

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF MARCH 16, 2007
BOARD OF DIRECTORS REGULAR MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Mark Conkling, Chairman Pro Tem, at 9:02 a.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were Mark Conkling, Donald Rudy, and Dub Yarbrough. John Chaney and Steve House were noted as absent. David Stoliker, Executive Director, Bernard Metzgar, SSCAFCA's attorney, 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 Dub Yarbrough to approve the Agenda as presented. It was seconded by Mark Conkling and passed unanimously.

ANNOUNCEMENTS.

Announcements were made by Mark Conkling that all electronic devices needed to be turned off during the meeting.

1. **ACTION/ACCEPTANCE OF NPDES NOTICE OF INTENT AND STORM WATER MANAGEMENT PLAN – RECEIPT OF PUBLIC COMMENTS REGARDING ENVIRONMENTAL ISSUES.**

Mr. Stoliker stated that the US EPA is requiring that SSCAFCA reissue its NPDES storm water permit. Staff has a draft copy of the permit at the front desk and has put the public notice in the newspapers, as is required. The public was asked if they had any comments. There were no public comments.

EXECUTIVE DIRECTOR'S REPORT.

2. **Unser Dam Update; Approval from the State Historic Preservation Office.**

Mr. Stoliker stated that the letter from the State Historic Preservation Office states that they have identified that there is an archaeological site in this area. SSCAFCA has indicated that it will not touch the site. The Cultural Affairs people have written back that it is their understanding that the site will be avoided by construction of the storm water detention basin. In order to protect the site, it has to be monitored and fenced off. With this, SSCAFCA can now make the application to the Corps of Engineers, and Mr. Dodge is in the process of doing that. It will probably take a few months to get the Corps permit. Then, SSCAFCA will approach Mariposa to come in and dig out the

dirt. The facility might be dug out by the end of the year down to the bottom of the culvert underneath Unser. General consensus was given by the Board for these actions.

3. Discussion of Cultural Resource Report for the Proposed Sunset Dam.

Mr. Stoliker stated that as part of staff's review process for constructing projects, they did a threatened and endangered species and an archaeological review and they did find a Class 3 cultural resource survey and identified one prehistoric site of undetermined cultural affiliation. It consists of a single thermo feature, a small concentration of fire cracked rock, which is probably a hearth. The recommendation by Dr. Brown is to excavate that area. Mr. Dodge stated that the cost for the next step is about \$9,000.00 and can be done by task order. Staff is asking for approval by the Board to spend the \$9,000.00 and sign the task order. Mr. Conkling stated that this is within Mr. Stoliker's purview and no Board action is required.

4. Action/Acceptance of Canvass of Bids for General Maintenance/Award of Contract.

Mr. Stoliker stated that there were five bidders on this matter. The low bidder was by Quick Brothers for about 8% less than SSCAFCA is currently paying. Staff is recommending approval for Quick Brothers to do SSCAFCA's maintenance for the next year.

A motion was made by Donald Rudy to approve the award of the bid to Quick Brothers as presented. It was seconded by Dub Yarbrough and passed unanimously.

5. Action/Acceptance of Grant of Easement for Loma Colorado Unit 5.

Mr. Stoliker stated that these are easements in the Pulte project for a small pond in the subdivision. They are shown on the final plat for Unit 5 of Loma Colorado.

A motion was made by Donald Rudy to accept the grant of easements as presented. It was seconded by Dub Yarbrough and passed unanimously.

6. Action/Acceptance to Declare Property Excess:

- Lot 5, Block 166, Unit 17, Rio Rancho, .54 ac.;
- Parcel 2-7, T12N, R3E, Portion of tract 131 Corrales, 1.996 ac.
- Parcels 3-10/1.01 ac.; 3-11, 2.9212 ac.; 3-12, 1.0032 ac.; 3-13, 1.0032 ac.; 3-14, 1.0032 ac., Westerly Extension of Tract 112A & 112B, Section 27, T12N, R3E, Corrales.

