

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF NOVEMBER 20, 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 1:08 p.m.

PLEDGE OF ALLEGIANCE.

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

ROLL CALL OF DIRECTORS.

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

APPROVAL OF AGENDA.

Mr. Yarbrough stated that the minutes of October 16, 2001 needed to be pulled from the Consent Agenda in order to have a discussion related to a letter received from Mr. and Mrs. Lafferty.

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

Mr. Yarbrough stated that there is some confusion with regard to the minutes of the October 16, 2001 meeting regarding what Mr. Stoliker was directed to do with regard to the Lafferty matter. Mr. Metzgar stated that Mr. Lafferty's letter states that they believe some key points were missing in the minutes, which included that the work that Mr. Stoliker had done with Heads Up personnel was not done properly and that Mr. Stoliker had acknowledged that during the meeting. The letter further stated that Mr. Chaney had asked Mr. Stoliker to do a study to determine what the issues were and that he was supposed to proceed with Mr. and Mrs. Lafferty to discuss the fix and that they had received no response. Their final point was that the solution to the problem was not to have been delayed until an ultimate financial responsibility was determined. He stated that a motion was made by Mr.

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Conkling to have Wilson & Co. look at the issue and get a report on the problem as soon as possible and that David Stoliker would proceed with Mr. and Mrs. Lafferty to get a solution.

Mr. Deubel seconded the motion for discussion. The Board then had additional discussion on the matter. At the end, Mr. Chaney made an amendment to the motion to include that Mr. Stoliker bring back a report to the Board on why the problem exists, why the sinkholes are appearing, and who is responsible financially. Mr. Deubel seconded that motion and it passed unanimously. It is his understanding that once that is done; the Board would make a future determination as to what will happen with regard to a fix. As he reads the minutes, he does not believe that the Board committed itself to anything until it had a report regarding responsibility and the financial consequences of that responsibility.

A motion was made by Mark Conkling to approve the minutes of October 16, 2001 as written, and that the Lafferty letter be attached to the minutes. It was seconded by Richard Deubel.

Mr. McDowell asked who had final responsibility for the damage to the property. Mr. Metzgar stated that there is no final conclusion as to who is responsible. At the last meeting, the Board asked Mr. Stoliker to determine that based on any report received. A fix has been determined by the engineer, Mr. Harrison, but Mr. Harrison has been asked to provide the causation for the problem in the first place and then it can be determined whose responsibility it is to fix the problem. That has not yet been done, but should be done in the next few days and will be brought to the Board at its next meeting.

Mr. Stoliker stated that once a claim has been made, as it was in this case by the Lafferty's, and turned over to SSCAFCA's insurance company, the Board should follow their lead. SSCAFCA has the insurance company's "okay" to pursue the matter with the Village of Corrales, but no other contact outside of that has been approved. Mr. and Mrs. Lafferty's letters indicate that they are definitely making a claim against SSCAFCA. Mr. Metzgar stated that it seems as though Mr. and Mrs. Lafferty want SSCAFCA to fix the problem, no matter whose fault it was.

The motion passed unanimously.

CONSENT AGENDA.

a. Approval of the Minutes of October 26, 2001.

A motion was made by Mark Conkling to approve the minutes of October 26, 2001. It was seconded by Guy McDowell and passed unanimously.

b. Action/Approval of Treasurer's Report for 10/31/01.

A motion was made by Mark Conkling to approve the Treasurer's Report dated 10/31/01 as presented. It was seconded by Guy McDowell and passed unanimously.

PUBLIC FORUM.

Mr. Yarbrough introduced Rick Herrera, from Rio Rancho Parks & Recreation. Mr. Herrera thanked SSCAFCA in general and specifically, for its work on the Roskos Field Pond Project. He presented plaques to Richard Deubel and Dub Yarbrough for their efforts on the project.

Mr. Yarbrough stated that he is very proud of the Roskos Field Project. He stated that with the widening of NM 528 there is another opportunity to create something along the same lines with the City of Rio Rancho.

