

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF DECEMBER 7, 1999
SPECIAL BOARD OF DIRECTORS MEETING**

CALL TO ORDER.

The special meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 1:05 p.m.

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

APPROVAL OF AGENDA.

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

SECRETARY'S REPORT.

1. Approve Minutes of October 19, 1999.

A motion was made by John Chaney to approve the minutes of October 19, 1999. It was seconded by James Dorn and passed unanimously.

2. Approve Minutes of November 16, 1999.

A motion was made by Bill Joiner to approve the minutes of November 16, 1999. It was seconded by James Dorn and passed unanimously.

EXECUTIVE DIRECTOR'S REPORT.

1. 528 Diversion Channel Drainage Study.

Clint Dodge, of Leedshill/Herkenhoff stated that the 528 Channel Study was to look at the capacity of the channel and grew out of the work that was done on Urban Pond 4. Leedshill/Herkenhoff did a detailed hydrology study, updated the existing studies, combined them all together, and did some survey work on the channel itself. Several deficiencies in the system were found. The Southern Boulevard portion of the Channel is undersized and flow is not contained in the channel on the north side of Southern Boulevard. This results in storm water entering onto and crossing Southern Boulevard. The primary problem with the Southern Boulevard Channel is the crossing structures. In addition, the 528 channel is also undersized, contains no free board and the existing Q at the Bernalillo/Sandoval County lines is approximately 1051 cfs, exceeding the administratively set allowance by 51 cfs. Leedshill did a concept estimate of what it would cost to upgrade those and it is between \$1 to \$2 million. Mr. Dodge pointed out

that approximately 28 cfs is crossing 528 just north of Sara's Road and that this flow has been taken into account in both the Tree Farm and Urban Ponds systems.

Mr. Dodge stated that the Highway Department is looking at widening 528 some 7 - 10 years in the future and replacing the channel with a properly sized storm drain system. It is estimated \$12 to \$15 million for such a storm drain system, which would be 2 8' x 10' box culverts.

Mr. Dodge stated that when they looked into the 528 Channel problem what they found was that it was designed for 1,000 cfs. Existing conditions of the Seven Bar Channel is estimated at 1,051 cfs and for fully developed conditions is estimated at 1,200 cfs, and when the system gets channelized, it is estimated at 1,400 cfs. Mr. Dodge stated that the Seven Bar Channel freeboard does not conform to existing FEMA criteria. FEMA is requiring a minimum of three feet of freeboard and in some places four feet of freeboard, but the channel only has two feet. This requires an additional 1' to 2' of freeboard.

Mr. Dodge stated that the last problem they found was that new developments are required to restrain their runoff to 1/2 cfs per acre. The properties in the new developments have ponds and there is no inspection program to insure that the ponds are functioning and the ponds are integral to the system. Leedshill is proposing an inspection program be worked out with the City so that the ponds can be inspected annually.

Mr. Dodge stated that in Phase II they will look at alternatives which would include increasing detention versus upgrading the channel capacity. Leedshill/Herkenhoff would then do a cost benefit analysis to get the best overall solution for all parties. He stated that they are recommending the implementation of a detention pond inspection program and an O & M program in conjunction with the City to make sure that all the small ponds are functioning as they are supposed to.

Mr. Dodge stated that the FEMA freeboard issue is an AMAFCA issue. The problem that SCAFCA has revealed is that the area is dumping more water in the channel than it was designed for.

Mr. Dodge stated that to increase the Southern Channel capacity is estimated at \$2 million, which is a city responsibility. To upgrade the crossing structures is \$1 to \$2 million, and ultimately \$12 to \$15 million to do the whole project.

Mr. Stoliker stated that if SCAFCA is going to build the crossing structures as permanent facilities, they should be sized and designed and built so it will fit into the State Highway Department's ultimate design. This might not happen until 15 years

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in the future. The Highway Department has only done the environmental assessment and has only prepared the roadway cross section, which is based on the amount of traffic volume.

