

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)

MINUTES OF APRIL 21, 1998
REGULAR BOARD OF DIRECTORS MEETING

CALL TO ORDER.

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

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

APPROVAL OF MINUTES OF FEBRUARY 26, 1998.

A motion by James Dorn, seconded by John Chaney, to approve the minutes of the special meeting of February 26, 1998 as presented, passed unanimously.

APPROVAL OF MINUTES OF MARCH 17, 1998.

A motion by John Chaney, seconded by James Dorn, to approve the minutes of the regular meeting of March 17, 1998 as presented, passed unanimously.

APPROVAL OF MINUTES OF MARCH 31, 1998.

A motion by James Dorn, seconded by John Chaney, to approve the minutes of the special meeting of March 31, 1998 as presented, passed unanimously.

TREASURER'S REPORT.

1. Approve Expenditures Report 2/1/98-2/28/98.

A motion by James Dorn, seconded by John Chaney, to approve the reported expenditures of 2/1/98-2/28/98 as presented, carried unanimously.

2. Approve Treasurer's Report 2/28/98.

A motion by James Dorn, seconded by Bill Joiner, to approve the treasurer's report of 2/28/98 as presented, carried unanimously.

3. Approve Expenditures Report 3/1/98-3/31/98.

A motion by James Dorn, seconded by John Chaney, to approve the reported expenditures of 3/1/98-3/31/98 as presented, carried unanimously.

4. Approve Treasurer's Report 3/31/98.

A motion by James Dorn, seconded by Bill Joiner, to approve the treasurer's report of 3/31/98 as presented, carried unanimously.

RESOLUTION 1998-5, AUTHORIZATION FOR SALE OF BONDS.

John Archuletta, Southwest Securities, stated that the Board can sell bonds in the amount of \$2.5 million and still keep the mill levy rate at its current level of .87 mills.

Bill Joiner arrived at 1:10 p.m.

Bob Strumor, bond counsel, presented Resolution 1998-5, Authorization for Sale of Bonds in the amount of \$2.5 million to be sold prior to July 14, 1998.

A motion by James Dorn, seconded by Bill Joiner, to approve Resolution 1998-5, Authorization for Sale of Bonds, passed unanimously.

HJC 404 PERMIT APPLICATION INFORMATION.

Lewis Clarke, COE, made a presentation on the 404 Permit.

Mr. Clarke explained that mitigation would be needed if sediment removal was done on the Harvey Jones Channel.

Mr. Ed Korzdorfer stated that he believed that the original 404 permit was good in perpetuity but Mr. Clarke stated that this was not correct.

There was a discussion as to what necessitates a request for 404 permits. Mr. Clark stated that a permit is not needed if the soil is not disturbed but if the soil is disturbed, a permit will be needed.

Mr. Stoliker stated that according to Mr. Clarke, SSCAFCA will be required to mitigate, which may include removal of salt cedars, wetland development of alternative land or various other factors. Once mitigation is agreed to, SSCAFCA is committed to continuing it.

Dub Yarbrough requested that the original permit from the COE be investigated thoroughly to determine if it is still in effect.

SECRETARY'S REPORT.

None.

LEGAL COUNSEL REPORT.

1. Appraiser for Lawsuit.

Mr. Metzgar stated that an appraisal is needed in the SSCAFCA vs. Stribling lawsuit. It was the consensus of the Board Travis D. Engelage, real estate appraiser and consultant, be authorized to do an appraisal on the property involved.

2. Administrative Process for Resale of Excess ROW (Right-of-Way).

Mr. Metzgar stated that last year Richard Farmer was in the process of doing the replat of Unit 17 and making a list of the excess ROW.

Mr. Metzgar stated that there has been a lot of interest shown in the unneeded ROW and that sale of this property may be able to be completed in an administrative process.

It was the consensus of the Board for Mr. Metzgar to pursue the resale of unneeded excess right-of-way.

