

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF MAY 25, 2004
BOARD OF DIRECTORS REGULAR MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Mark Conkling, Acting Chairman, at 1:00 p.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were Mark Conkling, Richard Deubel, and Donald Rudy. Dub Yarbrough and John Chaney were noted as absent. David Stoliker, Executive Director, SSCAFCA staff and members of the public were also present.

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by Mark Conkling.

APPROVAL OF AGENDA.

A motion was made by Donald Rudy to approve the Final Agenda as amended. It was seconded by Richard Deubel and passed unanimously.

ANNOUNCEMENTS.

Announcements were made by Mark Conkling that all electronic devices needed to be turned off during the meeting and that the microphones are voice activated.

PUBLIC FORUM.

None.

EXECUTIVE DIRECTOR'S REPORT.

1. Action/Acceptance of Desert Ridge Drainage Plan.

Mr. Stoliker stated that the Desert Ridge Drainage Plan has been reviewed by staff and staff recommends approval. Mr. Grayson, of Huitt-Zollars, stated that as part of this project, it will eliminate one of the Urban Ponds (#2). The ability to do this was conceived in the Trinity reports and they are following one of the scenarios provided in that older approved report. The plan is to intercept flows from one of the existing ponds, heightening (filling in) the pond, obliterating an existing pond, and taking it to Urban Pond 3 behind Trinity. The City's easement will be transferred to SSCAFCA.

A motion was made by Donald Rudy to approve the Desert Ridge Drainage Plan as presented with conditions contained in the Board packet. It was seconded by Richard Deubel and passed unanimously.

2. Presentation/Discussion of Proposed Trails and Parks for Lomitas Negras Arroyo and Dulcelina Curtis Channel.

Mr. Gary Hohmann, of Los Rios Neighborhood Association, stated that their neighborhood is located in Unit 17 bounded on the West by Route 528, on the North by Corrales Road, on the East by the Gray Hawk Development, and on the South by Corrales. He stated that the developer of their area was AMREP and it was done before the developer had to put in any infrastructure into the area. However, when the houses were built, the owners had to pay an impact fee as part of their building permit. The impact fee is for police protection and grading of the roads. They don't have city water, sewer or cable TV in the subdivision. The Association is requesting that some amenities be put in.

He stated that the first thing they would like is to have a trail that would go around the arroyo and down the Dulcelina Curtis Channel, similar to what is going in at the Venada arroyo. The trail would be built on SSCAFCA land. Secondly, they would like to also use SSCAFCA land for a parking area. They would also like some benches put in along the trails at various spots for the public to enjoy. They would like a footbridge at Rio Oso and a park in the arroyo itself similar to Roskos Field.

Mr. Rudy asked if Mr. Hohmann was going to leave any detailed information with the Board. Mr. Hohmann stated that he had not prepared anything. Mr. Rudy stated that if the Board is going to pursue anything, even if it involves the granting of easements to somebody else to do the construction and the changes, details in writing will need to be considered by the entire Board for consideration. Mr. Hohmann agreed to submit his request in writing. Mr. Stoliker stated that SSCAFCA does not get into the creation of recreational facilities, but has allowed them within its facilities. The only thing that SSCAFCA would be providing for this project would be the use of the land. Mr. Conkling stated that SSCAFCA's frame of mind would be that there would be no charge for using the land and that the appropriate easements could be extended to the Association, but that SSCAFCA's typical procedure is to work through the City's Parks & Recreation Department. Mr. Deubel stated that he would like to have Bernie Metzgar review any liability issues that may result from the use of the land before any promises are made.

3. Discussion/Action on Long Range Right-of-Way Acquisition Planning.

Mr. Stoliker stated that when the three master plans were done, SSCAFCA knew what properties it needed to acquire for future facilities. Given the amount of development in the Rio Rancho area, staff would like to put together a comprehensive right-of-way acquisition list and approach AMREP and other major land owners about preserving those areas. He stated that SSCAFCA should be able to set aside money each year in its budget for acquisition of these properties. Mr. Rudy stated that in some cases where drainage and flood control has been done in the upper reaches, the design criteria in some of the lower

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reaches may change. If all of SSCAFCA's needed right-of-way is defined, then SSCAFCA will have a better ability to control the entire process.