Mr. Stoliker stated that staff has identified the remainder of the excess property owned by SSCAFCA as listed above. There is a piece that is off of Rio Oso and Rio Vista; there are two pieces in Corrales, and there is a piece north of Mr. Marquez's property.

A motion was made by Donald Rudy declaring said parcels excess property as presented. It was seconded by Dub Yarbrough and passed unanimously.

8. Update on Sediment Removal Projects:

- Phase I - Northern Boulevard Sedimentation Basin and Dulcelina Curtis Channel are under contract;
- Phase II - Venada and Enchanted Hills are being bid with the opening scheduled for March 21st at 2:00 p.m.;

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- Phase III - Harvey Jones Channel is currently having problems obtaining a USACE permit.

Mr. Stoliker stated that Phase I, Northern Boulevard Sedimentation Basin and Dulcelina Curtis Channel are under contract. They all start within the next two to four weeks. Phase II is out to bid right now, but they had an issue with regard to the sediment and the bid had to be delayed. Therefore, the March 23rd special board meeting will not be needed. Phase III will be discussed under FYI below.

- 7. Request for Special Board Meetings:
 - March 30th at 9:00 a.m. to canvass bids and award contract for Dam 1 Grading.

Mr. Stoliker stated that SSCAFCA needs a special board meeting only on March 30, 2007 to address both the Dam 1 grading project and the Sediment Removal Phase II project. General consensus was to given to meet on that day.

ACTION/APPROVAL OF THE MINUTES OF JANUARY 17, 2007.

A motion was made by Donald Rudy to approve the minutes of January 27, 2007 as presented. It was seconded by Dub Yarbrough and passed unanimously.

RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORT FOR FEBRUARY 28, 2007.

Mr. Rudy stated that the Treasurer's Report is available for review by the Board members. There were no questions on the report and it was acknowledged by the Board. Mr. Rudy stated that they are in the process of reviewing the projections of SSCAFCA's income in order to generate the 2007 budget. There are no anomalies in the budget. The format has been changed slightly to simplify the amount of the excess detail that was in the report. Mr. Baird stated that the tax revenue for SSCAFCA year to date as of the first eight months of this fiscal year is 17% higher than the same point last year.

ATTORNEY'S REPORT.

Mr. Metzgar stated that he had no attorney's report.

CHAIRMAN'S REPORT.

- 1. Update on Santiago Development.

Mr. Conkling stated that it had come to SSCAFCA's attention that there was a portion of the Drainage Management Plan that was submitted and approved, along with the Santiago Subdivision, that required a water quality pond by the river that hadn't been done yet. The Town of Bernalillo, who issues the building permits for that area and manages the flow of business through that area, has their attorney looking at this. Mr. Metzgar stated that this has been the case and that he understood that the Town of Bernalillo has a development agreement with the developers which is supposed to contain material that says that the developer must meet all of SSCAFCA's flood control

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requirements. If that is the case, then there would be a breach if the developer is not doing it and the town could take whatever action it could concerning that development agreement. SSCAFCA felt that was the quicker way of doing it than if SSCAFCA were to bring some kind of action against the developer itself.

Mr. Metzgar stated that George Perez, the attorney for the Town of Bernalillo, indicated that he was going to go to the Town office because he hadn't received the development agreement yet. Mr. Metzgar believes that the holdup has been because of the legislature. It's possible that more progress can be made on this issue next week.

2. Recognize staff member Jim Service on his 5 year anniversary.

Mr. Conkling stated that Jim Service has been with SSCAFCA for five years. He applauded Mr. Service on his work for SSCAFCA.

3. Soil/silt problem.

Mr. Conkling stated that SSCAFCA has excess silt in its jurisdiction. That excess has become a horrible problem and SSCAFCA has been brainstorming on ways to make a difference. There are many tributaries that have been damaged and they have been discussing the idea of allowing anyone who needs fill dirt to apply, through some easy process yet to be determined, to purchase excess material. The current price is \$0.50 per cubic yard. Since SSCAFCA has to haul the dirt away anyway, the haul of the dirt to where it was needed would not be a violation of anti-donation. SSCAFCA must be careful to be fair and accessible to anyone. The ideal scenario is that a person could apply for 500 yards of material to be delivered to his site. At that person's expense, they could then hire a contractor SSCAFCA is experienced with, to work out a plan of laying down, compacting and putting in place the material on the property.