3. Resolution 1998-6, Board of Directors Election.

Mr. Metzgar presented Resolution 1998-6, Board of Directors Election. Two of the director's terms expire January 1, 1999.

A motion by Guy McDowell, seconded by Bill Joiner, to approve Resolution 1998-6, Board of Directors Election passed unanimously.

EXECUTIVE DIRECTOR'S REPORT.

1. Phase I Progress Update.

Ken Marron of Marron & Associates discussed the burrowing owl, COE permit (after the fact) and stormwater permit requirements which are the environmental issues connected to Phase I of the Dams 1 & 4 Outfall Project. Mr. Marron indicated that he was working through these issues and resolution of all three appeared likely.

R. P. Bohannon of Easterling & Associates stated that the project is approximately eighty-nine percent complete.

Mr. Stoliker stated that various neighbors adjacent to the pipeline are complaining about unauthorized traffic that is going across the pipeline easement and requested that the Board approve fencing along the pipeline corridor.

Mr. Bohannon stated that a change order needs to be approved, as the fencing will cost approximately \$25,000 to \$30,000. Mr. Stoliker recommended that the change order be approved. There was a brief discussion by the Board.

A motion by John Chaney, seconded by James Dorn, to approve the change order for Dam 1 & 4 Outfall Project, Phase I, to have barbless wire installed over the entire length of the pipeline for up to \$30,000, passed unanimously. (Note: The Board indicated that alternative fencing, other than chainlink, may be used only if needed.)

2. Enchanted Hills Drainage.

a.) Urban Ponds/Trinity Estates Update.

Mr. Stoliker introduced Chuck Wilken, the developer for Trinity Estates.

Mr. Wilken stated that the preliminary subdivision plat for Trinity Estates has been submitted to Rio Rancho Planning & Zoning Commission for the April 28, 1998 meeting.

There was a discussion by the Board.

Mr. Stoliker stated that the preliminary subdivision plat was approved by SSCAFCA, conditional upon the drainage management plan approval. To meet existing conditions, the urban pond system must be expanded to 21 acre feet. The Village of Corrales has requested that Ponds 1, 2 and 4 west of the Thompson Fence Line remain with a possible reversionary clause for Ponds one and two. Staff will continue to review the Developer's submittals for fully developed conditions. Mr. Stoliker stated it was his wish to get all the necessary flow into Pond 4 because of lower O&M costs and reduced risk to more citizens.

John Chaney requested that the Village of Corrales be present at the May 19, 1998 Board meeting for discussion of the drainage management plan for Trinity Estates.

It was the consensus of the Board to have a work study session with the Village of Corrales on the Urban Ponds.

3. Village of Corrales Drainage Master Plan.

The Drainage Master Plan of Corrales was handed out to each Board member for review.

There was a brief discussion by the Board and it was the consensus of the Board to have a work study session with the Village of Corrales on the Urban Ponds and the Drainage Master Plan.

4. Venada Arroyo Status - Warranty Deed Determination.

Mr. Metzgar reviewed the previous course of events on the Venada Arroyo and the Quitclaim Deed transfer from AMREP to SSCAFCA.

Mr. Metzgar recommended that SSCAFCA transfer the property back to AMREP until the project is complete.

A motion by John Chaney, seconded by Dub Yarbrough, that the property be transferred back to AMREP on the Venada Arroyo by quitclaim deed from SSCAFCA, passed unanimously.

5. Enchanted Hills Drainage.

a.) Enchanted Boulevard Road Crossing Structure and Acceptance of O&M for Proposed Drainage Improvements.

Mike McGovern of Cinfran Engineering presented information on the Enchanted Boulevard road structure and the operation and maintenance (O&M) of the proposed drainage improvements.

There was a discussion by the Board.

John Chaney requested a projection of maintenance cost. Mr. McGovern stated that he would compile the O&M cost projection for the next Board meeting.