Mr. Yarbrough introduced Cliff Spirock, of Community Sciences. Mr. Spirock stated that there are two subdivisions going before the City of Rio Rancho and he thought it would be prudent to come to the Board regarding these projects in the vicinity of North Hills. One which will surely involve SSCAFCA for a joint use facility, with a request in December or January for an agreement on O & M. The North Hills subdivision consists of an existing subdivision development where Community Sciences has prepared a drainage solution that includes a diversion from the Montoyas watershed. Flowing southeasterly out of North Hills is a structure that is a controlled release with a concrete spillway and a discharge that exceeds 500 cfs. One of the projects before the City P & Z is to request consideration of a 110-lot subdivision that is between that outlet and the four culverts underneath Unser Boulevard. With this project, and considering drainage from the west, they have negotiated for a design which will include a pipe solution and a joint use trail system on top of the pipes, with SSCAFCA having the ownership of an easement, as well as the facilities for the attenuation of storm water. In addition to that, there is contributory drainage coming from Pine Road. The Rio Rancho Parks and Recreation division wants a neighborhood park at that site that is large enough for a soccer field. The developer of the project has a zone change request in front of the City of Rio Rancho for a complimentary project of 54 acres south of Pine Road. One of the concepts is to create a Roskos Field atmosphere adjacent to Pine Road and south of Pine Road.

Mr. Spirock stated that the first subdivision is already zoned R-2, with a 1.7 acre portion that is zoned for commercial purposes. R-2 zoning allows a 4,000 square foot lot.

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His client is anticipating lots that exceed the zoning limit. Approximately 12% of the project would be open space for trails, together with drainage facilities with moderate slopes for the attenuation of storm water. On the property to the south, the requested zoning is approximately 1/3 to remain as R-1, the remaining 2/3 to be R-2, with a small pocket of R-3 to take advantage of private investment for the 7.3 acres of parkland and the drainage conditions. The entire project could involve approximately 400 dwelling units, or a population of about 1,000.

Mr. Spirock stated that if the project gets zoned, there will be enough to fund the joint facility that the Parks & Recreation Department wants and construct it at the time of the development of the project. The key to the project is maintenance. If SSCAFCA will accept it for maintenance, then the City of Rio Rancho will not have to worry about the project. Mr. Stoliker stated that he has sent a letter to Mr. Spirock, which states that in order for SSCAFCA to accept O & M, the project must meet all of SSCAFCA's criteria and it will still require a Board action for acceptance. Mr. Stoliker stated that he is potentially looking at a brand new type of facility where the project would handle the nuisance flow up to a 5 or 10 year event in an underground piping system with a trail over the pipe to handle the larger events in a non-erosive manner. All facilities would be put in by the developer. Such a system may be cheaper for the developer and the public, and the public maybe better served. The facilities maybe less costly to maintain.

CHAIRMAN'S REPORT.

a. **Roskos Field Update.**

Mr. Yarbrough stated that he went to see the completed project after he got out of the hospital and that he had to use a walker, but could not make a complete circuit around the walkway without stopping. He had a meeting with Parks & Rec officials about adding a couple of more benches and they are also going to install nice looking trash receptacles at each bench with a decal on them.

BOARD OF DIRECTORS COMMENTS.

a. **Roskos Field Ribbon Cutting.**

Mr. Yarbrough stated that due to Mr. Chaney's absence, this matter was tabled until a later meeting where Mr. Chaney will be able to go over this matter.

- b. Discussion/Action of an Impact Fee for Newly Developing Lots within the SSCAFCA Jurisdiction.

Mr. Yarbrough stated that due to Mr. Chaney's absence, this matter was tabled until a later meeting where Mr. Chaney will be able to go over this matter.

ATTORNEY'S REPORT.

- a. Discussion of the Solomon & Tapia cases.

Mr. Metzgar stated that all disputes in these cases are settled. There are no remaining open cases on the Dams 4 - 1 Project. Mr. Stoliker expressed his pleasure with Mr. Metzgar's handling of the lawsuits and the fact that SSCAFCA no longer has any outstanding lawsuits.

