

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF JUNE 15, 1999  
REGULAR BOARD OF DIRECTORS MEETING**

**I. CALL TO ORDER.**

The regular meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 1:03 p.m.

**1. Role Call of Directors**

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

**2. APPROVAL OF AGENDA**

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

**II. TREASURER'S REPORT**

**1. Bond Counsel and Financial Advisor Contracts**

Mr. Metzgar stated that the contracts have been signed by the separate contractors and that the originals need the signature of Mr. Stoliker.

**2. Financial Advisor Briefing to Approve G.O. Bond Issue Authorization**

Mr. Dorn introduced Perry Baird of Dain Rauscher. Mr. Baird stated that he has provided information that shows the results of the research into the assessed valuation of property upon which SSCAFCA's tax is based. He has prepared a Resolution of Authority to sell bonds on July 20, 1999, which will be dated August 1, 1999 and paid off over 12 years, starting in August, 2000. He needs the Board approval for the Resolution. The most important objective for Dain Rauscher was to issue the maximum amount of bonds possible with no increase or decrease in the mill levy. SSCAFCA's assessed value has been growing at almost 10% per year on average since 1991. The preliminary growth for 1999 is 60% higher than the previous year. The reason for such a high rate of growth is because it is a reappraisal year.

Mr. Yarbrough stated that he and Mr. Stoliker had discussed issuing \$1 million worth of bonds, but Mr. Stoliker stated that because of the present economy, SSCAFCA would be better served to

issue the maximum amount now.

Mr. Baird stated that these are municipal bonds, which are different than treasury bonds. They tend to not rise as fast as treasury bonds, so the interest rates won't be as high. If the Board is able to spend all the money it gets, you can invest the proceeds that are unspent during that time and keep the difference.

Mr. Stoliker stated that SSCAFCA needs about \$500,000.00 in order to meet its current project requirements. The other \$1.5 million can go to the Ivory/Lisbon or other areas, as the Board decides.

Mr. Yarbrough stated that SSCAFCA is better off asking for more money than it needs at this point rather than go back and ask for more money later.

A motion was made by Guy McDowell to approve the \$2 million bond issuance and Resolution 1-F. It was seconded by James Dorn and carried unanimously.

Mr. Yarbrough appointed James Dorn as temporary secretary for signature on Resolution 1-F.

### 3. Preliminary Budget Submittal

Mr. Stoliker stated that the preliminary budget was contained in the packet to show the Board that it had been approved by the State. No action is necessary.

### III. PUBLIC FORUM

A gentleman (Mr. Teleki) stated that his property is at the northeast corner of the Dam 4 to 1 Project. There have been a number of windy days and the wind has blown dirt towards the houses from where the machines were working. He does not want an insurance settlement because of the blowing sand. He would like SSCAFCA to take action to prevent as much sand from blowing as possible. The contractor is keeping the water trucks going, but there is still a problem. Mr. Yarbrough instructed Mr. Stoliker to tell the contractor to take care of the problem and get another water truck up there if needed. Mr. Aguirre was in the audience and stated it will be taken care of.

### IV. APPROVAL OF NRCS PROTOTYPE REVEGETATION REIMBURSABLE AGREEMENT

Mr. Stoliker introduced Dr. Ramona Gardner of NRCS. Mr. Stoliker stated that NRCS has developed a seed-mix for the State Highway Department and NRCS is recognized as expert in revegetation. Dr. Gardner introduced Sandra Morris with the Albuquerque Field Office. They work at the plant materials center

in Los Lunas and their mission is to develop native plants and the technology to grow native plants in disturbed sites.

Dr. Gardner stated that they have a reimbursable agreement which outlines SSCAFCA's obligations and NRCS's obligations for revegetation. At the end of the agreement, NRCS will promote any seed or plants which are found to be effective but are not currently available to the Commercial Landscapers. If both parties agree, a five year revegetation evaluation program will be followed based upon five progressive annual work plans. The first year program is before the Board for approval. The idea is to put up silt fencing while planting the plants and keeping it up for a while until the plants root. Once they are rooted, the fencing can be moved to another site. NRCS will not put in any plant that is not native to New Mexico. SSCAFCA will furnish the fencing and NRCS will install the plants. Mr. Stoliker stated that community organizations will attempt to be used to install the plants. SSCAFCA will need to provide water to water the seedlings, but it will not be a permanent irrigation.

