

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF AUGUST 21, 2001
BOARD OF DIRECTORS REGULAR MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 1:10 p.m.

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by Dub Yarbrough, Chairman.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Mark Conkling, Richard Deubel, Guy McDowell, and Dub Yarbrough. Staff members present were David Stoliker, Executive Director, Bob Foglesong, and Perry Baird. Bernard Metzgar, SSCAFCA's attorney, and members of the public were also present.

APPROVAL OF AGENDA.

Mr. Yarbrough stated that Mr. Chaney had requested that item VII be moved before Item VI.

A motion was made by Mark Conkling to approve the Agenda as amended. It was seconded by Richard Deubel and passed unanimously.

PUBLIC FORUM.

None.

BOARD OF DIRECTOR'S COMMENTS.

- 1 & 2. Overview of July 20, 2001 meeting with NMSH&TD and Loma Larga Roadway Drainage Issue.

Mr. Chaney stated that the State Highway Department advised the attendees that the funds used to build the new phase of Loma Larga are grant funds. As such, the funds

went to the Village of Corrales with no strings attached. The implication was that the State Highway Department had no control over, nor liability for, the building of Loma Larga. A discussion was then held where it was concluded that the Village and SSCAFCA would cooperate as much as possible with one another and that the responsibility and liability for any flooding along Loma Larga was the Village of Corrales' responsibility. However, SSCAFCA still has responsibility for oversight to make sure that these flooding issues are resolved.

Mr. Chaney stated that, at this point, SSCAFCA needs a time line from Corrales on how they are going to fund the fix. It is his recommendation that the Board simply request that Corrales provide it with a time line and the means by which it can fund the fix along Loma Larga before SSCAFCA's next meeting.

Mayor Kanin stated that Mr. Chaney's statement is substantially correct and accurate. The Village has never said that it did not intend to cooperate with SSCAFCA on these issues. Mayor Kanin stated that the contractor, who used to be vice chairman of the board, had all of the plans on Loma Larga. He stated that the Village is addressing the problems with Loma Larga.

Mr. Yarbrough stated that Mr. Joiner bid on one phase of Loma Larga only and the documents he had were for bidding purposes only. It was not Mr. Joiner's duty to bring any deficiencies to the SSCAFCA Board. Mr. Joiner was bidding on a road project based solely on the documents provided to him.

A motion was made by Mark Conkling to make a request from Corrales for a timetable for fix of the flooding and source of funding of Loma Larga by SSCAFCA's next meeting. It was seconded by Richard Deubel and passed unanimously.

Mr. Conkling asked if this was agreeable to the Mayor and the Mayor said it was and that the Village would provide what it could.

3. Discussion/Action on Revocation of the February 13, 1996 Memorandum of Understanding Between the Village of Corrales and SSCAFCA.

Mr. Chaney stated that there was a misunderstanding on the question of the possible revocation of the February 13, 1996 Memorandum of Understanding between the Village of Corrales and SSCAFCA and, therefore, there is no need to discuss revocation of the MOU at this time.

4. Discussion/Action on the Response to the July 10, 2001 Request for Assistance in the NW Sector, from Daniel Beaman, Village of Corrales.

Mr. Stoliker stated that there is a draft letter to Mr. Beaman in the Board materials, which is based on the preliminary discussion had at the last meeting. There is a committee in the Village of Corrales that has been formed to look at everything in the Northwest Sector. Currently, there are three potential ways to drain that area. The Village has asked SSCAFCA to assist in determining the prudent line in the Northwest Sector. The cost of doing this is estimated between \$15,000 and \$17,000. However, that may not include all the surveying, platting and easements necessary.

Mr. Stoliker stated that SSCAFCA has budgeted \$50,000.00 per year for each local jurisdiction for assistance with local projects. Mr. Chaney stated that this project is more of a developer driven issue rather than a Village driven issue. Mayor Kanin stated that the Village has not asked that SSCAFCA put out any money on this issue, rather they are only asking for SSCAFCA to identify the prudent lines if it already has this information. Mr. Stoliker stated that SSCAFCA does not have this information and, therefore, he will so advise Mr. Beaman.

CHAIRMAN'S REPORT.

1. Update on Jerome Rael Property.

Mr. Yarbrough stated that Mr. Rael encroached on SSCAFCA's property with a block wall approximately 24 feet on one end. Prior to this happening, small slivers of land were sold to adjacent property owners because it was the highest and best use of the land. Mr. Rael was sold 1,384 square feet for \$.19 per square foot. However, since that time, Mr. Rael then constructed his block wall. When SSCAFCA staff went out to look at the property they discovered that Mr. Rael was also trespassing on SSCAFCA property in order to get into his garage.

