

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)**

**MINUTES OF AUGUST 15, 2000
REGULAR BOARD OF DIRECTORS 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.

Directors in attendance were John Chaney, James Dorn, Bill Joiner, Guy McDowell and Dub Yarbrough. Staff members present were David Stoliker, Executive Director, and Shelly Cobau, Development Coordinator. Bernard Metzgar, SSCAFCA's attorney and members of the public were also present.

APPROVAL OF AGENDA.

Mr. Stoliker stated that two changes to the Agenda had been made. One was that a Dam 4 Vandalism Report was added, along with the removal of the Personnel Committee Report. A motion was made by Bill Joiner to approve the Agenda as amended. It was seconded by James Dorn and passed unanimously.

SECRETARY'S REPORT.

1. Approve Minutes of July 18, 2000.

A motion was made by Bill Joiner to approve the minutes from July 18, 2000 as presented. It was seconded by James Dorn and passed unanimously.

LEGAL COUNSEL REPORT.

1. Lot 116 License Agreement.

Mr. Metzgar read the License Agreement he has prepared regarding Lot 116 to the Board. The License Agreement is being granted to allow Antonio R. Montoya and B. Lucille Montoya a license to encroach upon SSCAFCA's adjoining property. Structures will not be allowed on SSCAFCA's property. There will be a one-time charge to the Montoyas for the cost of the preparation of the agreement, along with a yearly annual rental charge.

Mr. Stoliker stated that the amounts he had reviewed for the one-time charge was \$750.00 for Leedshill Herkenhoff's time for preparing the survey, and approximately \$350.00 for legal fees, for a total of \$1,150.00. He stated that the annual rental cost was taken from the property costs, at 1.6134 acres or \$79,190.13, and came up with the cost of the encroachment, which is estimated at

around 4,000 square feet. Just to buy the property would be \$4,507.00. The encroachment would be a portion of that, which is usually rented at 2% of total cost. Because SSCAFCA should discourage encroachments onto its property, the rental was set at 5%, which is \$250.00 per year. It includes \$225.00 for the actual area, and an annual administrative charge of \$25.00.

A motion was made by John Chaney to approve the one time charge of \$1,150.00. It was seconded by Bill Joiner.

Mr. McDowell asked if there was some way to protect the Montoyas from SSCAFCA arbitrarily pulling the agreement after they had paid money for the encroachment. Mr. Yarbrough stated that one reason the agreement might need to be rescinded would be that SSCAFCA might need to enlarge the pond in the future. He further stated that Mr. Montoya knew he did not have enough room to turn his RV around when he built the garage. He stated that SSCAFCA will not "jerk the rug" out from under Mr. Montoya unless there was a valid reason, one being that the pond would need to be enlarged. Mr. Metzgar stated that Mr. Montoya knew that the cost of the preparation of the agreement would be his responsibility. The motion passed unanimously.

A motion was made by John Chaney to approve the yearly rental fee of \$250.00. It was seconded by Bill Joiner.

Mr. McDowell questioned the percentage being applied for the yearly rental. Mr. Stoliker stated that it needs to be a Board decision. He stated that encroachments are difficult for the staff to track. Mr. Metzgar stated that yearly rental must be a reasonable fee, and based on what has been computed, the fee is reasonable. Mr. Chaney suggested that a cost of living adjustment be added to the yearly rental fee approximately every three years. Mr. Metzgar stated that SSCAFCA could renegotiate the yearly rental fee every year if it wished to do so. He stated that SSCAFCA should not add any additional costs onto the cost of the property. He stated that many leases are done with a 4% increase every year, or a cost of living increase, whichever is higher.

Mr. Chaney amended his motion to add a minimum cost of living adjustment of no less than 4% onto the rental fee per year. It was seconded by Bill Joiner and passed unanimously.

DISCUSSION/ACTION ON AMREP'S FUNDING/DONATION OF THE MIDDLE VENADA RIGHT OF WAY.

