

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JUNE 20, 2000
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 1:20 p.m.

Directors in attendance were John Chaney, James Dorn, Bill Joiner, Guy McDowell and Dub Yarbrough. Staff member present was 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 John Chaney to approve the Agenda as presented. It was seconded by Bill Joiner and passed unanimously.

II. SECRETARY'S REPORT.

1. Approve Minutes of May 16, 2000.

A motion was made by Bill Joiner to approve the minutes from May 16, 2000 as presented. It was seconded by James Dorn and passed unanimously.

2. Approve Minutes of May 23, 2000.

A motion was made by Bill Joiner to approve the minutes from May 23, 2000 as presented. It was seconded by Guy McDowell and passed unanimously.

3. Approve Minutes of June 13, 2000.

A motion was made by James Dorn to approve the minutes from June 13, 2000 as presented. It was seconded by Dub Yarbrough and passed unanimously.

III. TREASURER'S REPORT.

1. Approve Expenditures for 05/01/00 - 05/31/00.

A motion was made by James Dorn to approve the expenditures for May 1, 2000 through May 31, 2000 as presented. It was seconded by Bill Joiner and passed unanimously.

2. Approve Treasurer's Report for 05/31/00.

A motion was made by James Dorn to approve the Treasurer's Report dated May 31, 2000 as presented. It was seconded by John Chaney and passed unanimously.

IV. PERSONNEL COMMITTEE REPORT.

Mr. Chaney stated that the Personnel Committee met on June 13, 2000 and recommended that the restriction on the use of annual leave for employees be changed to coincide with the six month probationary period rather than one year. He also stated that, in the past, employees have been taking vacation leave by the hour. The Personnel Committee recommended that vacation leave be taken in no less than 1/2-day increments. Mr. Yarbrough stated that if an employee wants to take an hour to run personal errands, that time must be taken as unpaid leave. Dental and doctor appointments would be taken under sick leave. Mr. Metzgar stated that at the meeting on May 16, 2000, the Personnel Committee had also recommended a COLA of 3% for fiscal year 2000 be approved. Mr. Metzgar stated that the COLA increase is for all employees, except the Executive Director, as he is under contract.

A motion was made by John Chaney to approve the Personnel Committee Report of June 20, 2000, with the Committee's recommendations. It was seconded by James Dorn and passed unanimously.

V. EXECUTIVE DIRECTOR'S REPORT.**1. Residential Building for Purchase on Corrales Road.**

Mr. Stoliker stated that he received a call from John Long, a realtor, who asked him if SCAFCA would do something about the equipment and materials stored behind a residential building that is for sale along Corrales Road just north of the Harvey Jones Channel. He stated that SCAFCA has a roadway easement on this property to access the Harvey Jones Channel outlet to the Rio Grande. Mr. Long asked if SCAFCA could screen the equipment and materials from the back of the property. Mr. Stoliker stated that he had discussions with the Chairman regarding the problem and one of the possible solutions would be to purchase the property and turn it into office space for SCAFCA. The sales price is \$238,900.00; however, it is not zoned correctly for SCAFCA's needs.

Mr. Stoliker stated there would be benefits to owning the property. SCAFCA would be right next to one of its facilities and would have no problems getting to the equipment in the back. At the same time, if it can be zoned properly, there may be substantial cost savings to convert an existing building into office space rather than building a new office. Mr. Stoliker introduced John Long and Rick Green, an architect with Wilson & Co.

If SSCAFCA wanted to go through the rezoning process, these two gentlemen would "turn-key" the process.

John Long stated that the property has been on the market for approximately three months with negative feedback partly because of SSCAFCA's equipment in the back. It is making the property difficult to sell. There is not a current appraisal; however, any sale would be subject to an appraisal. He had a market analysis done for the owners when they listed the property and he can provide that to SSCAFCA if it is interested in the purchase.

Mr. Stoliker stated that in discussions with the Village, he was told that this property would have to be rezoned Municipal, which allows governmental use. Mr. Chaney stated that any purchase would be subject to the successful rezoning of the property. Mr. Long stated that the owners don't want to take the house off the market for the rezoning to take place. Mr. Long met with the Village regarding getting the property rezoned. The Village was very optimistic and enthusiastic about it.