A motion was made by Guy McDowell to approve the NRCS Prototype Revegetation Agreement. It was seconded by James Dorn and carried unanimously.

#### V. LEGAL COUNSEL REPORT

##### 1. Update on Sale of Excess Fragments.

Mr. Metzgar stated that there were several fragments of land that were excess property in Unit 17. Each of those parcels were appraised and all of them came to less than \$3,000.00. The fragments were not large enough to build on their own. The only use for any of the fragments would be to the adjacent property owners. The State has indicated that the SSCAFCA Board has the authority to sell these fragments on its own. Mr. Metzgar suggested that the Board has already declared the property excess and it is just a matter of approval.

Mr. Metzgar stated that there is one fragment that goes across two properties. Both of the adjacent owners wanted it and they were therefore told that SSCAFCA would not sell it. They came to an agreement about who would get what portions and it will be sold that way by SSCAFCA.

There is a fragment that is actually in Corrales as a result of Corrales Watershed District's project on the Dulcelina Curtis. The adjacent property owner has already indicated that he would like to purchase it.

A motion was made by James Dorn to approve the sale of the

excess fragments to the adjacent property owners. It was seconded by Guy McDowell and approved unanimously.

Mr. Metzgar stated that SSCAFCA will give a Quitclaim Deed on the property to all owners who purchase the excess fragments. The property owners will then have to go in and replat themselves.

## VI. EXECUTIVE DIRECTOR REPORT

### 1. Project Progress Reports.

#### A. Dam 4 to Dam 1.

Mr. Stoliker stated that while he was looking at Dam 1 at the reconstruction of the outlet, he looked over to his right and there was an owl sitting in a hole. He alerted the people on site, contacted Wilson & Company for technical assistance, and started working on a way to protect the owl. Since Mr. Stoliker considered taking care of the owl an emergency, he issued an emergency task order and is asking for approval of the task order.

Mr. Stoliker introduced Mr. Stapp, W&C senior environmentalist.

#### 1) Approval of Burrowing Owl Task Order.

Mr. Scott Stapp is a senior environmental planner with Wilson & Company. He was concerned at first because of the close proximity to the owl. He talked to people at Fish and Wildlife and was told to contact Shirley Kendall. The next morning, Ms. Kendall and Nancy Cox, from Southwest Ornithological Research and Adventures, went out to review the situation. A plan has now been set up where the owls will be monitored. Fish and Wildlife is thrilled with how SSCAFCA handled the situation. When the owls leave, construction above where the owls are can recommence. There will be no problem if SSCAFCA destroys the nest **after** the owls have gone. If SSCAFCA doesn't have to destroy the nest, it is possible the owls will reinhabit the nest next year.

The total cost for the burrowing owl matter is thought not to exceed \$5,000.00 total, which would be an increase to Wilson & Company's contract.

A motion was made by James Dorn to approve the burrowing owl task order for up to \$5,000.00. It was seconded by Guy McDowell and carried unanimously.

#### 2) Approval of Change Order #1 for Fencing, Owl and Lean Fill.

Mr. Stapp stated that they put up silt fencing

around the owl's burrow and around the Dam itself in certain areas. Also, they have the 60 inch CMP still in place, which is the old pipe coming from the existing inlet and dumps into Dam 4. The plans call for them to crush it in place. It is believed that this may not entirely collapse the pipe and could be a liability to the public in the future (e.g., This is to be a park area accessible to the public). The alternative discussed was to fill it with lean fill, which comes to \$16,000.00 by unit prices. They are getting a price from the contractor to remove the pipe, which should be less than \$16,000.00. Mr. Stoliker recommended the lean fill for public safety reasons.

Mr. Stoliker stated that the total cost for the pipe and the silk fence that would go to the contractor is a maximum of \$19,890.25.

A motion was made by James Dorn to approve the change order for the fencing and lean fill/pipe removal costs up to \$19,890.25. It was seconded by Guy McDowell and carried unanimously.