It was the consensus of the Board that staff should proceed with this project and return to the Board with an appropriate plan.

4. GASB/ICIP Update.

Mr. Perry Baird stated that one of the main requirements of GASB 34 is to show on SSCAFCA's financial statement, particularly its balance sheets, assets and liabilities and fund balance, the cost and depreciation of all fixed assets, including infrastructure that SSCAFCA has either acquired or that has been donated to SSCAFCA. The Board has approved classifications of this infrastructure and assigned asset lives for the purposes of depreciation. SSCAFCA is not required to fund the depreciation. Mr. Stoliker stated that the Harvey Jones and Dulcelina Curtis Channels are not included in this figure, and none of the land acquisition is included. He stated that Mr. Baird has not done his final analysis to bring it up to current accumulated depreciation. Mr. Baird stated that "ICIP" stands for Infrastructure Capital Improvement Program.

5. Discussion of Property Exchange With Frank Larrabee.

Mr. Stoliker stated that Frank Larrabee, among others, has approached staff about purchasing SSCAFCA property. The reason he brought this issue to the Board is because Mr. Larrabee would like to look at doing an exchange of property. Mr. Larrabee has approximately four acres of property that is adjacent to the waste water treatment plant and SSCAFCA's Montoyas Arroyo. His property has an easement across the Montoyas at that point. SSCAFCA is trying to eliminate every non-public access across any major arroyo. If SSCAFCA was able to somehow get this property, it might be able to let the arroyo meander thereby preventing changes to the arroyo and lowering future O & M. If Mr. Larrabee continues to own the property, he would have to hard line it to develop it and it would impinge upon the arroyo system creating future O & M issues.

No action was taken. It was the consensus of the Board to allow staff to continue discussions with Mr. Larrabee.

6. Discussion of May 19, 2004 Unit 13 Blighting Letter to Ken Curtis.

Mr. Stoliker stated that a copy of the signed letter to Mr. Curtis is in their packet. The letter was sent out due to a deadline imposed by Mr. Curtis to receive this letter.

Mr. Ken Curtis, of the City of Rio Rancho, stated that this is the area bounded by the Montoyas Arroyo on the South, Loma Colorado to the Northwest, Broadmoor on the far West, and Northern on the North. There is an existing subdivision known as Vista Hills on

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the east side. By blighting the property, the City would determine that due to the lack of development over these many years, there are inhibitions on the property. Under the blighting, the City would go out for an RFP and choose a developer responding to that process. Once a developer was chosen, they would go through and, in effect, consolidate the land and erase all of the private property boundaries by purchasing the property from the single lot owners. This would allow for more structured development to current standards. Underlying this is the City's powers of eminent domain to put it all into place. Mr. Conkling stated that the overall impact is that there would be parks, recreation, bicycle trails, redeveloped streets, drainage areas that meet current requirements and, overall, the neighborhood would be built to a much higher standard than its present condition.

Mr. Stoliker stated that Mr. Metzgar did review the letter before it was sent out. Mr. Curtis stated that SSCAFCA would be kept informed of the development, as the developer would need to come to SSCAFCA with regard to any drainage issues that arose. It was the consensus of the Board that the letter is okay as written and no changes are needed.

7. Action/Assignment to Staff for Responsibility of all Utility Crossings.

Mr. Conkling stated that staff would like to have the responsibility of handling the approval of utility crossings in arroyos and drainage ways. Mr. Stoliker stated that staff gets a many requests from the City with regard to utility emergencies and he would like staff to have the authority to approve these requests. Mr. Stoliker stated that staff would approve the crossings only where SSCAFCA has an easement and the City owns the underlying property.

A motion was made by Richard Deubel to approve the assignment and authority as presented by staff. It was seconded by Donald Rudy, with the stipulation that staff keep the Board informed as to any crossings as they happen. The motion passed unanimously.