Mr. Stoliker stated that there are two pieces of information in the Board's packets that goes with the information that Mr. Castillo will be providing. He stated that the sticking point on approval of Units 13A, 13B and 12, was the Middle Venada Right of Way acquisition, but that the problem has now been worked out with AMREP. Mr. Metzgar stated that the question was who was going to pay the property owners for the acquisition of the property. It was the Board's understanding that AMREP would pay for the acquisition of the property itself and that SSCAFCA would pay for the survey, engineering and legal fees for the acquisition. He stated that AMREP did not feel that's what the agreement had been and rather than try to argue about who was right, AMREP asked SSCAFCA that, rather than AMREP paying the property owners, SSCAFCA pay for the acquisition, but that AMREP would reimburse SSCAFCA by donating land in the future for other projects. Mr. Metzgar

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stated that AMREP had originally wanted to donate land from the Venada, however, staff felt uncomfortable with accepting only that land since there has been no study done on the Venada to know exactly what would be needed in the future. AMREP and SSCAFCA staff agreed, subject to Board approval, that that land can come from three different locations, the Venada Arroyo, or lands from the Black's Arroyo watershed, or the Montoyas Arroyo watershed. A written agreement to this effect will be presented to the Board most likely at the next meeting. Mr. Metzgar suggested that if the Board wants to approve this conceptual agreement, that it be attached to the minutes so that it is clear what was agreed to.

Mr. Castillo, of AMREP, stated that he believes this is a fair agreement and his understanding is that this was the main concern that the Board had in regard in the approval of the subdivision.

A motion was made by Bill Joiner to approve the conceptual agreement as written and have it attached to the minutes. It was seconded by Guy McDowell.

Mr. McDowell stated that he is uncomfortable with all of the unknowns involved in trading property in the future. Mr. Joiner stated that he would be more comfortable if this was to be done in cash, however, he supports the agreement. He would like to pin things down to a 90-day time frame so the unknown would not be dealt with so far in the future. Mr. Joiner said he would like to amend the motion to put a 90-day time frame on this so the property is identified within that time period.

Mr. Stoliker stated that that was the problem in making the agreement. If you lock the property into the Venada Arroyo, there are no studies on the Venada that SSCAFCA has approved. SSCAFCA is in the process of developing drainage plans on the Black's Arroyo, Urban Center and the Montoyas Arroyo. No other studies are presently in progress. He would like a one-month time period so he can find out how close the Black's Arroyo and Montoyas Arroyo are to completion, so that property can be identified. There are two locations of five in the Venada that have been identified that look prime for a potential detention facility, but the answer on these properties can be given in a month, but not today.

Mr. Metzgar stated that SSCAFCA will be putting out cash, and if SSCAFCA held the money, interest would be earned on that money. However, the cash won't be going out in the next 30 days, because there are no completed appraisals yet. Once the appraisals are completed and the negotiators go to the property owners SSCAFCA will have to look at putting out money at that time.

Mr. Chaney suggested that Mr. Stoliker get the Board a timetable at the next meeting as to when he can identify the properties. Mr. Dodge stated that by the next Board meeting, he could have an idea of the areas that would be needed in the Black's Arroyo. The motion passed unanimously.

DISCUSSION/ACTION ON FINAL PLATTING OF UNITS 13A, 13B AND 12 IN ENCHANTED HILLS.

Mr. Stoliker stated that SSCAFCA is required to approve the final drainage before it can go to final plat approval by Rio Rancho. Mr. Castillo stated that there are a number of areas that have yet to be developed so there is no way AMREP will leave without finishing. Units 11 and 14 have not proceeded to platting yet, and are SSCAFCA's insurance that AMREP will finish.

A motion was made by John Chaney to approve final drainage on the subdivision and release Units 12, 13a and 13b for final plat approval by Rio Rancho. It was seconded by James Dorn and passed unanimously.

DISCUSSION/ACTION TO OBTAIN SELECT BACKFILL MATERIAL FOR ENCHANTED HILLS/ENCANTADO CHANNEL DAMS.

Mr. Fossenier, of Cinfran Huitt-Zollars, stated that they are trying to locate select backfill to be used in the ponds they are building on the Encantado Channel for AMREP. One of the sources that will meet the specifications is the stockpile that was excavated out of the Harvey Jones Channel. They would like permission to use 10,000 to 15,000 cubic yards of that material. Vineyard & Associates has analyzed the material and it meets the criteria needed for the seepage blanket. Mr. Stoliker stated that one of the conditions to be placed on allowing AMREP use of this material is to survey that inlet to make sure AMREP reconstructs it back to the original, as designed, condition. Mr. Fossenier stated that will not be a problem. Mr. Stoliker asked that no removals be allowed until INCA has taken what it needs for the Tree Farm Ponds construction project. This should be done by the end of October 2000.

A motion was made by Bill Joiner to allow Cinfran-Huitt Zollars to remove all the material from the mouth of the Harvey Jones Channel to be used for detention ponding purposes, as long as they put the channel back in its original state, they allow INCA to take what it wants first and that a survey be done and provided to SSCAFCA as proof that the channel was put back as designed. It was seconded by James Dorn and passed unanimously.