There are three possible options to cure the problem. Mr. Rael can remove the block wall and the foundation and relocate it to the property line and purchase Parcel B-4 at \$.86 per square foot, which is almost \$17,000, and subject to DFA approval. Option two would be to survey the area of encroachment on the north side and sell it to Mr. Rael, along with Parcel B-4, for the buildable appraised value of \$27,500. The third option is to remove the block wall and SSCAFCA retain Parcel B-4 with Mr. Rael making other arrangements to access his property.

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Mr. Yarbrough stated that he was told this morning that Mr. Rael has knocked the wall down and is in the process of moving it to the property line. Mr. Chaney stated that it sounded as if Mr. Rael had decided to go with option number 1. Mr. Jerry Rael, Mr. Rael's father, stated that the cost to purchase Parcel B-4 is the problem. Mr. Rael stated that SSCAFCA had the lot re-appraised recently and told the appraisers what price they wanted. Mr. Metzgar stated that SSCAFCA advised the appraiser that he was to appraise the lot two ways; one, as if it was not a buildable lot and, two, as a buildable lot. There were no instructions given as to what the values were. The issue of whether the lot is buildable or not would require SSCAFCA to do additional work to determine if it is buildable.

Mr. Chaney stated that the problem is that Mr. Rael thinks it is a non-buildable lot, and SSCAFCA doesn't know if it is buildable or not. He suggested that Mr. Rael go to the various offices in the City to determine if the property is buildable or not. Mr. Yarbrough is not willing to let Mr. Rael be the determining factor on whether the lot is buildable or not. Mr. Conkling stated that SSCAFCA should determine whether or not the lot is buildable and under what conditions. Mr. Metzgar stated that the step to determine the buildability of the lot was never taken because of the cost factors involved. If the lot is put up for auction, SSCAFCA does not have to determine whether it is buildable or not, but the question becomes what to put down for the minimum bid.

Mr. Chaney suggested that SSCAFCA go to DFA to put the lot on the market at the lower figure and see if they approve it. If they don't approve it, then SSCAFCA should look at spending the money to find out if it is buildable or not. If it is approved, then the property can be sold at public auction. Mr. Conkling stated that the market conditions will give the best answer as to its buildability because people who are interested in buying it will find that out before they bid.

Staff was directed to see if they can determine themselves if the lot is buildable.

Mr. Metzgar stated that SSCAFCA should also indicate in a letter to Mr. Rael that it is clear that he is trespassing on SSCAFCA's property and that SSCAFCA will deal with that issue in the very near future.

2. Selection/Purchase of Board of Director's Chairs.

Mr. Stoliker stated that there are eight chairs needed for the Board, staff and counsel for the new boardroom. The audience chairs were chosen by the architects, but the Board needs to choose its chairs. There are three conference style room chairs available for the

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Board to choose from. The other two chairs are combination conference room/task situation chairs.

CONSENT AGENDA.

1. Approval of the Minutes of July 17, 2001.

A motion was made by Richard Deubel to approve the minutes of July 17, 2001 as presented. It was seconded by Mark Conkling and passed unanimously.

FOR BOARD INFORMATION:

1. Treasurer's Report for July and August.

Mr. Conkling stated that Treasurer's Reports for July and August will be submitted in September.

2. Letter from Francisco Vigil of DFA, certifying Operating Budget for 2001-2002.

Mr. Conkling stated that the letter from Francisco Vigil certifies and praises SSCAFCA for its operating budget.

DISCUSSION OF THE SELECTION OF A DATE FOR THE NEXT BOND ELECTION.

Mr. Stoliker stated that a request was made for him to look at when SSCAFCA's next bond election should be. SSCAFCA's Financial Advisor is Kevin Powers and the Bond Attorney is Bob Strumor, who are both present. SSCAFCA's last bond election was in the month of February.

Mr. Powers, of Dain Rauscher, stated that they have identified three possible months for the election. They are February, August and November of 2002. The February and August dates would constitute special elections. The November date would be in conjunction with the state general election. The benefit of having a special election would be that SSCAFCA would have a little better control of turnout. With the general election, you'll get more turnout, but you won't be able to target the marketing of the election. The disadvantage is that there is an additional cost of a special election. Another disadvantage of

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selecting a February election is that it is close to the March Rio Rancho election. It is entirely possible that the two elections could get "tied together."