Mr. Stoliker stated that another solution might be to work up in the watershed and provide storage, thus reducing the run-off. Mr. Stoliker stated that it has been requested of SSCAFCA to take over ownership (or at least get it into public hands) of a small pond on private property. The property owners don't have the means to maintain the pond as required. AMREP owns the property to the west of the pond. The developer at the time became responsible for the maintenance. AMREP has been the owner of the property since it was designed. At this point, the developer has left town, and nobody has taken responsibility for the maintenance. Mr. Metzgar stated that in that case, AMREP is responsible for the maintenance. Mr. Metzgar stated that SSCAFCA might want to acquire the pond with what it wants to do with 528, but SSCAFCA is not responsible for the maintenance at this time. Mr. Stoliker requested direction from the Board to talk with the City and AMREP about the pond. General consensus was provided by the Board to pursue placing ownership of the pond in public hands.

\$32,000 Contract Amendment for Leedshill/Herkenhoff.

Mr. Dodge presented a task order for Leedshill to review alternatives and a cost benefit analysis on the 528 Channel and 7 Bar Channel. It is a time and material contract up to \$32,000.

A motion was made by Guy McDowell to approve up to \$32,000 for the contract amendment for Leedshill/Herkenhoff. James Dorn seconded it for discussion purposes.

Mr. Dodge stated that he could bring the final report to the Board by May, 2000.

The motion passed unanimously.

2. Presentation on the Corrales West Side Drainage Investigation Drainage Management Plan -- Phase I.

Mr. Dodge stated that the Corrales West Side Drainage Study was done in October, 1998 and was a joint study with Corrales and SSCAFCA. The study looked at drainage of all of Corrales west of the Main Canal and below the Thompson Fence Line. At this time, Dam 1 and Dam 4 are finished and Urban Pond 4 is functional. He also reviewed all other projects in the Study.

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In regard to the Cabezon Channel, Mr. Stoliker stated that Mr. Kelly, AMAFCA, couldn't get anybody to accept O & M on the Cabezon Crossing for the upsizing of the pipe. Mr. Kelly has asked if SSCAFCA would be interested in doing the maintenance on that structure, which is at Cabezon and Loma Larga. Mr. Stoliker indicated that it was out of SSCAFCA's jurisdiction and it shouldn't do the maintenance. The Board agrees that it is out of SSCAFCA's jurisdiction and SSCAFCA does not have authority for maintenance.

Mr. Dodge stated that another issue is the Corrales Main Canal. The Main Canal is an irrigation facility that carries some storm water and cannot be upsized to carry more of a flow because of the constriction at the Cabezon Channel. There is a 60 - 80 cfs storm drainage capacity for approximately 2,000 acres. Mr. Stoliker stated that the Main Canal is multiple jurisdictional.

Mr. Dodge stated that the Village has an ordinance that requires onsite retention for all developments. Not everybody is doing that and the Village does not have a way to enforce it. Mr. Dodge stated that it is an estimated cost to the public of \$16 - \$22 million for regional facilities to fix the drainage on the West Side.

Mr. Stoliker stated that SSCAFCA should be concerned about the Village ordinance because it all adds to the flow. If people balk at obeying the ordinances (e.g., putting in a pond), local governments have to have some way of enforcing it. In this case it is currently the Village's responsibility to enforce it. Mr. Dodge stated that the runoff in that area has a direct impact on the Main Canal.

Mr. Stoliker stated that SSCAFCA has done everything it said it would do, with the exception of the Corrales Main Canal, which is a regional facility. Mr. Dodge stated in his report that the problem is the Village's problem. Mr. Metzgar stated that he does not believe SSCAFCA should get involved with it and should not attempt to state how another political subdivision should operate.

Mr. Stoliker stated that his understanding of the Board's decision is that SSCAFCA takes care of the issues that Mr. Dodge has stated in the report and the rest of it is the Village's responsibility. Specifically, the Corrales Main Canal is not SSCAFCA's responsibility; it is the Village of Corrales responsibility because it is less than 500 cfs.

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A discussion occurred on the existing 100 year flood areas below Dam 1 and Dam 4. A question was raised on whom is responsible for removing the flood plain. Mr. Stoliker stated that the flood plain administrator is always responsible for requesting the map revision, which in this case is Corrales. However, it is SSCAFCA's discretion to request the map revision itself. Mr. Stoliker stated that the only cost to doing it in house would be the time it takes to get it done, which is approximately a total of \$5,000.00.

A motion was made by John Chaney to do the map revision in house to protect the public. Bill Joiner seconded it.

Mr. McDowell stated that he does not want to set precedent where the Village begins to make SSCAFCA do work that is the Village's responsibility. Mr. Stoliker stated that if FEMA finds any fault with it or if the project becomes too difficult for existing staff, then they would stop the work on it.