CHAIRMAN REPORT.

1. Discussion/Action on Encantado Channel Fencing.

Mr. Fossenier stated that they have approved plans on Phase I of the Encantado Channel, but a fence still needs to be built around it. The specifications that were approved utilize fencing of barbless wire with wooden posts; however, SSCAFCA might want the split-rail wooden fencing instead. The difference for the 20,600 lineal feet of fence, which includes Phase II, at a cost of \$85,000.00. The split rail fence is \$7.00 per foot, and the barbless wire is \$3.15 per foot.

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Mr. Fossenier stated that there are access points along the Channel, but no parking for public access per se. There will be a bike path along the entire Channel, which will double as a maintenance road for SSCAFCA. They would like to have Phase I fenced as soon as it is approved.

The Board members indicated that SSCAFCA will not pay the extra \$85,000.00 for the cost of fencing, but SSCAFCA will look at enhancements at entry points to the facility.

2. Discussion of Sheriff's Posse Road Future Phasing.

Mr. Yarbrough stated that SSCAFCA never agreed to set up future phasing of additional work on Sheriff's Posse Road drainage. Mr. Stoliker stated that he was only informing all parties that should they wish to pursue future work on the un-named arroyo, they should make their request in writing. If they respond, the request will be brought back to the Board in the future. Also, the current configuration may not be stable due to the drop between the crossing, a sanitary sewer line and the river. Mr. Stoliker stated that SSCAFCA had indicated previously that it would accept all entry points to the river from arroyos. The general indication from the Board was not to pursue this at this time. If we are approached by another entity, then it will be discussed further.

EXECUTIVE DIRECTOR REPORT.

1. Discussion/Action on the Sara Road Storm Drainage Study.

Mr. Stoliker stated that he is asking for approval of the report today. Mr. Dodge, of Leedshill/Herkenhoff stated that the Sara's Road study started when they were doing the Tree Farm Pond hydrology. The problem they have run into is the flow split at the intersection of Sara and Meadowlark. The existing storm drain on Meadowlark can carry all the flow if the water can be diverted to the storm drain. The cost to upgrade the storm drain was estimated at \$630,000.00.

Mr. Dodge stated that the first option is to install inlets at the intersection of Meadowlark and Sara's Road to get the water into the existing storm drain. The second option is to reconstruct Meadowlark just north of the large inlet just below the cemetery and put a dip section in the road. Today, the water flowing down Meadowlark on the surface on the east side of the road goes right into Corrales. Putting a dip section would divert that surface flow into the inlet. Once the water is off the road and on the west side of Meadowlark, it will work its way into Tree Farm Pond. The dip section will work even if the inlet is plugged up for some reason. Both options will prevent a majority of the run-off flowing into Corrales.

Mr. Dodge stated that the surface flow on Meadowlark is about 70 cfs, about half of which could continue down Meadowlark. Essentially none of the flow is coming from the new developments. The flow is coming from Hilltop Plaza. A portion of the existing flow gets into the storm drain and the water that gets in the storm drain goes to Tree Farm Pond.

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Mr. Stoliker stated that all of this information is in the report. Mr. Dodge stated that the above options would be components of an ultimate solution to the problem. There are other options that could be implemented as opportunities presented themselves. The City of Rio Rancho is paying for the survey to determine the best design for these two options.

Mr. Stoliker stated that he would like to get SSCAFCA's approval of the report and transmit that approval to the City of Rio Rancho. The approval is of the report only, funding is not included. The report contains information needed to reduce the flow at the Thompson Fence Line and to take care of all street drainage in this area.

A motion was made by Guy McDowell to approve the Sara Road Storm Drainage Study as presented. It was seconded by James Dorn and passed unanimously.

2. Tree Farm Pond Seepage Blanket Status Report.

Mr. Dodge stated that the problem with the keyway trench is still there. The possible solution will be to place a four-foot to five-foot select material blanket on the inside face at those areas where there are problems, which is at the two ends of the embankment. Once an actual design is prepared, a no-cost change order will be prepared for the contractor to do that work.

The change order is not signed yet and Leedshill is holding \$45,000.00 of the final payment until the work is completed. This particular "fix" should not be a problem. Of course, the state engineer will have to approve this option before the work is done.