Mr. Yarbrough stated that SSCAFCA owns the adjacent lot to the east. Mr. Green stated that most of the property in that immediate area is zoned residential now, including SSCAFCA's lot. Both lots would have to be rezoned. Mr. Green stated that there are three neighbors who would have to be spoken to regarding their support for the rezoning.

Mr. Yarbrough stated that the easiest solution to the equipment problem would be to have John Campbell move his equipment from SSCAFCA's easement. Mr. Yarbrough asked why the property was not rezoned when the Corrales Watershed District obtained the easement. Mr. Metzgar stated that a condemning authority normally does not replat or rezone the property. He stated that as long as the property is being used for the purpose for which it was condemned it does not have to be rezoned.

Mr. Yarbrough asked when the current lease would expire. Mr. Stoliker stated that the end of the lease on the property SSCAFCA is currently leasing is June 2001. Mr. Green stated that the approximate time frame on rezoning the property, if all went well, would be the middle of September.

Mr. Green stated that the building would require some remodeling work since it is currently a residential dwelling. The property has approximately 2,250 square feet. It has a three car attached garage, which might work well as a conference room. Mr. Stoliker stated that he toured the home this morning and it looks

very good, but definitely would require some remodeling. He stated that the space SSCAFCA is renting now is 1,800 square feet. Mr. Green stated that by the time the garage was incorporated into the square footage, there would be almost 3,000 square feet of office space. The site is a little over an acre, so there would be plenty of parking. Along with SSCAFCA's adjoining lot, there would be ample room to store equipment.

Mr. Chaney stated that SSCAFCA also owns the seven acres that is in the flood plain that goes to the Rio Grande. He suggested that SSCAFCA would be able to maybe turn the entire property into a park-like setting. Mr. Stoliker stated that people are now picnicking next to the river on SSCAFCA's property on the grass.

Mr. Green stated that the first step in the process would be to go to a Planning and Zoning hearing, which will be held in mid-July. It would then go to the Village Council where it will go through three separate stages, with the last step in September. There are two official public hearings where people can come forward if they have any concerns. Those would occur in August and then again in September. He stated that the Village is very encouraged that SSCAFCA is looking at the property and is excited about having SSCAFCA in the Village for historical reasons.

A motion was made by John Chaney to give David Stoliker the authority to enter into an agreement with Wilson & Company to pursue this matter and to enter into an agreement with the owners of the property to obtain a right of first refusal on the property subject to the property being rezoned and the property purchased at appraised value. It was seconded by Bill Joiner.

Mr. Metzgar stated that SSCAFCA may have to have approval from DEA for this kind of a purchase. Mr. Yarbrough stated that a SSCAFCA appraiser would have to look at it and that he would want an inspection of the building by John Campbell since he builds houses. Mr. Yarbrough stated that when the house was built, there were some used materials utilized in building it. He is concerned about water getting into the garage, as it is below grade with the surrounding area. Some of the walls are 2 x 6 and some are 2 x 4 construction.

Mr. McDowell asked if the building codes for residential and business was the same. He stated that should be determined before anything is done. Mr. Yarbrough stated that the building would have to be remodeled to be handicap accessible. Mr. Green stated that costs associated with the building would be the renovation itself, possibly some buffer landscaping and/or screening walls for

the neighbors and that the cost would most likely be over \$100,000.

Mr. Yarbrough stated that SSCAFCA does own two acres of property in Rio Rancho that is already zoned commercial that may be more suitable than this property.

Mr. McDowell stated that this option seems cheaper than it would be to build a new building on SSCAFCA property. Mr. Green stated that the lots would have to be replatted, but not necessarily before the rezoning process. The cost, guaranteed not to exceed \$20,000, would get SSCAFCA through the rezoning process.

Mr. Chaney stated that a couple of years ago he had a property rezoned from residential to office, which included an in-depth replat as well, for around \$3,000. Mr. Chaney asked if SSCAFCA staff could do this work. Mr. Stoliker stated that staff could do the work, it's just a matter of time because of the projects going on right now.

The motion passed 4-0, with Mr. Yarbrough abstaining.

Mr. Joiner stated that he would like to hire somebody to walk this matter through the rezoning process. He would also like to see a rendering of what SSCAFCA is going to do so that SSCAFCA has that to present in the rezoning process.

A motion was made by Bill Joiner to enter into an agreement with Wilson & Company for a not to exceed figure of \$20,000 to take this matter through the rezoning process. It was seconded by James Dorn and passed unanimously.