8. Discussion of Unit 17, Block 164, Lots 11, 12 & 13.

Mr. Curtis stated that this property is next to the Dulcelina Curtis Channel. Ms. Iliff acquired the middle of three lots some time ago. At this point, the City had done a Unit 17 study which was completed in 2002 that looked at what to do with the dirt roads, etc. The property is developing with houses, but it's not engineered because it's a 30 year old plat. The study showed that a series of detention ponds and conveyance, pipe-type facilities needed to be done in the area. There is currently a small one lot pond there where all the sediment collects after any sizeable storm. After any such storm, the City does go in and remove all the silt that has collected there. The study also looked ahead and showed that all three lots would probably be needed to be joined into one large de-silting pond. Ms. Iliff recognized that there was a problem and knows that it was in the City's plans to acquire her lot for a de-silting pond. Mr. Curtis stated that he is asking the SSCAFCA Board to use existing land that SSCAFCA owns in trade for this lot. The appraisals have not been done

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yet and the City would take the lead. Ms. Iiff has not made any decision with regard to any property she might want to trade for. Mr. Curtis stated that the lot probably has not been surveyed in detail, but because of the bridge opening on Rio Oso, when the lot fills up it spills into the Dulcelina Curtis Channel in an uncontrolled, undesigned manner.

Mr. Rudy asked if there was a controlled way for the water to get from the de-silting pond into the channel. Mr. Curtis stated that, at the moment, the lot is a retention pond on the lower lot. Once it fills up with water, it spills over the top of the pond and goes down the side of the Dulcelina Curtis Channel. Because of the bridge cut on Rio Oso, most of it falls into the channel, uncontrolled. He stated that if the Unit 17 plan was fully implemented with the detention ponds, they would be honing in on an accurate number for the release rate. The rate of release into the Dulcelina Curtis could be controlled with a pipe of an elevation at the City's choosing to de-silt as necessary, back flow prevention, etc. If nothing is done to control the detention, it will be uncontrolled release.

Mr. Stoliker stated that this property was supposed to be used for the original road crossing of the Dulcelina Curtis Channel. Instead, the road crossing is at the John Werner Bridge. The City of Rio Rancho asked to have that road moved to its present location. SSCAFCA bought the property being discussed for the roadway crossing, declared it excess, and sold off some pieces in that area. The lot was never intended to be a pond, but it is a great spot to have it. Mr. Rudy stated that he would like Mr. Stoliker and Ken Curtis to work out a concrete proposal on this matter.

It was the consensus of the Board for staff to proceed with this matter and bring it back to the Board for full approval.

CONSENT AGENDA.

Action/Acceptance of Minutes of Minutes of:

- a. March 16, 2004 Regular Meeting;
- b. April 6, 2004 Special Meeting;
- c. April 20, 2004 Regular Meeting.

A motion was made by Richard Deubel to approve the minutes of the March 16, 2004 Regular Meeting, the minutes of the April 6, 2004 Special Meeting, and the minutes of the April 20, 2004 Regular Meeting as presented. It was seconded by Donald Rudy and passed unanimously.

RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORT FOR APRIL 30, 2004.

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Mr. Conkling indicated that the Treasurer's Report for April 30 2004 was in the Board members' packets for review, acknowledgment and recognition and that he would be happy to answer any questions on it. There were no questions.

CHAIRMAN'S REPORT.

1. Discussion/Action on FY05 Bond Election.

Mr. Deubel asked if SSCAFCA was going to proceed with a bond election. Mr. Stoliker stated that the Executive Committee meeting minutes showed where there was a split on whether to go forward with the bond election or not. Mr. Chaney was against it. Mr. Yarbrough is for it. Mr. Conkling stated that there are continued negotiations with the City about the character of the upstream platted and individual lots and how they are to be handled. How they are handled could change SSCAFCA's costs by a third. With such a change, SSCAFCA's bond issue would not be accurate, nor would the studies associated with the construction plans that were raised at the last bond election. He thinks that it would be impossible to say what SSCAFCA is going to do with the money until SSCAFCA knows the results of that outcome.

Mr. Rudy stated that the Finance Committee has been discussing how the distribution of construction costs and maintenance operation costs are going to evolve. He stated that, at the moment, a good half of the money is capitalized as construction costs. This will not persist into the future. Mr. Deubel stated that if SSCAFCA doesn't have any projects being built, the 30% is essentially meaningless. He is concerned that as development occurs, SSCAFCA will not be able to keep up with it if it doesn't have additional money. He stated that if SSCAFCA doesn't have a bond election this November, it will be two years before there is another general election. He believes there is a greater chance of it passing with the greater number of voters.