Mr. Stoliker stated that this option meets the minimum qualifications for SSCAFCA to certify the structure. The contractor needs to pick the fix he feels most comfortable with. The contractor has resisted fixing the problem, however, the problem rests with the contractor and SSCAFCA will get it fixed somehow. The contractor has admitted that he is at fault for the problem. Mr. Metzgar stated that the easiest way to correct this problem would be to hold the money, as SSCAFCA is doing.

Mr. Stoliker stated that the Sara's Meadow project is ready to put in the cattle guard across Meadowlark Lane at the Thompson Fence line. There are two stub outs in a manhole that SSCAFCA constructed that goes into Tree Farm Pond. One stub out is higher up and goes directly north across Meadowlark. The other stub out is lower so that SSCAFCA can go farther to the east and get the cattle guard across the Thompson Fence line. It turns out that those stub outs were constructed in the reverse order. It is a construction issue, not a certification issue. In order to fix this problem, it will cost \$3,500.00 plus tax. This would be a charge out of the \$45,000.00 that has been held back in payment from the contractor. A letter has been written to the contractor telling them they have until this Thursday to fix the manhole or the money will be taken out and paid to another contractor to fix the problem. The pipe on the project is large enough to carry the 100-year flow. General consensus from the Board was to proceed as presented.

3. Dam 1 Outfall/Mayhill Property Acquisition Status Report.

Mr. Stoliker stated that he has not been able to reach the Mayhills regarding this matter, therefore, no action is necessary today.

4. Unit 17 Land Sales Schedule and Request for Rio Rancho.

Mr. Stoliker stated that nobody showed up for the viewing of the Unit 17 land sales. The sale is tomorrow at 5:00 p.m. and hopefully there will be more people interested in the actual sale.

Mr. Stoliker stated that the City of Rio Rancho has requested that a drainage easement be identified on lots 5 and 13 because the FIRM mapping shows Zone A flooding on a portion of each lot. He said that to identify where the flooding easement is located would require a study and a replatting and would cost quite a bit of money. He stated that you could elevate the house on the lot to where it reduces or eliminates the need for flood insurance.

Mr. Metzgar stated that it was specified in the sale ad that was placed in the newspaper that a portion of these lots was designated with the flood plain. The appraiser also decreased the value on the lots because of the flood plain. He stated that the Board has already approved the sale of those lots and the question is whether it wants to take the approval away on lots 5 and 13 and remove them from the sale.

A motion was made by Dub Yarbrough to go ahead with the sale on those lots as advertised. It was seconded by Guy McDowell and passed unanimously.

5. Dam 4 Vandalism Report and Approval of Man Way Installation.

Mr. Stoliker stated that he received a phone call last week regarding Dam 4. Inside the dam itself, a grate has been popped open (i.e., the welds broken) and dropped inside the junction box. The junction box has not been damaged. The first thing he did was call CCM, as it was under warranty, and CCM came out and provided a temporary fix. They have discussed cost-sharing it with CCM because two things occurred. First, vandalism exposed some possible insufficient welding. Without the vandalism, that couldn't have been seen. The second part is what to do about it. He got a cost from CCM for approximately \$3,895.00 to have a man way constructed. CCM will pull that one piece out and put in a man way that is lockable, and the rest of the grates will be re-welded so nobody can break into the grates.

A motion was made by Bill Joiner to approve installation of the man way and re-weld the rest of the grates. It was seconded by Guy McDowell and passed unanimously.

BUILDING COMMITTEE REPORT.

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A motion was made by John Chaney to table this matter until the next meeting. It was seconded by James Dorn. Roll call vote: John Chaney, yes; James Dorn, no; Bill Joiner, no; Guy McDowell, no; Dub Yarbrough, no. The motion failed 4-1.

Guy McDowell stated that Wilson & Company had given a cost analysis of the best way to go on a new building, money-wise. The money span is not big between buying the building in Corrales or building a facility in Rio Rancho. After that report came back, a pros and cons list was prepared. The pros for the Corrales property were that it is a beautiful setting and the aesthetics are nice. There are six cons for the Corrales property, which include, reversionary zoning, access from Corrales Road, dust and noise effect on neighbors, rejuvenate an old building, unknowns in renovation, well water, septic tank and leaching field. There are five pros for the Rio Rancho site, which includes, more centrally located to SSCAFCA domain, highest asset value; utilities are available, new structure, and more visibility. The cons are none.

