

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF OCTOBER 16, 2001  
BOARD OF DIRECTORS REGULAR MEETING

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by John Chaney, Acting Chairman, at 1:06 p.m.

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by John Chaney.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Mark Conkling, and Richard Deubel. Guy McDowell arrived at 1:15 p.m. Staff members present were David Stoliker, Executive Director, and Laura Davis. Members of the public were also present.

APPROVAL OF AGENDA.

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

CONSENT AGENDA.

1. Approval of the Minutes of September 18, 2001.

A motion was made by John Chaney to approve the minutes of September 18, 2001. It was seconded by Mark Conkling and passed unanimously.

1. Action/Approval of Treasurer's Report for 09/30/01.

A motion was made by John Chaney to approve the Treasurer's Report dated 09/30/01 as presented. It was seconded by Mark Conkling and passed unanimously.

PUBLIC FORUM.

1. Lafferty Matter.

David Lafferty stated that he and his wife live at 181 Tierra Encantada, which is lot 14 and that they have experienced some flooding problems that they believe, is caused by the pipeline. Mr. Stoliker stated that SSCAFCA's pipeline went in first prior to the house being constructed. Mr. Steve Nakamura, the Lafferty's builder, stated that SSCAFCA put the easement in as a result of the 1997 floods. Mr. Stoliker stated that the project consists of a 66" closed pipe that goes all the way to the Montoyas Arroyo.

Mr. Lafferty stated that Mr. Stoliker had come to the house and had a berm put in along the top of the easement and had a v-trench dug. Mr. Lafferty stated that he would like to determine what type of retaining/ landscape wall they will put up along the edge of the embankment. Three contractors have come out regarding the wall and their concerns are that the water can be taken care of, but more importantly the heavy equipment that goes along the top of the easement can cause damage. Mrs. Lafferty said that Mr. Stoliker had initially told them that nothing could be done until they came in and talked with the Board. However, he showed up with someone from Heads Up and did the v-trench and the berm. The water is not being directed into the v-trench, but will pool up on the easement and sinkholes are developing.

Mr. Stoliker stated that the easement is there for SSCAFCA to do any kind of maintenance that has to be done, including allowing SSCAFCA to dig up the pipe if it needs to be replaced.

Mrs. Lafferty stated that a number of things need to be done in order to correct the problem. The first is that not only does the v-trench need to be installed, the slope needs to be corrected. The berm that was put in was not sufficient to hold the water back. The v-trench needs to be lined and have some river rock put in it.

Mr. Chaney stated that before SSCAFCA can make a decision on any of the items, SSCAFCA should get Wilson & Company's study. SSCAFCA can then take it to the Laffertys' for their input.

Mr. Steve Nakamura, of Richard Matthew Homes, stated that he built the Lafferty home, decided where to put the house on the lot, and he spoke to SSCAFCA before construction was started. The easement is 60' wide and runs through Corrales from Sagebrush out to the Montoyas. At the original meeting he had with SSCAFCA, he was told not to go on the easement or touch it at all. His feeling is that if the easement was not there, there would not be a problem. The Village of Corrales ordinances state that "all improved or developed lots shall retain localized storm water on site unless otherwise approved by the Village engineer." Mr. Nakamura stated that means that SSCAFCA is responsible for all water coming off the easement and must contain it 100%.

Mr. Stoliker stated that homeowners have to allow historic drainage to come onto their property and pass it through their property. In this particular case, the property is on the side slope of the escarpment with a minor arroyo running through it. SSCAFCA diverted a large portion of the storm water run-off from this arroyo when the pipeline was constructed. If the pipeline wasn't there, the drainage would be much more. Mr. Lafferty stated that the subdivision rules and regulations are dated 1993 and the easement didn't go in until 1997. The Laffertys' opinion is that the lot was subdivided before the easement.