Roll call vote: John Chaney, yes; James Dorn, yes; Bill Joiner, yes; Guy McDowell, abstain; and Dub Yarbrough, yes. Motion passed 4-0, with one abstention.

3. Tree Farm Pond Update.

Mr. Dodge stated that Leedshill/Herkenhoff did a hydrology study for Tree Farm Pond using the hydrology used on Urban Pond 4 and the 528 Channel. Leedshill found that for fully developed conditions, the pond is undersized by about 5-acre feet. The capacity now is around 15 or 16 and the pond needs about 21-acre feet. The storm drain system has two bottlenecks, one along Sara Road and the other at the entrance to the upper pond. The third deficiency is that the pond has a small spillway and does not meet the current state engineer criteria for an emergency spillway.

Mr. Dodge proposed that SSCAFCA increase the volume of the pond at the fence line by putting a soil cement cap on and raising it by 3 1/2 feet and by excavating the bottom of the pond about 3 feet. That would give the 21-acre feet in the lower pond. That would also allow the deletion of the upper pond. There are two options to delete the upper pond. The first option is to extend the storm drain down to the expanded lower pond. The second option is to continue to divert the water and partially fill it up and treat it like an area inlet, similar to Dam 4. Mr. Dodge stated that he has conceptual cost estimates on both options. The first

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option would be about \$360,000.00, with \$100,000.00 coming back because of the sale of the excess property. The other option would cost about \$200,000.00. This is for enlargement of the pond only and does not include the pipeline.

The cemetery would like to have the property. Intel has asked that SSCAFCA not let anything commercial go onto the property, except for the cemetery. Mr. Stoliker stated that SSCAFCA owns the two ponds in fee simple.

Mr. Yarbrough stated that as of right now, with the exception of the soil cement cap, the Village of Corrales is protected for 100-year event. Mr. Dodge stated that the project could be done in phases and that they could just do the soil cement cap and not do anything else and let the system work as it does today. It would provide for the emergency spillway capacity by doing that. Some excavation would have to be done because the downstream side needs fill.

Mr. Chaney asked if the facility, as it exists today, is a public hazard. Mr. Stoliker stated that it was his understanding that, in the 100 year fully developed conditions, a lot of water will flow over the spillway. Mr. Stoliker stated that, according to SSCAFCA's drainage policies, SSCAFCA designs for the fully developed 100-year event. Today there is not a public safety problem. Right now, about 30 cfs goes over the spillway. Mr. Stoliker stated that for the fully developed 100-year event, the pond has a problem. Mr. McDowell stated that if SSCAFCA drags its heels on this project the amount needed will only go up.

Mr. Metzgar stated in the previous presentation by Mr. Dodge that SSCAFCA has taken care of all of the problems associated for the protection of Corrales. Without the cap on the pond, SSCAFCA won't be doing that. Mr. Stoliker stated that he is not looking for approval on the full amount of money today. He stated that he is looking for direction on what to do with the pond today.

A motion was made by Guy McDowell to proceed to design the Tree Farm Pond for elimination of the upper pond and make Pond A the sole protection as indicated in the study. Bill Joiner seconded it.

Mr. Yarbrough stated that the fix is going to cost more than it cost to build the pond in the first place. He stated that he wants to do projects right the first time instead of having to come back time and again at more cost.

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Roll call vote: John Chaney, yes; James Dorn, yes; Bill Joiner, yes; Guy McDowell, yes; and Dub Yarbrough, abstain. Motion passed 4-0, with one abstention.

Mr. Stoliker stated that the final design would be brought back before the Board for its approval.

4. Urban Pond 4 Letter from the State Engineer.

Mr. Stoliker stated that Mr. Merritt, P.E. of the State Engineer's Office, inspected Urban Pond 4, found it deficient, and wants Urban Pond 4 corrected, thus his letter dated October 25, 1999. Mr. Stoliker stated that Mr. Merritt wanted the work done by January 31, 2000 and that the contractor is on-site doing the necessary work.

A. Project Schedule from Joiner Construction Company.

Joiner's schedule shows a February completion date of the drainage. Mr. Stoliker contacted Mr. Merritt based on those dates and Mr. Merritt said that he has no problem with SSCAFCA asking for an extension until March. The Board directed Mr. Stoliker to write the letter to Mr. Merritt requesting the extension.