Mr. Yarbrough stated that he thinks that SSCAFCA would want to be sure that the \$0.50 per cubic yard included the hauling of the dirt to the site, so as not to separate any of the costs out. Mr. Rudy stated that if there are a number of private citizens who need the soil, SSCAFCA would need to be sure that the amount taken was limited to a certain amount so more than one person might be helped. Mr. Yarbrough stated that SSCAFCA has in excess of 100,000 cubic yards of dirt so there should not be a problem. Mr. Conkling stated that the requirements could include that the person is a homeowner who has suffered flood damage, or small businesses, or other public agencies. You would not want a developer coming in and taking all of the dirt.

Ms. Salzmann, Rio Rancho City Councilor, stated that there should also be a way to keep the people who get the dirt from re-selling it at a profit. She also suggested that a time limit be imposed and that SSCAFCA be able to verify that the public's damage came from the flooding last summer and not prior or after. Mr. Myers addressed the Board and thanked the members for their actions. Randall Carroll, the flood plain manager for the City of Rio Rancho, stated that he wanted to make sure that any type of work that is being done does not violate the requirements of FEMA or the Corps of Engineers with regard to any kind of work within designated arroyos. He offered his assistance with regard to identifying any kind of work that might be done in a flood plain.

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Mr. Stoliker asked for an Executive Committee meeting early next week. An Executive Committee meeting was set for Monday, March 19, 2007 at 9:30 a.m.

BOARD OF DIRECTOR'S COMMENTS.

1. Discussion of Dulcelina Curtis Memorial;
= Action/Acceptance of Language on Plaque.

Mr. Yarbrough proposed the same type of memorial for Dulcelina Curtis as was done for Johnnie Losack and Annette Jones. She spent most of her life trying to do good for the people of Corrales. A site has not yet been determined.

2. Update on Lobbying Efforts.

Mr. Rudy stated that SSCAFCA's lobbyist has informed him that the allocations list from the legislature is out and SSCAFCA is on the list for \$450,000.00 for its flood control projects. It is not final yet, but it looks pretty good at the moment. The second item that has been followed has been the creation of the Eastern Sandoval County Arroyo Flood Control Authority. At the moment, it has passed both houses and is on its way to the Governor's desk. There should be no reason for the Governor to have any problem with it. The reason this is of interest to SSCAFCA is because SSCAFCA is going to be involved in the initial organization and set-up of that particular authority. SSCAFCA should start putting plans together so that this can be implemented without having an adverse effect on the current operations of SSCAFCA. The Executive Committee will discuss the staffing and other issues associated with the new flood control board.

Mr. Conkling stated that there has been some concern about how it is that SSCAFCA can bring its expertise and history to a new agency and how to best do that. He stated that it seems apparent that SSCAFCA wants to put the stamp on its watershed park and the stamp of its drainage management plan approach onto its recommendations for the new flood control board. Mr. Rudy stated that SSCAFCA's agency agreements with other organizations also need to be addressed. Mr. Conkling stated that those agency agreements need to be incorporated in a way that fulfills its promise to the group. Staff may be added to the SSCAFCA organization for the distinct purpose of managing the watershed park and helping with the integration of the new flood control authority. Mr. Conkling stated that the boundaries for the new authority are roughly Algodones, Placitas, the Rio Grande and the Town of Bernalillo. It does not go into the forest service and does not go into the pueblos.

Mr. Metzgar stated that the authority will do an initial assessment. Then, a petition could be initiated by citizens against the authority. If they get 30% of property owners in their boundaries who are against it, then the agency would be dissolved. The other way the agency can go out of business is when they go for their first bond election. If the bond election fails, then they must start the process of dissolving. None of SSCAFCA's money will go to the new authority. Mr. Metzgar stated that the statute that is being passed is pretty much a mirror of SSCAFCA's, which was a mirror of AMAFCA's.