Mr. Conkling stated that he cannot decide which way to vote until a consulting engineer tells them how to fix the problem. He hears the frustration, but the solution to the problem is not available today. Mr. Nakamura stated that he was told that when they came before the Board, the problem would be addressed and the Board would be very specific on how they would take care of it. He stated that the Laffertys' property line goes all the way up to the east side of the easement. Mr. Stoliker stated that an estimate to repair the problem will be about \$12,500 if drop inlets are put in. If a cattle guard crossing is put in, that will cost up to \$25,000 - \$35,000.

A motion was made by Mark Conkling to have Wilson & Co. look at this issue and get a report on this problem as soon as possible and that David Stoliker proceed with the Laffertys' to get a solution to their problem as soon as possible. It was seconded by Richard Deubel for discussion.

Mr. Deubel asked if the timing with regard to the creation of the easement is an issue and if SSCAFCA is responsible for the drainage from that easement or not. If SSCAFCA is not responsible, he does not want to have to pay for a study. Mr. Chaney stated that when SSCAFCA built the pipeline, there were supposed to be drop inlet structures to take care of the drainage flowing from west to east on that easement. Mr. Stoliker stated that there are three problems: 1) the pipeline easement area has a lack of vegetation and is sloped the wrong way; 2) off-site flows when the neighbor to the west built his house, he directed flow away from SSCAFCA's pond; and 3) the roadway flow. Mr. Stoliker has discussed the issue with the adjacent property owner and he is in the process of diverting flow into SSCAFCA's drop inlet. Regarding water falling on the easement, the water can be directed back into the pipe by putting in a good v-trench and drop-inlet. He stated that a study is not necessary, but is more a matter of a simple issue of having the engineer come out to look at the problem and prepare the improvements for construction. Mr. Chaney stated he has a question as to who has the responsibility to fix the problem. Mr. Stoliker stated that the project was built as designed and

approved by the Board. It had always been SSCAFCA's understanding that three roads were not being addressed initially. If a problem developed, SSCAFCA may address it at that time.

An amendment to the motion was made by John Chaney to include that Mr. Stoliker bring back a report to the Board on why this problem exists, why the sink holes are appearing, and who is responsible financially. It was seconded by Richard Deubel and passed unanimously.

2. Carty Matter.

Mr. Joel Carty stated that his house is in a flood plain and everything that has been created works fantastically and he has no flooding problems. He is trying to get out from under the FEMA flood map system. He stated that most everything south of the Harvey Jones Channel has been removed from the flood maps, but nothing was done for his neighborhood. His neighborhood is north of Harvey Jones and east of Lomitas, west of the Main Canal. Mr. Stoliker stated that the flood plain administrator is the Village of Corrales who normally would handle these kinds of matters and that this will cost some money to get property removed from the flood plain. Mr. Carty stated that he cannot get anywhere with the Village.

Mr. Deubel suggested that Mr. Carty go to the Village engineer and ask for a letter certifying that he is no longer in the flood plain and send it further up the line. Mr. Stone stated that Mr. Carty could also get a surveyor to determine where the flood plain is in regard to his property. Mr. Chaney stated that Mr. Carty should go to one of the Village councilmen to sponsor his issue and have them pass a motion that directs the engineer to deal with this matter to determine his flood plain status. If he can't get anywhere with the Village, he was told to come back to the Board for possible assistance.

CHAIRMAN'S REPORT.

None.

BOARD OF DIRECTORS COMMENTS.

None.

ATTORNEY'S REPORT.

None.

EXECUTIVE DIRECTOR'S REPORT.

1. Rainbow JPA.

Mr. Stoliker stated that the Rainbow JPA is being brought back for Board approval in final form. It has been signed by Mr. Metzgar and by the City. There were no changes made from what the Board had previously approved.

A motion as made by Mark Conkling to approve the Rainbow JPA as presented. It was seconded by Guy McDowell and passed unanimously.