B. \$27,000 Contract Amendment #2 for L/H.

Mr. Dodge stated that there are two tasks that he will need to do so that he can stamp the drawings. One is to provide on-site inspection of the concrete pours and the rebar before pouring. The other is that when the project stopped there was a handful of design issues that had not been resolved. Mr. Dodge needs to get those design issues resolved.

Mr. Dodge stated that SSCAFCA has to certify to the State Engineer when the project is complete that all of the elements that relate to Urban Pond 4 was constructed in accordance with the plans and specifications and change orders thereto. The original submittal had Leedshill/Herkenhoff and Cinfran as joint responsible parties. Cinfran is responsible for the pond itself and Leedshill is responsible for the spillway. The Leedshill responsibility is complete. There is nobody representing Cinfran on-site anymore because of the developer's money problem. Mr. Chaney stated that the developer caused the delay and therefore should pay for it. Mr. Stoliker stated that it was always

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SSCAFCA's intent to do the inspection.

Mr. Metzgar stated that the agreement with the developer states that SSCAFCA shall have the right to review and approve the design of the expansion and shall conduct construction observation of the project. Further in the agreement, the owner was going to transfer the property to SSCAFCA and SSCAFCA was going to pay an additional \$39,000.00 for the property. Mr. Metzgar does not think that SSCAFCA can hold back the \$39,000.00.

Mr. Stoliker stated that Mr. Wilken still has to have an engineer sign off on the project. Mr. Stoliker stated that the City of Rio Rancho is required to inspect everything, including this facility. Part of the \$27,000.00 requested is for additional responsibilities that were asked of Leedshill.

A motion was made by Dub Yarbrough to approve the contract amendment subject to a letter to Wilken putting him on notice that SSCAFCA may make a claim unless the project is certified by his Engineer. It was seconded by Guy McDowell. Roll call vote: John Chaney, yes; James Dorn, yes; Bill Joiner, abstain; Guy McDowell, yes; and Dub Yarbrough, yes. Motion passed 4-0, with one abstention.

5. October 26, 1999 letter from Corrales.

Mr. Stoliker stated that Mr. Yarbrough had sent a reply letter to Mayor Kanin's letter regarding a meeting. Mr. Metzgar stated that the reason SSCAFCA wants an Agenda before the meeting is to make sure SSCAFCA knows what will be discussed at the meeting.

Mr. Chaney stated that since SSCAFCA's part on protection of Corrales is complete there is no reason for a meeting. Mr. Metzgar stated that SSCAFCA has never wanted the meeting for that reason, but Mayor Kanin will not let up on requesting a meeting. Mr. Metzgar stated that Mayor Kanin is constantly telling the public that SSCAFCA doesn't want to meet with the Village. Mr. Chaney reminded the Board that this meeting will cost the public approximately \$4,000.00 - \$5,000.00 and is completely unnecessary. General consensus was given to attend the meeting.

6. Project Priorities Discussion.

Mr. Stoliker presented a Project listing which shows all potential SSCAFCA projects. He also presented a document entitled "SSCAFCA Proposed Guidelines for Project Prioritization." He has

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prepared this document to propose how to prioritize projects for SSCAFCA. Mr. Metzgar suggested taking out "over local projects" from number 6. It was agreed to do so. Mr. McDowell suggested changing number 11 to read, "A minimum of 75% of all bond issues will be set aside for construction."

7. Board Member Bond Requirements.

Mr. Stoliker stated that Director bonds should have been obtained when the Board was first formed. He stated that the State has found no evidence of bonds being provided. Mr. Metzgar stated that when the Board was formed, the bonds were going in each year. Somewhere in the process it changed to a \$10,000.00 dishonesty insurance policy for each board member. The statute states that it must be a bond requirement rather than using an insurance policy and Mr. Metzgar wants to make sure SSCAFCA was in compliance with the statute. Once the bonds are issued they will be sent to the Secretary of State to be kept on file to show that the Board members are bonded.

8. Letter from Nora Romero of the Environmental Department dated October 8, 1999 Regarding Lot Sales.

Mr. Stoliker stated that he has provided, in the Board packet, a letter from Nora Romero regarding her approval on selling the excess lots in Unit 17.

