES OF DECEMBER 15, 1998
REGULAR BOARD OF DIRECTORS MEETING

I. CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Chairman Dub Yarbrough at 1:16 p.m.

Directors in attendance were James Dorn, Bill Joiner, Guy McDowell and Dub Yarbrough. John Chaney arrived at 2:23 p.m. 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 by Guy McDowell, seconded by Bill Joiner, to move the Urban Ponds matter after the Chairman's Report passed unanimously.

A motion by Guy McDowell, seconded by Bill Joiner, to approve the amended agenda passed unanimously.

II. SECRETARY'S REPORT.

1. Approve Minutes of October 6, 1998.

A motion by Bill Joiner to approve the Minutes of October 6, 1998 as presented was seconded by James Dorn and passed unanimously.

2. Approve Minutes of October 20, 1998.

A motion by Bill Joiner to approve the Minutes of October 20, 1998 as presented was seconded by James Dorn and passed unanimously.

III. TREASURER'S REPORT.

1. Approve Expenditures 10/01/98 - 10/31/98.

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

2. Approve Treasurer's Report dated 10/31/98.

A motion by James Dorn to approve the Treasurer's Report dated October 31, 1998 was seconded by Bill Joiner and carried

unanimously.

IV. DITCH & WATER SAFETY TASK FORCE.

Joan Griffin, of Griffin & Associates, stated that the mission of the task force is education. She stated that from March through September is when the task force gets a big push from the media, because that is the flash flood season. The Run for the Ditches gets media coverage also. The task force goes to as many schools as they can to educate children to stay out of the ditches. The task force gets as much advertising donated as possible, but also buys advertising. SSCAFCA always gets recognition in the press releases as being a supporter. She stated that they were here today to formalize SSCAFCA's participation in the task force. Griffin & Associates gets no more than \$25,000.00 per year, or 50% of the contract. The rest of the money is used for production, printing, buying media time, etc.

A motion by James Dorn to contribute \$5,000.00 to the task force was seconded by Guy McDowell and carried unanimously.

V. O & M REPORT.

Mr. Campbell stated that the Harvey Jones Channel had been cleaned out at a cost of \$16,000.00. There is grass coming up now, which is helping to keep the willows out. They put boulders around the Dulcelina Curtis Channel and fabricated some pipe gates that they are going to close it off with.

Mr. Stoliker stated that because of the erosion and vehicular traffic in the areas, SSCAFCA is going to try to block every one of its facilities with boulders and fencing.

Mr. Campbell stated that it will cost \$10,000.00 for fencing and \$10,000.00 for the pipe gates. The Montoyas Arroyo hasn't been cleaned for a while and they are going to use the inlet soil from the Montoyas to fill where they are taking the clay out of the outlet.

Mr. Campbell stated that there is hardly anything being done with the emergency spillways. He stated that the south side of the Dulcelina Curtis Channel has major motorcycle traffic and he wants to fence it. Horse traffic, foot traffic, and the like will not be restricted. The Tree Farm Ponds has wire gates on it now, which

have to be removed. People have been yanking the gates up from the ground. Mr. Campbell is going to put a pipe gate there, which will be drilled through the soil and poured in concrete. All four slopes of Tree Farm Ponds are drained from the side streets and they are washing out. He is going to put one or two foot wide run-downs on them so there is no deterioration there. SSCAFCA properties will be mowed about every six weeks from April to October to keep the tumbleweed problem down. The Harvey Jones Channel Outlet will be mowed more often to keep the weeds under control.

Mr. Campbell stated that they are going to put in an access road on the east levy of the Dulcelina Curtis Channel to the inlet. Trash removal is also an ongoing problem. There is hardly any vandalism at Dam #1 since the boulders have been put in.

In January, in conjunction with the Army Corps of Engineers permit, Mr. Campbell proposes to remove the clay that Kirkland Construction put in from overexcavating in the middle section of the Harvey Jones Outlet and haul it away.

Mr. Campbell has projected \$352,000.00 for O & M next year. This year, SSCAFCA budgeted \$235,000.00 for O & M. In 1996-1997, SSCAFCA spent \$130,000.00 for O & M. He said that SSCAFCA has needed to play "catch up" on O & M because there had not been enough money spent in past years. Mr. Stoliker stated that the City of Rio Rancho is maintaining the Barrancas Arroyo right now, although it is SSCAFCA's responsibility. This is because of SSCAFCA's lack of O&M money.

VII. LEGISLATIVE REQUEST.

Mr. Stoliker stated that he had received a letter from the City of Rio Rancho stating that Rio Rancho's Ivory/Lisbon legislative request was not going forward because the City felt that its other legislative requests had higher priority and would be jeopardized by the Ivory/Lisbon request. The City of Rio Rancho wants SSCAFCA to go to the Legislature itself on Ivory/Lisbon.