Mr. Stoliker stated that there was a 5-0 vote by the Planning and Zoning to allow the rezoning in Corrales. Mr. Caplan, of Wilson & Co., stated that there was very little difference in terms of cost between the two options. The building in Corrales directly abuts the Harvey Jones Channel. The only access to the house is at the north end. Moving the road access was also talked about because the neighbor to the north was concerned about noise and dust. The access could have been moved to the south because there is already a maintenance road adjacent to the Channel. There is also a concern for the potential for flooding in front of the house because it sits very low on the property. The inside of the building would have to be totally renovated to allow for public offices. The roof might also have to be replaced because the house is 15 to 16 years old and near the end of its life. The toilets would also have to be upgraded because they would have to be handicapped accessible. Most of the parking could be crusher fines, although there would have to be concrete parking for the handicapped spaces. The actual construction costs come to approximately \$280,000.00, plus the cost of the purchase of the property, plus other costs through the rezoning process. He has included a 5% contingency, which is approximately \$14,000.00. The swamp cooler will not be adequate and will need to be replaced with a cooling system. The numbers are fairly conservative. It would also be a problem to create a decent sized boardroom.

The Rio Rancho property is on Commercial Drive just west of Unser and Southern Boulevard. The site is currently vacant and zoned M-1, which would allow for any use SSCAFCA would need. The site is quite large. Utilities are readily available and can be connected. The parking lot would be paved at the Rio Rancho site. The building could be constructed to meet SSCAFCA's needs. Soft costs have also been added, for a total cost of \$582,000.00. Mr. Stoliker stated that the cost for the land has not been included in the total cost. The cost of the land in Rio Rancho to SSCAFCA is \$485,000.00.

Mr. Metzgar stated that you have to also look at the value of the property after the improvements are done. If a brand new building is put up on the Rio Rancho site and it is appraised

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with the value of the land, it will be a very high asset for SSCAFCA. The same kind of asset in Corrales might not be available simply because of the special zoning that would be needed.

Mr. Joiner stated that the Rio Rancho property would be better location for SSCAFCA to have its building.

A motion was made by Guy McDowell to build a new building on the Rio Rancho site. It was seconded by Bill Joiner.

Mr. Chaney stated that he would like to have more discussion on this issue before a final decision is made. He thinks the aesthetics on this issue are extremely important. The future SSCAFCA Boards will have to live with the decision that is made on a permanent building. He would like to see the Corrales location utilized for the building. He would like to postpone the decision on the new building until the new board is elected in November.

Mr. Caplan stated the value of the land is being compared, but one lot is residential and one is commercial. The way the market is today, Corrales residential property is about 2 ½ times the value of Rio Rancho property. An acre in Corrales is a minimum of \$100,000.00; depending on where it is in Rio Rancho, it could be \$3,500.00. The motion at the Corrales P & Z was to zone the property municipal, which is a very restrictive zoning only applicable to public agencies. The property would not be able to be resold as a commercial property.

Mr. Stoliker stated that the Building Committee report includes several items that include: 1) selection of the Rio Rancho site for construction of the SSCAFCA office building; 2) the building process should continue without delay; 3) the building committee should be tasked with preparing and advertising for an architect; 4) the existing site (behind the house) at the Harvey Jones Channel should be improved; 5) construction of perimeter security; 6) investigate relocation of the roadway to the south; 7) installation of roadway materials to reduce dust, noise and improvement of the access; and 8) further discussion of joint use of the site for parking and/or access to the Bosque and landscaping the site.

Mr. Metzgar stated that the easement on the property cannot be opened to the public. An easement holder cannot increase its use or change its use to some other use without the permission of the underlying owner of the land. Right now the easement is a specific use to SSCAFCA for access for maintenance. It does not prohibit SSCAFCA from asking the owner if that could be done, but SSCAFCA cannot change it on its own.

An amended motion was made by Guy McDowell to build a new building on the Rio Rancho site and approve items 1, 2 and 3 of the Building Committee Report. It was seconded by Bill Joiner.

Roll call vote: John Chaney, no; James Dorn, yes; Bill Joiner, yes; Guy McDowell, yes; Dub Yarbrough, yes. The motion passed 4-1.

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DIRECTOR'S COMMENTS.

None.

OTHER BUSINESS.


None.

PUBLIC FORUM.


None.

ADJOURNMENT.

A motion was made by Guy McDowell and seconded by John Chaney to adjourn the meeting. It was carried unanimously. Meeting adjourned at 4:30 p.m.



WM. C. YARBROUGH
Chairman



BILL R. JOINER
Secretary

DATE APPROVED: 9/19/00