2. Discussion/Action of Montoyas Arroyo DMP Build Out Alternatives (approval to receive public comment).

Mr. Stoliker stated that this project has been in the works for several years. The Montoyas Arroyo Watershed is the second largest watershed under SSCAFCA control. In 1997, SSCAFCA contracted with Bohannon Huston, Incorporated (BHI) in an amount of \$387,000 for the study, including mapping for \$125,000. As of this date, a literature review has been completed and approved, a geomorphologic analysis has been completed and approved, an existing condition report has been developed, but not approved, and a developed condition report is in the process of being completed. Mr. Stoliker stated that Mr. Stone is here to present this matter to the Board and he would like the Board's input. Then, SSCAFCA would be ready to present this to the public and the three local governments that it would affect, Sandoval County, Rio Rancho and Corrales. Three meetings would have to be held with the public for review and comment. After review and comment from the public is received, it will be brought back to the Board for final approval. Public comment is not required but standard procedure. The implications are that this study shows how SSCAFCA will handle drainage for the fully developed condition. Mr. Stoliker stated that this issue will come up in the bond election in August. Both state legislators and the U.S. congressional delegation need to be approached for assistance with implementation of the findings of this study.

Mr. Stone stated that a significant portion of the drainage basin is platted right now as single family units. Due to the drainage ordinances in place in Rio Rancho, people are allowed to build on properties as they presently sit without doing any detention ponds on the single pieces of property. There is a possibility for a significant increase in flows due to any building done in the area.

Mr. Conkling stated that the City of Rio Rancho has an in-house policy that requires that anyone who builds on those lots either be 12" above the street and drain to the street, or they have engineered ponding on the lot to take any new flows other than historic. This has come out of some of the recent flooding in Rio Rancho. He does not know how this will affect the study knowing that the ponding is now required. This could significantly affect the assumptions made about the drainage in this area.

Mr. Chaney stated that if this is done by the Board, SSCAFCA would be subsidizing all the future home builders because they won't have to deal with it. It's easier to do this sort of thing if you are dealing with a master planned community because all of the drainage has to be into specific structures. The problem with this is that there are a whole bunch of small landowners. If the City enforces the policy, it may have a significant impact on the study. Mr. Conkling believes that an assessment district could be created rather than going to the legislators.

Mr. Stone stated that a drainage management plan is more of a philosophy. A master plan is not cast in stone and changes will need to be made, but it allows the Board some course of action to move toward. He stated that there are two focuses of options. One is the regional pond concept to attenuate the flows to meet the capacity of the Harvey Jones Channel. The second option is to increase the capacity of the Harvey Jones Channel.

Mr. Stone stated that the watershed is approximately 60 square miles. They didn't look at doing regional ponds far up the watershed because you can't capture enough of the watershed to justify putting in a pond. At the very bottom of the watershed, you can't really put in a pond because of the development already occurring. They came up with a total of 22 ponds at potential sites. The wider a pond gets, the more expensive it gets. The first option is looking at regional ponds and not trying to increase the capacity of the Harvey Jones Channel. They are looking at reducing the flow capacity to 5,000 cfs. To do that, they would need to put in seven regional ponds.

One pond has been identified at 528. They have looked at putting in a pond at the entrance to Harvey Jones Channel. To increase the capacity would definitely affect the neighbors in the area and the land would cost more, as it is a developed area. Pond 3 is at 528, pond 4 is right by the soccer field/baseball complex the City has near the Montoyas Arroyo and it is a good potential multi-use facility. The next pond is at Unser Boulevard, which is on the downstream side of the Northern Hills subdivision and a pond on the western side of the Northern Hills subdivision. Another one is at a pond that is owned by AMREP. The last pond is at Ponce de Leon.

Mr. Stone stated that the ultimate goal would be to keep the arroyo as natural as possible, but there are some exceptions to that. By natural, he means that the goal wouldn't be to hard-line them from pond to pond, but to do localized improvements. This would allow some costs to be deferred until a later time. This could mean inlets and outlets and also some drop structures for bank protection areas that might be at risk. There is also a challenge with the Montoyas Arroyo in that there is a sewer line going down the middle of it. There are some places where the manhole is eight feet in the air. These ponds do address the tendency of the arroyos to change their existing boundaries.