Mr. Conkling stated that in this rapid development time, developers are designing and paying for substantial amounts of drainage improvements. Mr. Rudy stated that there are common pieces that aren't being addressed by the developers. Mr. Deubel stated that voter turnout has typically been very low, with the exception of the mail-out ballot and general elections. The last election in 2002 was at a 6% turnout. To allow 6% of the population to dictate SSCAFCA's funding is distressing. He believes that having the bond election with a general election will ensure the most voter turnout. If it fails then, SSCAFCA can go for alternative funding, which SSCAFCA is doing now anyway.

Mr. Conkling stated that this discussion will be continued at next month's meeting. The sentiment of the Board is uncertain at this point.

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Mr. Conkling stated that Donald Rudy will be the designated Member to represent SSCAFCA at the MRCOG Water Resource Board meetings. David Stoliker will be the Alternate.

BOARD OF DIRECTORS COMMENTS.

Mr. Rudy stated that SSCAFCA has recently had a very good, cooperative relationship with AMREP. Just recently, AMREP has helped SSCAFCA's planning for the arroyos by donating a significant amount of property in the bottom of the arroyos. AMREP's recent changes in development have been very sound with regard to drainage control. He stated that he would like staff to prepare a plaque, along with a written resolution, to present to AMREP.

A motion was made by Donald Rudy to recognize AMREP for its cooperation with SSCAFCA in this way. It was seconded by Richard Deubel and passed unanimously.

Mr. Conkling stated that he would like the plaque to show the entire trails system and SSCAFCA's overall dream.

REPORT FROM THE PERSONNEL COMMITTEE.

Mr. Stoliker stated that he has spoken with all of the Board members and they were fine with the changes that the Personnel Committee looked at and recommended.

REPORT FROM THE BUDGET COMMITTEE.

1. Action/Acceptance of the FY2005 Preliminary Budget.

Mr. Baird stated that the changes from the preliminary budget submitted at last month's meeting are as follows: the Board meeting date will need to be changed to May 25, 2004; there is no change in revenue assumptions or the tax base. Item number 2, cost of living increase is in accordance with the Personnel Committee recommendation and is shown in the budget at the appropriate percentages. This will be an upward deviation of \$6,000.00 because of the cost of living and other raises. The employer health insurance contribution was originally proposed at an 80% benefit / 20% deduction but is now back to the same as the County of 70% / 30%. The plans increased between 11% and 13% in the premium requirements total. The cost of living raises will help offset the higher premiums.

Mr. Baird stated that the O & M budget is no different than showed in the preliminary budget. There is a typographical error on page 5 which should read: "... \$115,200.00 budgeted for right-of-way...." He stated that there was no change in debt service or construction fund. Mr. Conkling stated that item 8 shows that there is no money set aside

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for a bond election. Mr. Baird stated that the bond elections are traditionally funded from Fund 140, the construction fund.

A motion was made by Donald Rudy to approve the FY05 Preliminary Budget as presented. It was seconded by Richard Deubel and passed unanimously.

Mr. Conkling stated that he wanted to be sure that it was on record that everybody knew how lucky SSCAFCA is to have Perry Baird on board. SSCAFCA has not had a problem with a budget projection, a budget reconciliation, an audit, or any financial matter. Mr. Rudy stated that this is the first time he has ever seen this situation arise where there were no problems.

2. Action/Acceptance for Renewal of the Contract with Mackie-Reid for Auditing Services.

Mr. Baird stated that this is the second year of a multi-year contract which was approved through an RFP process last year. The state auditor has its own rules which require attendance of at least one staff member at their Rule Update Seminar every year. Both Mr. Stoliker and Mr. Baird attended the required training.

A motion was made by Richard Deubel to approve the renewal of the contract with Mackie-Reid for auditing services. It was seconded by Donald Rudy and passed unanimously.

ATTORNEY ' S REPORT.

None.

FOR BOARD INFORMATION:

Mr. Deubel stated that, with regard to the increased public relations information and getting the public to understand what SSCAFCA does, he would like to see items published in the newspaper about what actions SSCAFCA has taken every now and then. If someone feels like writing an editorial, he should go ahead and do so in order to get the word out there. Mr. Conkling stated that this information could also be posted on SSCAFCA ' s web site.

a. April 13, 2004 Budget Committee Meeting Minutes.