2. Bosque Encantado Sheriff's Posse Road Correspondence Dated May 12, 2000.

A motion was made by John Chaney to table this matter until a later time. It was seconded by Bill Joiner and passed unanimously.

VI. CHAIRMAN'S REPORT.

Enchanted Hills

Mr. Castillo, of AMREP, indicated that he thought he had stated, in a previous Board meeting, that AMREP would participate in the cost of acquisition of the property, not buy it all. Mr. Chaney stated that he made the motion in that meeting and at the time he made the motion, it was clear in his mind that AMREP would provide the land and SSCAFCA would provide the other related acquisition costs. He stated that SSCAFCA's costs are up to \$65,000 so far, which does not include any condemnation work or

legal fees. The reason this matter was even brought up was because AMREP wanted to divert waters from one drainage watershed to another so it could develop Enchanted Hills.

Mr. Yarbrough stated that AMREP seems to be concerned about the cost of acquiring the property. There are eight acres on the west side of 528 needed to enable the development. AMREP has an additional 11 or 12 acres that it will donate. Mr. Yarbrough stated that SSCAFCA had agreed to hire appraisers to appraise the property and to negotiate with the owners, then go to condemnation if the negotiation didn't work.

Mr. Metzgar stated that Mr. Castillo came to the SSCAFCA Board and said that AMREP was going to do the project, but AMREP felt that it would have to purchase additional property and AMREP had no condemnation authority. AMREP asked SSCAFCA to use its condemnation authority to acquire the property and that SSCAFCA provide the legal work necessary in order to condemn. If SSCAFCA were not in the picture, for AMREP to do the project, it would have to acquire the property itself. Mr. Castillo stated that AMREP would then rely on the existing drainage easement.

Mr. Stoliker stated that from a regulatory standpoint, SSCAFCA would have forced AMREP to acquire the property because the existing arroyo is outside of the easement. When AMREP added that extra flow, AMREP forced the flow outside the easement. Mr. Stoliker stated that SSCAFCA would have forced AMREP to buy the property because at that point it would be affecting FEMA regulations.

Mr. Metzgar stated again that AMREP's request was that SSCAFCA do all of the necessary acquisition of that property, but that AMREP would pay for the property. He stated that there was never any indication that SSCAFCA would pay for the property at all. Mr. Chaney stated that SSCAFCA could withdraw completely and have AMREP handle the drainage.

Mr. Yarbrough stated that when Mr. Castillo said at a recent meeting that AMREP did not agree to buy the property, Mr. Stoliker sent a letter to AMREP telling AMREP that SSCAFCA would not approve any more units until this matter was cleared up. Mr. Castillo stated that Units 12 and 13 are ready for building. He stated that it is not his intention to "weasel" out of any agreement that AMREP has made. He stated that it is difficult for him to agree that AMREP will pay for something when he doesn't know what the amount will be. He said that AMREP would like to continue to work with the SSCAFCA Board and participate in projects in a fair manner.

Mr. Metzgar stated that if SSCAFCA goes forward with the appraisals, it could not obligate itself to acquire the property with only AMREP's possibility of contributing something, but without knowing what the contribution would be. Mr. Castillo stated that he believes that the land should be appraised as soon as possible so that the costs would be known. Mr. Yarbrough stated that SSCAFCA had agreed to pay for the appraisals and it would do so.

Mr. Castillo stated that AMREP has 70% - 80% of the technical data that an appraiser would need and he is prepared to provide this information to the appraiser. Mr. Stoliker stated that SSCAFCA has identified the right of way that would be necessary for the project. The next step would be to survey and prepare the legal descriptions. SSCAFCA was going to have URS Greiner do that, but Mr. Castillo has stated that AMREP will do that. Mr. Castillo stated that it can be started immediately and be finished within 30 days. AMREP will then deliver the information to the appraisers.

Mr. McDowell stated that he is troubled by the ambiguous word "participate." He does not think that public money should be used for private projects. Mr. Yarbrough stated that SSCAFCA committed to doing certain things without knowing what the cost would be. He stated that SSCAFCA will not commit to anything again without knowing the costs involved.