PUBLIC FORUM.

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None.

FOR YOUR INFORMATION.

Mr. Stoliker stated that the following was for Board information only and/or contained in the Board's packets:

1. Sportsplex Update: Salls Brothers Construction has submitted their 8th pay invoice for \$249,854.18. This brings the total to date to \$2,715,999.63 out of \$4,572,927.62 or 59% of the total project cost.

Mr. Stoliker stated that the east and west face of the concrete placement is now complete. They will be doing the cap, which is the actual roadway, on the top. This will complete the dam with respect to its structural integrity. It will still take until the end of April to complete it. SSCAFCA has an agreement with Pulte that says that SSCAFCA would turn it over by the end of March. With all the delays, SSCAFCA will not be able to do this until the end of April. Staff plans on signing a change order that is being prepared by the engineers and has already been negotiated with Pulte and Salls Brothers and Howard Stone of Bohannon-Huston. Everybody is in agreement to extend the date until the end of April. Salls Brothers has agreed to complete the dam by the end of April.

2. Property acquisition is beginning on Sunset Dam Outlet.
3. Sportsplex Dam Site Deeds were recorded on March 8, 2007.
4. February 26, 2007 correspondence from the State of New Mexico Environment Department Compliance Evaluation Inspection on the Montoyas Arroyo Sportsplex Dam Construction project.
5. Chianti Bridge in Cabezon has the abutments and the deck placed. Wilson & Co. is overseeing the project. The abutments were placed in a fashion that did not intrude on the channel.
6. Hawk Site is placing their CBC and starting their shotcrete channel. Most of the accompanying drainage infrastructure which leads to the channel has been placed for Phase One.
7. SSCAFCA is in receipt of sub-grant easement amendment No. 1 from the State of New Mexico authorizing funds obligated for reimbursement to SSCAFCA under federal disaster declaration FEMA-1659-DR-NM. This amendment includes two emergency debris removal projects: 1) partial expenditures for Venada Arroyo, 2) expenditures for the Harvey Jones and Dulcelina Curtis channels. The balance of the Venada Arroyo expenditures will be captured in the subsequent amendment. The total eligible amount under this amendment is for \$462,001.98, not inclusive of administrative expenses. To date, SSCAFCA is set to receive \$439,774.90 (93% + admin) obligated under amendment No. 1 and \$12,190.05 (93% + admin) obligated under the original sub-grant agreement.

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Mr. Stoliker stated that the sub-grant agreements that SSCAFCA has written with FEMA have an end date of August 30, 2007. SSCAFCA has to have everything complete. Staff has been pushing very hard and is focused on getting all the sediment out by the end of August and he believes that this date will be met. SSCAFCA is allowed to ask for an extension and he is going to ask for one just in case.

Mr. Dodge stated that there are two other projects besides the sediment removal. One is Dam 1, which is on the eastern face of Dam 1 to protect the downstream area and Corrales from erosion and divert the run-off into the Montoyas through the Dam 1 pipeline. This has been advertised and, barring any delays, will open on the 28th and will be covered on the board meeting on March 30. The other project is Rio Oso at the Dulcelina Curtis Channel. The City is putting a storm drain in Rio Oso and building some ponds, the last of which is at the channel. The project that SSCAFCA is doing is the actual channel connection from that last pond. The way it is designed right now is as a concrete spillway out of the pond, thinking that the pond could be full of silt, so it is designed to carry everything, even if the pond is not operational. The other piece of that project is to fill in the notch on the east side of the channel to provide continuous freeboard along that area. That project does not have an advertisement date, but they are meeting with the City on Monday. The discussion is how to match those two projects and get it in place before the rainy season. Mr. Stoliker stated that if everything goes okay on Monday, it is expected to advertise this project by the end of the week.