Mr. Powers stated that the August 2002 date would be a special election and the additional cost would be incurred. Mr. Stoliker stated that the last election SSCAFCA had, with the general election, cost about \$15,000. If it is a special election, the cost is estimated about double. Some of the benefits to the August date is that it is the middle of flood season, which makes it more important to people than in February or November. You will have lower voter turnout and get people who are paying more attention to SSCAFCA than the average voter in a general election.

Mr. Powers stated that the November 2002 date would be held with the general election and there is always the potential that Sandoval County could put a bond question on the November ballot. Also, SSCAFCA would have a board member up for re-election on that date. The benefit to that date is that the cost would be lower. Typically, property tax bills go out in October, which is right before that election, which is another consideration. The election date has no impact on the amount of bonds that SSCAFCA can authorize, or the date on which the bonds are actually sold. Mr. Powers recommended that the Board have the election in August 2002.

A motion was made by Mark Conkling to set the next bond election for August 2002. It was seconded by Richard Deubel.

Mr. Bob Strumor, of Hughes and Strumor, stated that there are no legal issues surrounding the selection of the date. He will work closely with Mr. Powers in drafting the legal documents. He stated that SSCAFCA can use bond proceeds, to an extent, to cover the cost of the election. Mr. Stoliker stated that holding the election in November has a further problem. The electoral group from Sandoval County is always concerned about how full the ballot is and constantly asks SSCAFCA to cut down what they put on the ballot and, if it can, to hold a special election. Mr. Powers stated that the state also puts general obligation bond questions on the general election ballot, so you end up with a number of statewide bonds and constitutional amendments, which are typically long questions, and then, in order to fit all of it onto one ballot, the electoral group would put SSCAFCA's issue on the bottom of the ballot and you then have a problem with "under vote."

Mr. Stoliker stated that Corrales' election is in March, along with the City of Rio Rancho. Mr. Chaney questioned why March was not considered for SSCAFCA's bond

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election. Mr. Powers stated that he believes there were some black out dates and that SSCAFCA couldn't directly compete with the municipal elections.

Mr. Yarbrough called for a Roll call vote on the motion: John Chaney, no; Mark Conkling, yes; Richard Deubel, yes; Guy McDowell, yes; Dub Yarbrough, yes. The motion passed 4-1.

Mr. Stoliker stated that they have closed out the Corrales Watershed District fund officially by adopting the new budget. The auditor says that when you close out a fund you need a motion to approve closing out the fund. Also that the Board approval of the budget occur after the Finance Authority approves the budget and that it be shown in the minutes.

A motion was made by Richard Deubel to close the CWD fund, acknowledge the Finance Authority's as well as SSCAFCA's Board approval of the budget. It was seconded by Guy McDowell and passed unanimously.

ATTORNEY'S REPORT.

1. Update on the Solomon/Tapia lawsuit.

Mr. Metzgar stated that these are two different lawsuits still pending in the Dams 4-1 Project, but the owners are partners in the ownership of the properties. The lawsuits have not been dismissed. An agreement was reached with the property owners on the use of their property. However, the lawsuits have not been dismissed because Mr. Tapia is still not sure whether SSCAFCA completely complied with the agreement.

2. Update on the Middle Venada Right-of-Way Acquisition.

Mr. Metzgar stated that a review of the appraisals is being done right now and the review appraiser feels that he will be ready to submit his reviews by the next week to ten days.

EXECUTIVE DIRECTOR'S REPORT.

1. NM 528 Drainage Conveyance Study Update.

Mr. Stoliker stated that as part of the 528 widening, Mr. Dodge is looking at the drainage portion of that project. The project is proceeding and the draft report will be out for

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review in September with comments due by early October. If all goes as planned, the final report will be brought back to the Board for final approval in October.

a. NM 528 Watershed Pond Inspection Program.

Mr. Clint Dodge, of ASCG, stated that the first thing they are doing is a conceptual study, the purpose of which is to better identify the cost of the drainage portion of the project. This goes back to the alignment study that had an estimate of \$13 million for the drainage portion of the 528 widening. All of the 528 channel has to be put into a type of box culvert because the right of way is needed for the widening. The first task is for them to come up with updated hydrology, the second is to size box culverts or piping for the system, and the third is to do cost estimates.

Mr. Dodge stated that the City of Rio Rancho has volunteered to donate two pieces of property that it owns to put ponds in to reduce the flow rate in the diversion channel. By reducing the flow rate, you lower the size, thereby lowering the cost. There is a constraint at the AMAFCA Seven Bar Channel of 1,000 cfs. The hydrology ASCG has been working on for the past couple of years has always been in the neighborhood of 1,400 cfs. For the base line option, at the bottom end is a 6 x 12 box culvert. At the upper end is an 84" pipe. The savings with the smaller pipe and the pond is to have a 6 x 8 box culvert at the lower end with immediate transition to a 96" pipe, with a 60" pipe at the upper end. The pipe is 2/3 or 1/2 the cost of a box culvert of the same size.