Mr. Metzgar stated that if the Board is looking to have something go before the Legislature, it should be looking at hiring a lobbyist to get the request through. Mr. McDowell stated that he is opposed to asking the Legislature for more money to finish the Ivory/Lisbon Channel. Mr. Yarbrough stated that SSCAFCA has already contributed its \$1.2 million and that it is up to the City of Rio Rancho to finish the channel.

Mr. Yarbrough suggested that SSCAFCA could possibly advance the City of Rio Rancho the money to finish the project, with the understanding that the money would be paid back to SSCAFCA. Mr. Chaney suggested not doing any more joint projects with the City of Rio Rancho until the Ivory/Lisbon Channel is finished.

A motion by John Chaney to not submit a legislative request for Ivory/Lisbon to the 1999 Legislature and that David write a letter to Rio Rancho to that effect was seconded by Guy McDowell and carried unanimously.

VIII. BOARD MEETING SCHEDULE FOR 1999.

Mr. Stoliker stated that the board meeting schedule has been completed and is attached in the agenda. He also stated that he had been contacted by Sandoval County and as a courtesy Sandoval County is going to send an invitation to the two newly elected board members to get sworn in on December 30, 1998 at 2:00 p.m. in Sandoval County.

Mr. Metzgar stated that SSCAFCA has a statutory requirement of having the swearing in at a SSCAFCA organizational meeting on the first business day of the new year so that any prior swearing in would be strictly ceremonial.

IX. THREATENED & ENDANGERED SPECIES DISCUSSION.

Mr. Stoliker stated that he had received a letter from the Fish & Wildlife Service stating that there were no willow flycatchers in the Venada Arroyo this year. Mr. Korzdorfer stated that any authorization for the survey would have had to come from the City of Rio Rancho and the Fish & Wildlife Service had probably overstepped its boundaries in responding to that request. Mr. Korzdorfer also stated that SSCAFCA should request that the threatened & endangered species matter found in the Venada be applied to the Harvey Jones Channel. Mr. Stoliker stated that the next time he spoke with Mr. Leal of the Fish & Wildlife Service he was planning on discussing the matter.

X. ANNUAL REPORT.

Mr. Stoliker stated that the annual report should be prepared for presentation next month. He stated that he needs Board approval so that he can send it out to the different entities.

XI. FY/97-98 AUDIT.

Mr. Stoliker stated that the Rice & Associates audit was received by the state auditor and that everything on the audit done by Pam Rice was fine. Ms. Rice found no deficiencies in the audit.

XII. HART LETTER; LETTER TO REALITY ENGINEERING.

Mr. Stoliker stated that the letter from Mr. and Mrs. Hart is included in the Board members' packets for their information.

Mr. Stoliker also stated that he received a revision to the City of Rio Rancho's comprehensive plan on Unit 17 from Larry Gonzales of Realty Engineering. He stated that he responded that it is a rezoning issue and when they get to the point of doing something on drainage, that they should submit the information to SSCAFCA. Mr. Stoliker requested Board approve to continue to handle these rezoning issues administratively. A general consensus was given.

XIII. LEGAL COUNSEL REPORT.

1. Excess Land Fragments Update.

Mr. Metzgar stated that the appraisal of the excess fragments in Unit 17 had been completed. He stated that he is waiting for Wilson & Company's replat, and that they are waiting for one last signature and can then submit it to City of Rio Rancho for action. He stated that once that is done, SSCAFCA can go forward with going to the State and asking them to allow SSCAFCA to sell the fragments to the adjacent property owners.

2. Dams 1 & 4, Phase II.

Mr. Metzgar stated that property owners, Tapia and Solomon, have advised him that they have bought a third party's interest in one

of the affected properties and, therefore, SSCAFCA is now dealing with just two parties rather than three. Tapia and Solomon are supposed to be looking at the original draft agreement he prepared and are to get back to him regarding any changes and/or additions to the agreement.

XIV. CHAIRMAN'S REPORT.

Mr. Metzgar stated that the Drainage Policy needs to be updated and is currently being looked at for any changes that need to be made. However, he stated that Sandoval County and the Town of Bernalillo had never been presented with the Drainage Policy and asked if this should be done even before any revisions to the present policy. Mr. Yarbrough stated that this should be done.

Mr. Chaney requested that Mr. Stoliker take a look at whether or not any developments in SSCAFCA boundaries have violated any of SSCAFCA's rules and regulations even if a Drainage Policy did not apply.

XV. URBAN PONDS.

Mr. Stoliker stated that last month the Board approved the Drainage Plan for Trinity Estates. The agreement has been sent to Cinfran and Mr. Wilken, but has not been received the agreement back as of this date. He stated that the City of Rio Rancho Planning and Zoning (P & Z) had taken action on the final plat. As part of the final platting action, a condition was placed on the developer to line the pond with a plastic liner. The subdivision was originally voted down without the liner. It was brought back up with the stipulation that the owner would install a liner, and it was approved at that point. He stated that SSCAFCA had not considered a liner in its approval process.