Mr. Dodge stated that, with regard to the Harvey Jones Channel, the plan is to take the sediment out of the Harvey Jones inlet and outfall, which is about 60,000 cubic yards, and put it into the La Barranca arroyo. The purpose of doing this is primarily to protect the existing grade control structure and the existing storm drain outfall and reduce the sediment that is going to the Rio Grande from the La Barranca. There is about a 15 foot head cut undermining the existing soil cement drop structure which would be fixed as part of this project. A Corps permit is required to put this fill dirt into the La Barranca and this has been the source of delay on this project. Right now, if the sediment is put into the La Barranca, SSCAFCA will need to permanently stabilize it, which would be an improvement that has been planned for a long time but has never had the priority or the funding to be done. These have not been designed and would be a follow up to moving the sediment. The idea is to get the sediment out before the flood season. Staff has asked for an emergency permit to move the sediment to avoid a flood control problem. The Corps has asked SSCAFCA to do a cultural and biotic survey of threatened and endangered species, along with a soil test to ensure that SSCAFCA is not putting one type of soil into an arroyo that has a different gradation or type of soil so as to not change the character of the material in the second arroyo. The third thing the Corps is asking for is chemical and biological tests on the soil to ensure that SSCAFCA is not putting contaminated soil into the La Barranca. Mr. Stoliker stated that the cost will be around \$9,000.00 for the threatened and endangered species study; plus all the other testing, which will come to about \$30,000.00. Mr. Dodge stated that it might actually be more than that. The ACME testing, which is the chemical and biological testing, without some metal testing that the Corps wants, is fairly expensive and it takes time to do the metals testing. He does not have the figures in front of him. Mr. Stoliker stated that SSCAFCA has the money to do it, but the Board needs to approve it or it can be brought to the Executive Committee on Monday to get approval. Mr. Stoliker stated they would like to start this process on Monday.

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A motion was made by Donald Rudy to authorize staff to proceed as indicated. It was seconded by Dub Yarbrough and passed unanimously.

Mr. Stoliker stated that for the permanent stabilization, they need to move \$1 million from SSCAFCA's bond funds to this project.

A motion was made by Donald Rudy to authorize staff to take the necessary action as discussed. It was seconded by Dub Yarbrough and passed unanimously.

- 8. The following plat was signed by the Chairman to grant an easement for access to the City of Rio Rancho:
 - a. Summary Plat - Grant of Easement Access Parcel MA was signed by the Chairman on February 5, 2007.

The following infrastructure plans were signed by the Executive Director:

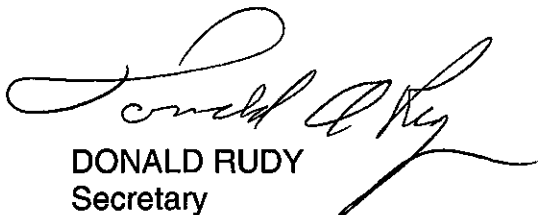
- a. Northern Meadows Park #4 (Unit 17) Landscaping, the Executive Director signed the mylars on February 5, 2007;
- b. Tierra Del Sol Infrastructure Plans (17.6 acres, 84 dwelling units), the Executive Director signed the mylars on February 19, 2007;
- c. Loma Colorado-Terraza Blvd., the Executive Director signed by mylars on February 27, 2007;
- d. Lomas Encantadas Unit 4-B (20 acres, 82 dwelling units), the Executive Director signed the mylars on February 28, 2007;
- e. Rock Ridge Subdivision (20 acres, 129 dwelling units), the Executive Director signed the mylars on February 28, 2007;
- f. Loma Colorado Units 5-A & 5-B (36 acres, 124 dwelling units), the Executive Director signed the mylars on March 2, 2007.

OTHER BUSINESS.

None.

ADJOURNMENT.

A motion was made by Donald Rudy and seconded by Dub Yarbrough to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:10 a.m.


 DONALD RUDY
 Secretary

MARK CONKLING
 Chairman Pro Tem


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DATE APPROVED: 4/20/07

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