

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JANUARY 19, 1999
REGULAR BOARD OF DIRECTORS MEETING

I. CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 1:07 p.m.

1. Roll Call of Directors.

Directors in attendance were Bill Joiner, Guy McDowell, John Chaney and Dub Yarbrough. James Dorn was noted as absent. Staff members present were David Stoliker, Executive Director, and Pam McGrath, Administrative Secretary. Bernard Metzgar, SSCAFCA's attorney, Jim Service, contract planner, and members of the public were also present.

2. Approval of Agenda.

A motion by John Chaney, seconded by Bill Joiner, to approve the Agenda as presented passed unanimously.

II. SECRETARY'S REPORT.

1. Approve Minutes of November 3, 1998.

A motion by John Chaney, seconded by Bill Joiner to approve the minutes of November 3, 1998 as presented passed unanimously.

2. Approve Minutes of November 17, 1998.

A motion was by Bill Joiner, seconded by John Chaney, to approve the minutes of November 17, 1998 as presented passed unanimously.

3. Approve Minutes of December 15, 1998.

A motion by Bill Joiner, seconded by Guy McDowell, to approve the minutes of December 15, 1998 as presented passed unanimously.

4. Approve Minutes of January 4, 1999.

A motion by Bill Joiner, seconded by Guy McDowell, to approve the minutes of January 4, 1999 as presented passed unanimously.

TREASURER'S REPORT.

1. Approve Expenditures 11/01/98 - 11/31/98.

A motion by Dub Yarbrough, seconded by Bill Joiner, to approve the expenditures for November, 1998, as presented, passed unanimously.

2. Approve Treasurer's Report dated 11/31/98.

A motion by Dub Yarbrough, seconded by Bill Joiner, to approve the Treasurer's Report dated November 31, 1998, passed unanimously.

IV. APPROVAL OF AGREEMENT WITH USGS ON STORM WATER QUALITY.

Mr. Stoliker stated that he had been in contact with the USGS and that USGS had gone ahead and prepared some information for SSCAFCA and that two representatives from USGS were present.

Mr. Jack Veenhuis is a surface water specialist with the Geological Survey, Water Resource Division, in New Mexico District. He has been doing urban runoff and water quality work for about 20 years. He is the resource water specialist for the State. Mr. Veenhuis introduced Mr. Jim Bartolino.

Mr. Bartolino stated that he is a ground water specialist with USGS in Albuquerque. He stated that he is involved with ground water matters. He is project chief for the Middle Rio Grande Basin Study. He stated his primary duty is to look at recharge from the Rio Grande into the aquifer.

Mr. Veenhuis stated that he divided his proposed study into two different parts: 1) would the storm water in the proposed pond actually get down to the water table to affect some of the local individual wells; and 2) would the water quality be adversely affected at the water table from the storm water to the proposed pond.

On the studies done on the arroyos in Albuquerque, when the water comes down the arroyos, in its natural channel, it doesn't seem to get down to the water table. The water runs quickly in the arroyos. Most of the recharge, from rain in the mountains, is actually coming out of the mountains and infiltrating right away. The rest of the water that recharges is coming from the Rio Grande river. The water table under the city is 300-400 feet deep.

Mr. Veenhuis stated that from the bottom of the new proposed pond (Pond #4) to the water level is close to 150 feet. It seems to be difficult for the water to infiltrate that far, but you can't be sure until you study it further. Also, with the design of the pond, it's not going to have water in it all the time. With a 100 year storm, which would fill the new pond one foot from the spillway, it would take up to six days to drain it. Most of the time the pond will be dry.

Mr. Veenhuis stated in the studies they have done of the Rio Grande basin system, they have found some nitrates, which tells you that the real problem, especially down by the river, is septic tanks and leaching fields.

Mr. Stoliker stated that the most important part of the study is that they found zero metals and zero volatile organic compounds. There is some contamination from septic tanks and leaching fields, but no other contamination.

Mr. Veenhuis stated that the proposed project would be a one year study beginning in January, 1999 studying the potential infiltration of storm water into a local domestic ground water supply and its potential water quality impacts. The study is limited to the boundary area between the Rio Rancho Urban Pond #4 and the western boundary of Corrales. The initial investigation would be to look at the driller's logs and recent completed wells, including the well adjacent to Pond #3 to determine the underlying sediments and depth of local groundwater. Mr. Stoliker stated that the process can be stopped once the Board is satisfied. The plan is to simply look at what is out there and then get into a further study if there is a concern after that point.