Mr. Stoliker stated that at a meeting held this morning he was given direction to pursue this matter as long as AMREP does the surveying and support required for the appraisal. SSCAFCA would then go ahead and do the appraisals. Mr. Metzgar stated that, by going forward with the appraisals, SSCAFCA is not changing its position that SSCAFCA would not pay for the land. He further stated that AMREP is saying it had a different understanding, but is asking that SSCAFCA do the appraisals now so that they will know what the costs of the acquisition will be. If the parties carry out the full agreement, SSCAFCA would reimburse AMREP for the survey costs. If there were still no agreement regarding the payment for the private acquisition after the appraisals are done, then there would be no reimbursement for the survey costs.

Mr. Castillo stated that AMREP is requesting that SSCAFCA continue to process the subdivision units that have been submitted. Mr. Castillo is asking that SSCAFCA continue its recommendation process to the City of Rio Rancho on drainage matters on the two units that are ready now. Mr. Metzgar stated that the City of Rio Rancho requires SSCAFCA's approval of the drainage plan to approve the plat, which will require affirmative action of this Board. He

said that final approval couldn't be given today anyway since it was not part of the Agenda and affirmative action cannot be taken without it being on an Agenda.

Mr. Stoliker stated that the Board also couldn't approve the plan until staff has reviewed the documents. Staff was directed by the Board at the last meeting to stop reviewing the documents and review will not continue until this matter is resolved. Mr. Castillo stated that this is a problem. SSCAFCA has stopped all work and he would like to be able to proceed. Mr. Stoliker stated that the City of Rio Rancho has told him that AMREP is ready to final plat 13A, 13B and 12. Mr. Castillo stated that they are moving for final plat approval in late July and it will not happen unless SSCAFCA does its work and reviews the plans. Mr. Stoliker stated that he would not recommend any final plat approval until the facility is built, bonded or other guarantee provided.

Mr. Fossenier stated that AMREP is asking that SSCAFCA remove the restriction on the staff so SSCAFCA can proceed with the review process. Mr. Castillo stated that the appraisals could be done within 30 to 60 days. He is not asking for approval today. He is asking that the staff be allowed to process the subdivision and come back to the Board with a recommendation. Mr. Metzgar stated that the Board could allow staff to start its review of the submittal without bringing it to the Board for any final action until it is completed. If, during that process, the appraisals come in, and AMREP says it will pay for the land, staff could then bring the matter to the Board earlier because the review would have already been in process or completed.

SSCAFCA staff was given direction by the Board to start reviewing the submittal.

VII. DIRECTOR'S COMMENTS.

Discussion of Retaining Walls in Corrales.

Mr. Chaney stated that in 1991 there was a storm in Corrales that was less than a 100-year storm and it almost washed out the bridge over the Harvey Jones Channel. There were a number of places in Corrales that also flooded. Mr. McDowell stated that there was some debris that choked up the bridge that helped cause the washout. Mr. Chaney stated that a wall of water came off of Corrales Road into the Main Canal and caused the Main Canal to breach in several locations. He stated that this is a public health issue and SSCAFCA has, in the past, appropriated funds to deal with those types of emergencies. Since '91 there have been

many more homes built in that area, so the next major downpour would cause even worse flooding. There is a solution. That would be to build a wall west of Loma Larga Road, before it hits the Main Canal, to transport the water to the river. He would like the staff to start looking into this and make a policy recommendation to the Board.

Mr. Yarbrough stated that the Main Canal could be enlarged to take more flow so it wouldn't breach. Mr. Stoliker stated that Leedshill did a report, which identified all the improvements that should be made in Corrales for flood protection. The Village has never approved that report, which should be the starting point. Mr. Stoliker briefly discussed other potential solutions to the problem raised by Mr. Chaney.

Mr. Yarbrough stated that the Village would have to participate in any fixes that were done. Mr. McDowell stated that MRGCD should be another participant in any fix on this matter. Mr. Chaney stated that there might also be federal money available. General direction was given to initiate communications with the Village and MRGCD regarding protection of the Corrales Main Drain from flood damage.

VIII. OTHER BUSINESS.

None.


IX. PUBLIC FORUM.

None.

X. ADJOURNMENT.

A motion was made by Guy McDowell and seconded by Bill Joiner to adjourn the meeting. It was carried unanimously. Meeting adjourned at 3:28 p.m.


WM. C. YARBROUGH
Chairman


BILL R. JOINER
Secretary

DATE APPROVED: July 18, 2000