Mr. Stoliker stated that the reason a liner should not be required is because the natural clay in the area seals the bottom of the pond and makes it impermeable. He stated that SSCAFCA has done some subsurface soil investigations in the other ponds and it looks like no storm water is leaching from the area into the aquifer.

Mr. McGovern stated that at the hearing for final plat approval, there were some people from the Village who were concerned that their groundwater would be contaminated from seepage from the pond. Mr. McGovern explained that there were no engineering conditions

for a liner and he believes that the conditions placed on the development was a political move on the part of the City of Rio Rancho.

Mr. Stoliker stated that it is standard practice that if there was groundwater contamination in an area, drinking water would be imported. Mr. McGovern stated that the developer offered to bring Rio Rancho water to these Village residents, but they turned the offer down.

Mr. Stoliker stated that the estimated cost of a liner is \$45,000.00. Mr. McGovern stated that he had called the supplier who provides and installs that material and the estimate was between \$38,000.00 to \$50,000.00. The liner would be 30 mil PVC on the bottom of the pond and 40 mil polyethylene on the sides. It would be covered by an overburden of 12 to 18 inches of earth.

Mr. Stoliker stated that he asked SSCAFCA consultants to look at the maintenance issue of a liner and report at this meeting. Mr. Roughton, of Leedshill-Herkenhoff, stated that if the material is thick enough, it is possible to drive lightweight vehicles with a long turning radius directly on the liner itself, however the thickness would need to be 20 to 30 mil thickness, with dirt over it. The vehicle would have to be operated relatively slowly or the liner could be ruined. If the liner were to be cleaned off and the overburden removed to some extent, it could get thin enough that an ATV could disturb the liner. A big root could possibly penetrate the liner, but would most probably spread out along the liner instead of penetrating. He stated that, overall, maintenance could be a serious problem.

A discussion followed concerning whether the seepage blanket should remain if the plastic liner is installed. Mr. McGovern stated that he did not think the seepage blanket was necessary with the liner and that the costs of each offset each other. Mr. Stoliker stated that he believed the seepage blanket should remain because it was a necessary part of the Pond construction and it was added protection in case the liner was damaged. Mr. Joiner stated that he also believed the seepage blanket should remain even if the liner is installed.

A further discussion was held by the Board members concerning the P & Z requirement for the liner and it was the consensus of the Board members that SSCAFCA would not agree to operate and maintain Pond #4 after construction, if the liner remained as a requirement, because of the lack of technical justification for its need and high cost of maintenance given no benefit. Mr. Yarbrough stated that if the City of Rio Rancho required the liner, the City should

operate and maintain the Pond. Mayor Jennings of the City of Rio Rancho asked the Board if SSCAFCA would operate and maintain Pond #4 if the liner requirement was removed and Mr. Yarbrough responded in the affirmative.

Mayor Jennings suggested that SSCAFCA should appeal the P & Z decision because of the liner requirement. Mr. Metzgar stated that SSCAFCA was not a party to the plat approval request of Trinity Estates and therefore he did not believe that SSCAFCA had "standing" to appeal the P & Z decision even if it wanted to do so. Mr. Yarbrough stated that he did not believe that SSCAFCA should appeal even if it had the authority to do so. Mayor Jennings indicated that the City would continue to review the P & Z decision internally and decide what to do.

Mr. Chaney moved to table further discussion of Pond #4 until the liner issue is resolved. It was seconded by Bill Joiner and carried unanimously.

XVI. OTHER BUSINESS.

None.

XVII. DIRECTOR'S COMMENTS.

None.

XVIII. PUBLIC FORUM.

None.

XIX. CLOSED SESSION.

A motion was made by John Chaney to go into a closed session for purposes of discussing potential and pending litigation for Dams 1 & 4 and Urban Pond. It was seconded by Bill Joiner. Roll call vote: John Chaney, yes; James Dorn, yes; Bill Joiner, yes; Guy McDowell, yes; Dub Yarbrough, yes. Motion passed 5 to 0.

The Board went into closed session at 4:35 p.m.

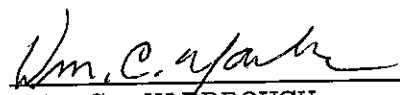
XX. RESUMPTION OF OPEN MEETING

The Board reconvened in open session at 5:05 p.m.


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

XXI. ADJOURNMENT.

A motion by Bill Joiner, seconded by John Chaney, to adjourn the meeting carried unanimously. Meeting adjourned at 5:10 p.m.



WM. C. YARBROUGH
Chairman



BILL R. JOINER
Secretary

DATE APPROVED: Jan 19, 1999