EXECUTIVE DIRECTOR'S REPORT.

Mr. Stoliker stated that he would like to take care of item "c" prior to items "a" and "b." Approval was given to go forward with item "c" first.

- c. Action/Approval of Proposed Summary Plat for Vista Hills, Unit I, and Acceptance of Easement for O & M on Proposed Parcel A1.

Mr. Stoliker stated that AMREP wants to subdivide the referenced property so that it can be sold. City personnel have requested that the plat be changed to show that the City owns the pond and that SSCAFCA will have an easement. It does not change any of the existing drainage facilities. Mr. Stoliker is recommending approval of the summary plat.

A motion was made by Mark Conkling to accept the proposed summary plat for Vista Hills, Unit I, and Acceptance of Easement for O & M on Proposed Parcel A1 as presented. It was seconded by Richard Deubel and passed unanimously.

- a. Discussion/Action for Proposed Purchase of Flood Prone Properties Offered by AMREP Southwest, Inc.

Mr. Stoliker stated that he has received a letter from AMREP about selling the unplatted arroyo bottoms to SSCAFCA. He stated that there was some discussion between he and Mike Castillo on whether SSCAFCA should pay for the arroyo bottoms or if it should

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be donated. Mr. Stoliker's position is that the public, i.e., SSCAFCA, should own the arroyo bottoms.

Mr. Castillo, from AMREP, stated that he has always felt that a government agency should control rights of way and arroyos. The disagreement he and Mr. Stoliker have had relates to the value of the land. Mr. Castillo maintains that the land has a value. Mr. Stoliker has stated that AMREP should grant the land to SSCAFCA free of charge. The normal way to assess the value of the land is to have an appraisal done. The property was owned under an original purchase by AMREP in the early 60s and 70s. The entire amount encompassed approximately 91,000 acres. The land is traversed by four major watersheds, the Venada Arroyo, the Lomitas Negras, the Montoyas, and the Calabacillas. The acreage included in these four arroyos is somewhat less than 3,000 acres. To get an exact acreage, a survey or computer analysis will be necessary. SSCAFCA has studied at least two of the watersheds, and has plans to study them all and at some point put in some improvements.

Mr. Castillo stated that Mr. Stoliker suggested that he write a letter that could be used as a starting point to discuss this matter. Mr. Stoliker stated that the letter in the packets states that AMREP wants \$1,000 per acre. Normally, for a government agency to acquire property requires that the land be appraised. However, appraisals are very expensive and you don't know where they will end up. Mr. Castillo stated that all of the property outside of the arroyos is platted into lots. AMREP has begun a computerized GIS mapping of the acreage it owns. The area that has been mapped consists of approximately 45,000 acres.

Mr. Yarbrough stated that it would be difficult to get an appraisal on the arroyo bottomland because it is not surveyed or platted. Mr. Castillo stated that the arroyo is what is left between the back line of the platted lots.

Mr. Deubel stated that purchase of the arroyo bottoms is not the first step toward a solution. SSCAFCA needs to determine where easements are necessary across private properties, as opposed to buying all the arroyos at a cost of \$2.5 million.

Mr. Metzgar stated that a public agency has to be able to show that it is paying a valid price for property. The normal way is by an appraisal. The SSCAFCA Board would somehow have to be able to justify the cost to the public. He stated that he does not believe it is possible for the Board to come to a decision on this matter without having a committee review the matter.

Mr. Conkling stated that he is concerned that if appraisals are done, some of the land might be worth more than \$1,000 per acre.

Mr. Yarbrough suggested pursuing this matter with Mr. Stoliker and Mr. Metzgar being on a committee to explore this matter and bring a recommendation back to the Board on how to approach it.

b. Update on the R.E.A.D.S. Program.

Mr. Stoliker stated that READS stands for Rainfall Event and Data System. The project has purchased rain gauges, developed tracking mechanisms/forms and identified the sites for placing the data loggers. SSCAFCA is getting ready to publish a news release and advertisement for volunteers to "man" the manual gauges.