Mr. Stoliker stated that the initial investigation looks at a broad spectrum. It will glean information that SSCAFCA can use everywhere. The further investigation will show that if SSCAFCA has not proven its contention that storm water does not appear to be affecting groundwater, SSCAFCA could then get into specific information.

A motion by Bill Joiner, seconded by Guy McDowell, to approve the initial investigation for \$9,000.00 and to sample two local domestic wells that are adjacent to the ponds for \$3,000 (\$1,500 per well) for a total of \$12,000 (see attachment A), carried unanimously.

Mr. Stoliker stated he received a response from the Environment Department that the owners did not need to submit a discharge notice.

V. APPROVAL OF LISBON/IVORY CHANNEL JOINT POWERS AGREEMENT (JPA).

Mr. Metzgar stated that in looking at the JPA Act, which applies to all governmental agencies, he determined that SSCAFCA needed to enter a JPA with the City of Rio Rancho on the Ivory/ Lisbon Channel project. Under a JPA, written approval is needed from the Secretary of Finance and Administration of the State. The City of Rio Rancho felt they could do it with just a Memorandum of Agreement, but Mr. Metzgar did not feel it would be proper. The City of Rio Rancho drew up a JPA, which Mr. Metzgar approved. The JPA provides for the transfer of SSCAFCA funds (\$1.2 million) to Rio Rancho for the Lisbon/Ivory Channel project. The JPA also states that the City of Rio Rancho is the lead agency in the project and will report to SSCAFCA.

Mr. Stoliker stated that it appears that all the bonded projects SSCAFCA agreed to do will be finished or under construction this year and that there is sufficient money for the Lisbon/Ivory Channel project. Mr. Stoliker then reviewed the budget with the Board. Mr. Metzgar stated that the Corrales Watershed District funds were restricted for only five years and will go into the SSCAFCA general fund at the end of five years. SSCAFCA is in the fourth year now.

A motion by John Chaney, seconded by Guy McDowell, to approve the JPA as presented with authority to Mr. Yarbrough to sign it carried unanimously.

VI. LEGAL COUNSEL REPORT.

Easement Acquisition for Pond #4 Project.

Mr. Metzgar stated that the consulting engineers advised SSCAFCA that it needed one more easement for the Urban Pond #4 project from the Village of Corrales. He prepared an easement based on the description that the engineers provided him and sent it to David Mathews, attorney for the Village, to start the process. Mr. Metzgar stated that he believed the easement will be on the Village of Corrales agenda for approval at their next meeting.

VII. DAM #4 TO #1, PHASE II.

Mr. Stoliker stated that SSCAFCA is still working on the Dam #4 issues with AMREP.

Mr. Metzgar stated the following items must be completed prior to advertising Dams #4 to #1, Phase II, Outfall Project:

- 1) Quitclaim Deed from AMREP to Sandoval County for Dam #1 allowing all uses not just as a park;
- 2) transfer to Dam #1 from Sandoval County to SSCAFCA;
- 3) transfer of the middle property from the City of Rio Rancho to SSCAFCA, and;
- 4) temporary easements from private property owners.

1. & 2. Quitclaim Deed and Transfer to Dam #1.

Jim Service stated that he spoke with Debbie Hays and that SSCAFCA is on the agenda for Thursday night (January 21, 1999) to approve the transfer of Dam #1 from Sandoval County to SSCAFCA. He stated that it might not come to vote on Thursday night because the original Quitclaim Deed from AMREP to Sandoval County contains a reservation that states the entire acreage of Villa Verde Park can only be used as a park site. One of the ways to correct the problem is to get a corrected Quitclaim Deed from AMREP to Sandoval County leaving the reservation out. AMREP does not have a problem handling it that way.

Mr. Metzgar stated that the Board needs to approve and accept the transfer of Dam #1 at this time because a previous resolution stated that it was not going to accept Dam #1 until completion of the project. There is no longer any reason to wait to accept Dam #1 and it would be much simpler to accept Dam #1 now. SSCAFCA is not requiring the County to do any more work on the Dam and it will be easier to own the Dam in fee simple while doing the project.

A motion by Guy McDowell, seconded by Bill Joiner, to approve and accept the transfer of Dam #1 from Sandoval County to SSCAFCA at this time carried unanimously.