### 3) Storm Damage Update

Mr. Stoliker stated that a half inch of rain in about a half hour fell at Urban Pond 4 and up on Dam 4. It came off of Mr. Wilken's property and out of the pipe, which had not been properly covered by the contractor. It ran over the side of the hill and took out a resident's landscaping and a road. Mr. Stoliker received a letter from the Village that asked for reimbursement from SSCAFCA in the amount of \$3,955.73. The contractor had already ordered the gravel and was ready to repair the road and the Village beat them out there and did the repairs. The Village added in some crushed asphalt that wasn't there before, which added \$2,400.00 to the cost. Wilson & Company estimated the damage at \$1,200.00. Mr. Aguirre stated that the contractor will receive a copy of the letter and the contractor will deal with the Village to reimburse the Village.

### B. Urban Pond #4

#### Approval of Change Order #1 for Monumentation, Harvey Jones Channel Sediment Removal, and Nuisance Flow Construction.

Mr. Dodge stated that there are four items on the change order. One is the sand removal from the Harvey Jones Channel, the second is an additional survey monument, the third is the soil cement nuisance flow. The soil cement nuisance flow will reduce the swampy bottom in the Dam. The fourth is a no cost item; the native soils used for the soil cement didn't meet the gradation

in the specs and the specs are being changed to match the native soils. The amount of the change order is \$47,687.00.

A motion was made by James Dorn to approve the change order up to \$47,687.00. It was seconded by Guy McDowell and carried unanimously.

C. Harvey Jones Channel

Mr. Stoliker stated that the work had been completed on the HJC outlet east of Corrales Road.

D. Urban Pond 5

Mr. Stoliker directed the Board to the agreement with Mr. Vento and Scotts Fencing contained in the Board packets. The work was proceeding.

E. USEPA Storm Water Regulations

Mr. Stoliker stated that each Board packet contained a copy of chapters on storm water regulations for each member's information. This will become of more and more concern in the future.

F. Approval Request for \$5,000 to Develop an Educational Flyer

Mr. Stoliker asked the Board for approval to produce and print an educational flyer on illegal dumping in arroyos. Discussion followed.

A motion was made by James Dorn authorizing the expenditure of \$5,000.00 to produce the educational flyer. It was seconded by Guy McDowell and carried unanimously.

G. Venada Arroyo Meeting with Representatives of Bernalillo

Mr. Stoliker reported that he had a meeting with Melvin Martinez and Kevin Eades and Charlie Leder to discuss a sanitary force main under the Rio Grande. Future meetings may be held on this issue.

H. 1400 Barbara Loop Conceptual Approval Request

Mr. Stoliker reported that a preliminary request has been made by the owner of 1400 Barbara Loop to discharge additional storm water into Urban Pond #1 as a result of his expansion of 1400 Barbara Loop.

**VII. CHAIRMAN'S REPORT**

None.

**VIII. DIRECTOR'S COMMENTS**

None.

**IX. OTHER BUSINESS.**

None.

**X. CLOSED SESSION.**

A motion was made by James Dorn to go into a closed session for purposes of discussing personnel matters and potential and pending litigation for Dams 4 to 1 Project and Urban Pond 4 Project. It was seconded by Guy McDowell. Roll call vote: James Dorn, yes; Guy McDowell, yes; Dub Yarbrough, yes. Motion passed 3 to 0.

The Board went into closed session at 4:05 p.m.

**XI. RESUMPTION OF OPEN MEETING**

The Board reconvened in open session at 5:30 p.m.

The matters discussed in the closed meeting were limited only to those specified in the motion for closure.

A motion was made by Guy McDowell to hire Shelly Cobau under the provisions as set forth in Outline B, Counteroffer portion, with the provision that she would get a three week vacation, based on five years experience at a rate of \$43,100.00 per year. At the time her probationary period is over, her yearly rate will increase to \$45,000.00. It was seconded by James Dorn and carried unanimously.


A motion was made by James Dorn that if Wilken does not go forward by Friday, June 18, 1999 with the pipeline and appurtenances on Urban Pond #4, that SSCAFCA, in order to protect public safety, will do so. It was seconded by Guy McDowell and carried unanimously.

Mr. Yarbrough stated that no other action was necessary on the matters discussed in the closed session.

**XII. ADJOURNMENT**

A motion was made by Jim Dorn and seconded by Guy McDowell to adjourn the meeting. It was carried unanimously. Meeting adjourned at 5:45 p.m.

  
WM. C. YARBROUGH  
Chairman

  
BILL R. JOINER  
Secretary

DATE APPROVED: 8-17-99

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