9. Appraisal from T. Engelage Regarding Unit 17 Lot Sales.

Mr. Stoliker stated that he has, at the Board's direction, hired Travis Engelage to do the appraisals on the Unit 17 excess lots. Mr. Metzgar stated that Mr. Engelage has appraised all of the excess property in Unit 17.

A motion was made by John Chaney that SSCAFCA go forward with the sale of the excess property in Unit 17 by asking the State Department of Finance for authority to do so by public auction with a minimum starting bid. It was seconded by James Dorn and passed unanimously.

10. Draft Sheriff Posse Road JPA.

Mr. Metzgar stated that, based on a previous Joint Powers

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Agreement, Mr. Stoliker has drafted a JPA between the entities on Sheriff's Posse Road and he has not had a chance to review it at this time. The Board has already given approval to go forward with the JPA and he will bring it before the Board once it has been revised.

11. Enchanted Hills DMP Technical Comments.

Mr. Stoliker stated that he has provided the letter on the Enchanted Hills DMP for the Board's information. Mr. Stoliker stated that a similar letter was prepared on the plans and specifications.

12. Personnel Matters - Wages and Exemptions.

Mr. Yarbrough stated that the personnel matters were not ready to be brought before the Board at this time. Mr. Metzgar stated that this should be placed on a future agenda.

CHAIRMAN'S REPORT.

1. Letter from Mr. Stan Guinn and Sunny Birklund.

Mr. Yarbrough stated that he has had several comments from the people in Rio Rancho congratulating him on the work SSCAFCA did on the Dam 4 to 1 Project.

He stated that he has received a letter from Mr. Guinn, who lives at the south end of Dam 4 to 1 Project, in Corrales immediately next to the Thompson Fence. At one time Mr. Guinn was using an easement from Rio Rancho to get into his property. Since SSCAFCA has put up the fence, Mr. Guinn is requesting a gate opening in the fence. Mr. Yarbrough stated that SSCAFCA has also received a request from Sunny Birklund for an opening in the fence. Mr. Yarbrough stated that it abuts private property and SSCAFCA does not own the property anymore and Mr. Guinn and Ms. Birklund should contact the City of Rio Rancho for such requests. Mr. Metzgar stated that since SSCAFCA only has easements on the property SSCAFCA couldn't grant their request. Mr. Metzgar stated that if the City gives permission for the homeowners to put in a gate themselves, and it doesn't interfere with SSCAFCA's easement, that is fine.

DIRECTOR'S COMMENTS.

None.

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OTHER BUSINESS.

Mr. Yarbrough reminded the Board of the discussion about putting in gravel or crusher fines between the fence and the curb on the Dam 4 to 1 Project. John Campbell has come up with an estimate of \$7,000.00 to do this. Mr. Yarbrough told him to go ahead and do it.

Mr. Stoliker has suggested putting in some big boulders in the area where it is not wide enough to walk. Mr. Stoliker would like to put in an opening to the graded path. Mr. McDowell suggested contacting the adjacent property owner who would be affected in order to determine his position.

Mr. Yarbrough stated that SSCAFCA has been approached by a developer and a realtor that has purchased some property immediately south of some of SSCAFCA's property where Pond #1 is located. Mr. Yarbrough stated that the developer wants to eliminate SSCAFCA's Urban Pond #1 and, as part of the process, the developer proposes to build SSCAFCA an office. Mr. Yarbrough stated that the pond is part of SSCAFCA's system and is functioning. There may also be a clause in the deed that if SSCAFCA stops using the pond as a drainage pond it would go back to AMREP, if they wanted it.

PUBLIC FORUM.

None.

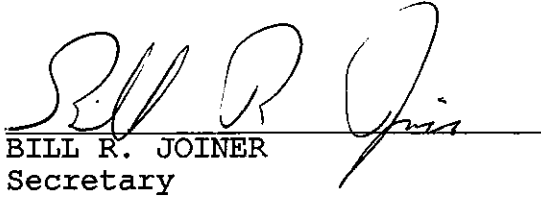
CLOSED SESSION.


Mr. Metzgar stated that a closed session is not needed at this meeting. He can bring his information before the Board at the next meeting.

ADJOURNMENT.

A motion was made by Guy McDowell and seconded by 4:34 PM to adjourn the meeting. It was carried unanimously. Meeting adjourned at 4:35PM p.m.

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BILL R. JOINER
Secretary


WM. C. YARBROUGH
Chairman

DATE APPROVED: 1-18-2000

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