3. Transfer of property from the City of Rio Rancho to SSCAFCA.

Mr. Metzgar stated that the City of Rio Rancho needs to transfer property rights it owns to SSCAFCA in order for SSCAFCA to do the project. SSCAFCA will get a grant of permanent easement on the entire property from the City of Rio Rancho instead of getting the property in fee simple.

A motion by Guy McDowell, seconded by Bill Joiner, to approve and accept the transfer of a permanent easement from the City of Rio Rancho to SSCAFCA of the property necessary for the project, carried unanimously.

4. Temporary Easements From Private Property Owners.

Mr. Metzgar indicated they were continuing to pursue the necessary temporary construction easements with Mr. Soloman and Mr. Tapia, adjacent property owners.

VIII. LOMA LARGA UPDATE.

Mr. Stoliker stated that he had recently visited Urban Pond #5 and was not happy with the fencing. As he was inspecting the site, Mr. Vento, an adjacent property owner, told him that he was promised a wooden fence on this property. When SSCAFCA entered into the agreement with the Village of Corrales, it thought that the Village's contractor would do a good job on the fencing, but it is doing a horrible job, which makes SSCAFCA look bad. Mr. Stoliker stated that SSCAFCA could go ahead and have the Village fix the fence. However, Mr. Stoliker has asked the Chairman to put a stop work order on any more work and is asking the Board to allow him to change the contract so that SSCAFCA can finish the work on the fence in barbless wire, wooden posts, which is its standard.

A motion by John Chaney, seconded by Bill Joiner, to allow Mr. Stoliker to change the contract with the Village of Corrales to allow SSCAFCA to construct the fence and cost share, half and half, with the Village, carried unanimously.

IX. CHAIRMAN'S REPORT.

None.

X. OTHER BUSINESS.

None.

XI. DIRECTOR'S COMMENTS.

None.

XII. PUBLIC FORUM.

Mr. McCormick congratulated Dub Yarbrough and Bill Joiner on their re-election to the Board of Directors.

Mr. McCormick asked if SSCAFCA was going to clean out the Harvey Jones Channel. Mr. Stoliker stated that Mr. Farmer had told him that when the Corps went in there they put in a layer of clay. SSCAFCA is going to take the clay out and put sand in it to return it to its natural condition, which would allow for more permeation.

Mr. McCormick was wondering if the trees in the HJC outlet that were marked were taken care of. Mr. Stoliker stated that they were removed as part of the rehabilitation project.

XIII. CLOSED SESSION.

A motion by Bill Joiner to go into a closed session for purposes of discussing potential and pending litigation for Dams 1 & 4 and Urban Pond #4 was seconded by Guy McDowell. Roll call vote: John Chaney, yes; Bill Joiner, yes; Guy McDowell, yes; Dub Yarbrough, yes. Motion passed 4 to 0.

The Board went into closed session at 4:00 p.m.

XIV. RESUMPTION OF OPEN MEETING.

The Board reconvened in open session at 4:10 p.m.

Mr. Yarbrough stated that certain action should be taken on the matters discussed in the closed session.

A motion by Bill Joiner, seconded by John Chaney, to send a reply letter to Mayor Kanin in response to his letter dated December 30, 1998 on Urban Pond #4, carried unanimously.

A motion by Bill Joiner, seconded by John Chaney, to approve the transfer of the Dam #4 AMREP property to the City of Rio Rancho for

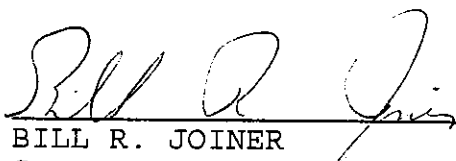
Phase II of the Dams 1 & 4 Project and retain a permanent drainage easement for SSCAFCA on the entire parcel and to carve out two buildable lots and accept them as SSCAFCA's property for resale and to approve and accept the transfer of the three lots (approximately 2.8 acres) on Commercial from AMREP to SSCAFCA, carried unanimously.

A motion by Bill Joiner, seconded by Guy McDowell, to approve the Tapia/Solomon Agreement as outlined by Mr. Metzgar and carried. John Chaney abstained from voting on said motion.

A motion by Bill Joiner, seconded by Guy McDowell, to approve and accept Pond #1 from AMREP to SSCAFCA, carried unanimously.

XIV. ADJOURNMENT.

A motion by Bill Joiner, seconded by Guy McDowell, to adjourn the meeting, carried unanimously. Meeting adjourned at 4:15 p.m.



BILL R. JOINER
Secretary



WM. C. YARBROUGH
Chairman

DATE APPROVED: 2/16/99