Mr. Dodge stated that the cost estimates have not been completed yet but he has done some comparative costs and it appears that the premanufactured pipe with unconstrained invert elevation is about two million less than the box culvert with constrained invert elevation. Mr. Stoliker stated that when this was originally done, Bohannon Huston estimated that it would take twin 10 x 12 box culverts or twin 8 x 10 box culverts to take the 1,400 cfs from the county line all the way up to Southern.

2. Roskos Field Pond Project Update.

Mr. Stoliker stated the Mr. Dodge is in the process of putting together the final inspection of the project. The project is still within the \$1.16 million budget and will be done by the end of the month with one exception of a couple of benches that are back ordered and won't be here for another six weeks. The wetlands will be planted this Saturday. The city is looking at having a ribbon cutting, but because of scheduling problems, it won't be until the end of September or the beginning of October. The park is working as designed.

3. SSCAFCA Office Building Update.

Mr. Stoliker stated that the plans will be submitted to the city next Monday or Tuesday. The city will be asked to do their review and once the City says its ok to advertise, the project will be advertised.

4. Discussion of the Rio Rancho Sewer Line in the Lomitas Negras.
(Note: The Rio Rancho Public Schools is constructing a new 8th and 9th grade academy at 40th and Idalia and has requested sewer service by June, 2002.)

Mr. Stoliker introduced Larry Webb, Utility Director of the City of Rio Rancho. Mr. Webb stated that the city did some preliminary design on a 12,200 foot, 24 inch line for approximately 10,000 dwelling units, or about 32,000 people over the next few years. There are three alternate routes the city can take. The first is to pipe it down the arroyo. The second is to let the school pay the funds to pump it back over, which is sole source and service. The city would still have a lot of property on septic. The drawback to that is that water would have to be brought into the area to fight fires and so forth. The third is to come down Huron Drive to the arroyo, but there is a problem because of a high point. He didn't think about this option very much because he didn't want it because of the maintenance issue. They want to do the improvements to the arroyo to protect the sewer line, as well as to protect for future development.

Mr. Stoliker suggested that the Board allow utilities to run down the arroyo. Technically, it is okay to do it so long as it is done right. Improvements to the arroyo at this time would be around \$600,000. At this point, the arroyo bottom from 528 to Idalia is owned by AMREP. The city is looking at a 24" gravity feed pipe to service the entire area. The pipe along 528 is a 14" force main.

The city's preference is to run the line down the arroyo. If they can't do that, they would take it down Huron Drive, but at that point it reduces the surface area that the city would be able to service because it couldn't service the people on the north side of the arroyo. That is the primary reason for coming down the arroyo, along with less construction cost. The sewer line would accommodate the school right away.

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Mr. Stoliker stated that none of its arroyos are fully contained within the platted easement. If the City determined some kind of reasonable flow pattern for the sewer line, it would have to go out and get the easements. SSCAFCA, when it got ready to plat its easement for the arroyo, would have to do the same thing. Why not combine the parties' money and not duplicate work and do it right all at once. As soon as the sewer line is put in, the area will develop more quickly.

Mr. Deubel stated that if the needs of the City for a sewer line and the needs of SSCAFCA can be satisfied by the same project, the two entities should work together to save money. Mr. Chaney stated that the SSCAFCA staff should work with the City as much as they can. General consensus was given to cooperate with the City on this project.

FOR BOARD INFORMATION:

1. The Orchards Subdivision Comments.

Mr. Stoliker stated that SSCAFCA's review letter has gone out on the Orchard Subdivision, but they have not heard anything back from the engineer.

2. Letter to Bob Borman Regarding the NW Sector of Corrales Future Development.

Mr. Stoliker stated that the letter in the Board packet has been sent regarding the Northwest Sector.

3. EDI Report on the Cistern.

Information is contained in the Board packet.

OTHER BUSINESS.

None.

ADJOURNMENT.

A motion was made by Mark Conkling and seconded by Guy McDowell to adjourn the meeting. It was carried unanimously. Meeting adjourned at 4:00 p.m.

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Wm. C. Yarbrough
WM. C. YARBROUGH
Chairman

Richard Deubel

RICHARD DEUBEL
Secretary

DATE APPROVED: *9-18-01*

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