Mr. Stone stated that he has identified, based on the current flows, a prudent line in which the arroyo can be expected to meander within over a period of time. The more you encroach upon the prudent line, the more you have to do improvements to try and channelize or control the arroyo. Mr. Stone stated that AMREP owns most of the bottomland of the arroyo and is in the process of deeding property for the sewer line all the way from 528 to Idalia to the City, on which SSCAFCA will have an easement. Mr. Stone stated that having a pond on top of a sewer line would not be a really big problem, but having the line under a berm or the actual dam itself might be a problem.

Mr. Stone stated that they have identified a cost of approximately \$22 million, not including right of way to do all the ponds identified. The plan would proceed as development occurs. The total density of the total drainage area has been identified as 2 to 4 DUs per acre for 56 square miles. As people settle into these areas, SSCAFCA's tax base would go up, as would the money for projects.

Mr. Stoliker stated that this is the ultimate plan, which would be implemented over time. As an example, right now there is 6,000 cfs going through the Harvey Jones, which only has a capacity for 5,000 cfs. SSCAFCA needs to take 1,000 cfs off right now and to do that;

SSCAFCA could build one pond. As more people move in, SSCAFCA could then do another pond, and so forth until the ultimate goal is reached.

Mr. Stone stated that option two is a combination of increasing the capacity of the Harvey Jones Channel at the bridge and putting in regional ponds. Without the constriction at the bridge, the channel would be able to handle 8,000 cfs. The option is to raise the bridge by about 4 vertical feet, which would have a major affect on the property in the area and the road to get it raised. If the bridge were raised, then you would only need two ponds, which would be Pond ID 4 and Pond ID 12 to achieve the flow capacity of 8,000 cfs. This option would be around \$13 million. Only one pond would have to be built within the next five years.

Mr. Stone stated that one of the things a plan can do for you is that you can identify where ponds need to go before development. Once development started going in, ponds can be donated rather than having to purchase the property.

Mr. Chaney stated that the bridge is an existing problem. If there were to be a 100-year storm, the bridge will be washed out. Mr. Stone stated that he has identified six million to repair the bridge problem. Mr. Stone stated that building pond 4 would solve the bridge problem as it sits right now. The cost to build that pond is approximately \$3.3 million. Mr. Stoliker stated that if SSCAFCA builds the pond right now and then waits until the Highway Department comes in and widens 528, then it might be possible to cost share it with them to raise the bridge at that time. Both departments will save money by doing it that way.

Mr. Chaney stated that this is a planning exercise for the next 100 years. Mr. Stoliker would like to take this to the public at this time for comment. Mr. Conkling stated that Mr. Stoliker should focus on the scope of time this will take. Mr. Stoliker stated that the reason for taking this matter to the public is that when SSCAFCA decides on the plan, the first project is going to go on the next bond election. The second is that SSCAFCA can always miss things and the public might bring up some information SSCAFCA did not have. The third is that SSCAFCA would like to have buy in the by local governments. Mr. Chaney suggested starting with Sandoval County, then the City of Rio Rancho and then the Village of Corrales. General consensus was to proceed with obtaining public input.

3. Discussion/Action on NM 528 Drainage Facility Plan.



Mr. Stoliker stated that Mr. Abbo, the project engineer for the State Highway and Transportation Department, and a local representative from District 3 are in the audience. A study was started in June 2001 on the NM 528 plan. If the bond issue in Rio Rancho passes, everything is geared up and ready to go for the 528 project.

Clint Dodge did the engineering on the project. The Board is here today to accept the study so it can be sent to the State Highway Department, to the City of Rio Rancho and to AMREP to get concurrence. The flow goes underground into a pipe that gets larger as it goes downhill. One pond is right below the golf course lakes right on 528 and the other is behind the library. Those ponds intercept the run-off and detain it.

A motion was made by Richard Deubel to accept the NM 528 Drainage study as presented. It was seconded by Guy McDowell and passed unanimously.