Mr. Stoliker stated that these are contained in the Board ' s packets.

b. April 26, 2004 Executive Committee Meeting Minutes.

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Mr. Stoliker stated that these are contained in the Board ' s packets.

- c. May 3, 2004 Executive Committee Meeting Minutes.

Mr. Stoliker stated that these are contained in the Board ' s packets.

- d. May 6, 2004 Personnel Committee Meeting Minutes.

Mr. Stoliker stated that these are contained in the Board ' s packets.

- e. April 21, 2004 Recorded Copy of the Quitclaim Deed for Donated Property from AMREP.

Mr. Stoliker stated that this is contained in the Board ' s packets.

- f. April 27, 2004 Letter from Jerome Rael Regarding his Interest in Purchasing some SSCAFCA Property.

Mr. Stoliker stated that this is contained in the Board ' s packets.

- g. April 29, 2004 Letter to Gary Hohmann Regarding Recreational use of SSCAFCA Facilities.

Mr. Stoliker stated that this is contained in the Board ' s packets.

- h. May 5, 2004 E-mail from Jerome Rael.

Mr. Stoliker stated that this is contained in the Board ' s packets.

- i. May 19, 2004 Letter to Jerome Rael.

Mr. Stoliker stated that this is contained in the Board ' s packets.

- j. The Infrastructure Capital Improvement Planning Process Workshop held April 28th 2004 was attended by David Stoliker, Perry Baird and Bob Foglesong.

Mr. Stoliker stated that this shows information from a workshop that was attended by him, Perry and Bob.

- k. NPDES Presentations were made by David Stoliker on April 30th 2004 for the City of Las Cruces.

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Mr. Stoliker stated that he made a presentation in Las Cruces that went very well. In return for this, as Las Cruces develops public information clips on local television, they will be provided to SSCAFCA for free.

- l. April 27, 2004 Letter to Mathew Montanes Regarding Lot 115 in the Salida Del Sol Subdivision, Phase 2, Requirements for Relocating Offsite Flows.

Mr. Stoliker stated that this is contained in the Board ' s packets.

- m. Update on the Kroll Crossing.

Mr. Stoliker stated that this is contained in the Board ' s packets. There has been a closing on this property.

- n. May 3, 2004 Memo to Kenneth Curtis from Robert Schulz Regarding FEMA Community Contact Report.

Mr. Stoliker stated that this is contained in the Board ' s packets. He stated that this issue is the City ' s responsibility. He stated that the FEMA report which came out a few years ago stated that flooding is the number one property damage problem in this area.

- o. May 7, 2004 Recorded Copy of the Agreement for Venada Arroyo with AMREP, Special Warranty Deed for Area B, Lot 4, Lands of Prices Dairy and Warranty Deed for Lots 10, 11, 12, 13 and 14 in Unit 25, Rio Rancho Estates.

Mr. Stoliker stated that this is contained in the Board ' s packets.

- p. Monthly Reports are Available for Review. See Erica Baca for Information.

- q. Administrative Assistant, Erica Baca, has Completed her Probationary Period.

Mr. Stoliker stated that Erica Baca is now a full time, permanent employee and they are very happy with her work.

- r. The Following Developments were Reviewed by Staff and Comments Provided to the Engineer:

Tierra de Corrales: approximately 100 acres, approximately 100 dwelling units, approximately 27 cfs discharge;

Desert Ridge Subdivision: 11.85 acres, 72 dwelling units, approximately 45 cfs;

Cabazon Phase I: infrastructure plans for Western Hills Road, Cabazon Road and Trail Side Road;

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Mr. Stoliker stated that this is contained in the Board ' s packets.

- z. May 24, 2004 Received Northern Meadows Units 20A & 20B Final Infrastructure Plans.

Mr. Stoliker stated that this is contained in the Board ' s packets.

OTHER BUSINESS. None.

ADJOURNMENT.

A motion was made by Donald Rudy and seconded by Richard Deubel to adjourn the meeting. It was carried unanimously. Meeting adjourned at 3:00 p.m.

Richard Deubel

RICHARD DEUBEL
Secretary

William Conkling
~~MARK CONKLING~~
Acting Chairman

DATE APPROVED:

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