FOR BOARD INFORMATION:

1. Dams 4 to 1 L.O.M.R. Approval.

Mr. Stoliker stated that the Dams 4 to 1 Letter of Map Revision was approved.

2. Schedule of Informational Meetings Set for the Public on the Montoyas Arroyo DMP.

Mr. Stoliker stated that there is another public meeting on the Montoyas Arroyo tonight at 6:00 p.m in Rio Rancho. The last two are in Corrales next week. The staff has gotten rave reviews from everyone and they all mention Roskos Field.

3. November 1, 2001 Correspondence to AMREP Southwest, Inc. On Offer to Share/Partner GIS Work.

Mr. Stoliker stated that AMREP has sent another letter to SSCAFCA on the GIS work, which is another issue that staff is trying to work on with the City and the County. The City and the County own the GIS system. Mr. Yarbrough stated that SSCAFCA can either do it in conjunction with AMREP or SSCAFCA can try to get state funding to do this. Mr. Stoliker stated that AMREP is offering the digitized information to SSCAFCA. A copy of his response is enclosed for Board review and direction.

4. October 25, 2001 Correspondence to Mr. and Mrs. Lafferty.

Mr. Stoliker stated that this matter was addressed earlier in the meeting.

5. Acceptance of Offers from Goff, Whitehead, Martinez and Hager-Greaves on Middle Venada Property Acquisition.

Mr. Stoliker stated that the names listed are the persons who have already signed the contracts and the documents are ready for review and approval.

OTHER BUSINESS.

Mr. McDowell stated that he got a call last week by a man named Russell Trujillo who lives alongside the Harvey Jones Channel. On the north side of the Harvey Jones Channel, there is a flow way for water that dumps into a grate that goes across the ditch. Mr. Trujillo told him that the grate is choked with tumbleweeds and other debris. Mr. Mark Tafoya, of MRGCD, told Mr. Trujillo that it was not their responsibility. Mr. Stoliker stated that the problem is SSCAFCA's responsibility. He stated that the staff checks the grates on a weekly basis. The grates were cleaned out a couple of weeks ago. When there is a lot of beaver activity, a lot of stuff will build up. He stated that even if the grate plugged up, the water would go over the top of the grate and go into the next grate.

Mr. Deubel stated that he would like to look into the cost of establishing a web site for SSCAFCA. He believes it is a good way to advertise what good things SSCAFCA does for the community. Mr. Stoliker stated that the staff has pursued the matter since Mr. Deubel first raised the issue a few months ago. He stated that he got a cost from Bohannon-Huston. The cost seemed to be a little higher than what he anticipated. He will bring the information to the Board next month.

Mr. Conkling stated that he would like to see an information services backup. He would like to see a rack in the office that has a relatively low cost brochure on every project that SSCAFCA has done, every project that is underway, and every project that is planned. He would like the rack to be constantly available to the public for informational purposes. He has been at meetings where people have asked him about projects and he doesn't have the information with him to give to them. With brochures readily available, he would be able to give out the information when he is asked about them.

Mr. Yarbrough stated that there had been some confusion in the past about whether SSCAFCA needed to look at districting for its board member election. Mr. Stoliker thought that he was supposed to look into districting. SSCAFCA is not required to go into districts right now. Mr. Metzgar stated that there is no requirement for districting at this time. This issue might arise sometime in the future. Mr. Stoliker stated that the staff is ready to pursue the matter, if the Board desires. Mr. Deubel stated that he had thought that the recent

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legislation applied to all flood control authorities, but Mr. Metzgar stated that the only authority it applied to was AMAFCA. It was the consensus of the Board that this matter be dropped at this time.

ADJOURNMENT.

A motion was made by Mark Conkling and seconded by Guy McDowell to adjourn the meeting. It was carried unanimously. Meeting adjourned at 3:58 p.m.



WILLIAM C. YARBROUGH
Chairman



RICHARD DEUBEL
Secretary

DATE APPROVED: 18 DEC 01

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