4. Lomitas Negras East of NM 528.

Mr. Stoliker stated that he has recently looked at the Lomitas Negras east of 528 and there is something peeling up. It turns out that it is part of the soil cement that is out there. The project was built in 1993. The soil cement is located on the side slope and on the bottom of the arroyo. ASCG was the original engineers of the project. Mr. Stoliker has prepared a task order to do two things. The first is to look at the construction reports to see how it was built to see if it was supposed to be a superficial treatment and wasn't meant to be there permanently. The second is performing limited exploratory testing, if needed. The problem has not yet compromised the integrity of the banks. Usually you would put something like this in the bottom of an arroyo because you don't have a "toe-in." If it breaks, it could cause problems with the rest of the arroyo.

Mr. Chaney questioned why the Board doesn't have a policy where the companies constructing these projects warrant their work for a period of years. Mr. Conkling stated that it could be done that way as a bid requirement. Mr. Stoliker stated that the task order is for the amount of \$6,000.00. Again, the second phase would only be used for testing if no answer is found under the initial investigation of the reports.

Mr. Dodge stated that the soil has to have a certain elasticity that works with the cement. In this particular case, a material right out of the arroyo was used to mix with the cement. The soil cement is typically not as strong as concrete. It doesn't have the wearability of concrete, so you make it thicker. This particular job was two feet thick. The slabs popping

up are totally unnatural and the reason needs to be found. He suspects that there were some cosmetic problems at the end of the project and the contractor agreed to put a thin lift on top and that might be what's popping up. Soil cement probably has a life of 50 years or more, if it is properly designed.

Mr. Stoliker is looking for approval for the task order. An alternative is to leave it as it is, so long as it is not detrimental.

A motion was made by Guy McDowell to approve the Lomas Negras East of NM 528 task order as presented. It was seconded by Mark Conkling and passed unanimously.

Mr. Chaney suggested an Agenda item for a future board meeting that the Board discuss requiring warranties by contractors.

#### FOR BOARD INFORMATION:

1. Acceptance by Jolin of Offer on Middle Venada property acquisition.
2. Copy of Letter to Jerome Rael Dated September 19, 2001.
3. Task Order from ASCG for Additional Construction Field Orders, Change Orders, Field Inspections, and Visits, Review of Proposals and Other Work as Directed by SSCAFCA for Roskos Field.
4. Task Order from ASCG for Additional Reviews, Attendance of Meetings and Other Related Activities as Requested by SSCAFCA.
5. Staff is Requesting a Special Board Meeting on October 26, 2001 at 3:00 p.m. at Haynes Community Center to Address the Following:
  - a. Discussion/Action on Roskos Field Pond Project.
    - 1) Final Adjusting Change Order.
    - 2) Replat.
    - 3) Final Design & Construction Report.
    - 4) ASCG Letter of Recommendation.
    - 5) Final Pay Request for Roskos Field Project.
  - b. \$50,000 Joint Powers Agreement with Rio Rancho for Roskos Field Project.
  - c. Discussion/Action of SSCAFCA Office Building Construction Contract Award.

Mr. Stoliker stated that the architect's estimate was \$850,000 and the low bid on the building came in at \$1,015,000.

BOARD OF DIRECTORS REGULAR MEETING

OCTOBER 16, 2001

Mr. Stoliker stated that he would like to have a meeting on October 26, 2001 for the above matters because they are time sensitive and could not properly be prepared for action at this Board meeting.

Approval was given to have a special meeting on October 26, 2001 at 3:00 p.m. at Haynes Community Center.

OTHER BUSINESS.

Mr. Deubel stated that he disagrees with allowing Mr. Rael to purchase the lot adjacent to his property on a real estate contract. Mr. Rael has not called regarding the property.

ADJOURNMENT.

A motion was made by Mark Conkling and seconded by Richard Deubel to adjourn the meeting. It was carried unanimously. Meeting adjourned at 3:33 p.m.

JOHN CHANEY  
Acting Chairman

  
RICHARD DEUBEL  
Secretary

DATE APPROVED: 20NOV01

A:\Minutes.10.16.01.final.doc