A motion was made by Bill Joiner to approve that SSCAFCA be listed on the FEMA form as the eventual owner on the following conditions: 1) Technical approval, 2) O&M be identified and acceptable, 3) Funding availability, 4) Approval of the DMP, and 5) Final approval and acceptance by the SSCAFCA Board and others (e.g., FEMA, Corps of Engineers etc.). The motion was seconded by James Dorn. Roll call vote: Bill Joiner, yes; Guy McDowell, yes; James Dorn, yes; John Chaney, yes; Dub Yarbrough, abstain. Motion carried 4 to 0 with one abstention.

5. Unit 10 Urgent Issues Determination.

Mr. Clint Dodge of Leedshill Herkenhoff presented his report on Unit 10 Urgent Issues. He stated that there was not any right-of-way along the arroyos.

There was a discussion by the Board regarding the feasibility of this project and adhering to SSCAFCA policy.

A motion was made by James Dorn for Mr. Stoliker to talk with Rio Rancho to work on an agreement based upon SSCAFCA funding limit of \$250,000 identified for Unit 10 planning and ROW, minus expenditures for the Leedshill-Herkenhoff contrast, with the understanding that Rio Rancho will complete the project, accept the O&M responsibility, and SSCAFCA will have no further participation in the project. The motion was seconded by Bill Joiner.

John Chaney stated that he would vote no and felt that there should be

a special session for the discussion and/or decision for the Lisbon/Ivory Channels.

A motion by John Chaney, seconded by Guy McDowell, to table the motion on Unit 10 passed unanimously.

6. Smith Engineering Task Order Approval.

Mr. Stoliker presented Pat Conley of Smith Engineering who will be discussing a task order. Mr. Stoliker stated that this task order was needed to review policies and procedures from all jurisdictions and compare them with SSCAFCA's. This is necessary to alleviate on-going jurisdictional problems. For example, what happened to Trinity Estates is that the City of Rio Rancho and the Village of Corrales have different procedures. He explained that this is the first phase of a multi-phase project to be able to identify problems and look at alternative solutions.

Mr. Conley stated that the first part of the task order is to determine exactly where SSCAFCA is in regard to DMP, drainage master plan, and drainage policy.

There was a brief discussion by the Board.

Mr. Chaney asked if this contract is needed because the Executive Director had insufficient time to handle this problem. Mr. Stoliker stated that this is correct.

A motion by Bill Joiner to approve the task order with Smith Engineering, was seconded by James Dorn. Roll call vote: Bill Joiner, yes; Guy McDowell, yes; James Dorn, yes; John Chaney, abstain; Dub Yarbrough, yes. Motion passed 4 to 0 with one abstention.

7. Office Reorganization Update.

Mr. Stoliker stated that Order From Chaos needs an additional 140 hours for the filing system as it is only about halfway complete. The additional cost would be \$1,680. The Board stated that it was not a problem and for Mr. Stoliker to approve the additional time needed. It was the consensus of the Board that, in the future, administration items within Mr. Stoliker's funding approval authority should be handled by Mr. Stoliker without Board approval.

8. Other.

Due to the length of the meeting, a motion was made by John Chaney, to table the following items until the next meeting:

1. Phase II Progress Update
2. Approval of Criteria for Recognition
3. Sandoval County/Rio Rancho GIS

The motion was seconded by Dub Yarbrough and passed unanimously.

CHAIRMAN'S REPORT.

None.

OTHER BUSINESS.

None.

DIRECTORS' COMMENTS.

None.

PUBLIC FORUM.


None.

CLOSED SESSION.

A motion by Dub Yarbrough, seconded by John Chaney, to postpone the closed session until the next meeting, passed unanimously.

ADJOURNMENT.

A motion by Bill Joiner, seconded by John Chaney, to adjourn the meeting was carried unanimously. Meeting adjourned at 5:30 p.m.


BILL R. JOINER
Secretary

Date Approved 5/19/98


WM. C. YARBROUGH
Chairman