

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF SEPTEMBER 18, 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, Chairman.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Mark Conkling, Richard Deubel, Guy McDowell, and Dub Yarbrough. 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.

A motion was made by John Chaney to approve the final Agenda as presented. It was seconded by Guy McDowell and passed unanimously.

APPROVAL OF THE MINUTES OF AUGUST 21, 2001.

Mr. Stoliker stated that on page 5 of the minutes of August 21, 2001, the comments regarding the Treasurer's Report were changed from Mr. Deubel to reflect that they were spoken by Mr. Conkling. He stated that on page 9, under Item IV, Mr. Deubel wanted to add language to clearly identify the discussion regarding the Rio Rancho Sewer Line and the Lomitas Negras. In the last paragraph on page 9, Mr. Deubel wanted certain language changed to clear up the language.

A motion was made by John Chaney to approve the minutes of August 21, 2001 as amended. It was seconded by Guy McDowell and passed unanimously.

CONSENT AGENDA.

1. Action/Approval of Treasurer's Report for 07/31/01 and 08/31/01.

A motion was made by John Chaney to approve the Treasurer's Reports dated 07/31/01 and 08/31/01 as presented. It was seconded by Guy McDowell.

PUBLIC FORUM.

None.

CHAIRMAN'S REPORT.

1. Discussion/Action of Parcel B-4, Unit 17, next to Jerome Rael Property.

Mr. Chaney stated that Mr. Yarbrough requested that he lead the discussion on this matter. He stated that a meeting was held yesterday with staff and, as was suggested at the Board's last meeting, SSCAFCA staff determined that the parcel next to Mr. Rael's property was a buildable lot. Mr. Stoliker stated that the staff conducted various tests to come to their conclusion. The set-back requirements can be met, and have a building included on the lot, with a septic tank/leaching field. A letter was written to Art Corsie requesting confirmation from him. It is included in the Board's packets. A letter was also written to Nora Romero, of the Environment Department, to allow a septic tank/leaching field on that particular lot.

Mr. Chaney stated that the original appraisal came in with two figures; one if it was buildable, and the other if it was not buildable. If SSCAFCA disposes of this property, it has to be disposed of at its appraised value or at an auction. Any sale must be submitted to the state for approval. Mr. Metzgar stated that Travis Engelage is the appraiser who did the appraisal. Since additional information was received on the cost of additional grading of the lot, Mr. Engelage was asked to do an update of his appraisal. He has spoken with Mr. Engelage, who told him that, because of the odd shape, and based on the cost of the grading, the figure will be adjusted, even as buildable, at \$0.81 per square foot. This is below the other appraisals Mr. Engelage has done. Mr. Engelage indicated that he will have a written letter adjustment by late next week. Mr. Metzgar stated that if the Board decided it wanted to sell the lot to Mr. Rael at \$0.81 per square foot, it would still be subject to DFA approval.

Mr. Chaney suggested that the Board offer the parcel for sale to Mr. Rael at the new appraised price. Due to the special situation, he suspects that DFA will approve the sale. In addition, he suggested that Mr. Rael be offered terms so that he would be able to afford the property. Mr. Metzgar stated that terms would also be subject to DFA approval.

Mr. Chaney suggested as a term situation, perhaps having Mr. Rael put 10% down, with 7% interest amortized over 30 years, with a balloon in two or three years. Mr. Stoliker stated that the total sale price of the parcel would be approximately \$16,005.00.

Mr. Rael expressed his unhappiness at the length of time it has taken the Board to make its decision on the sale of the lot and the Board decision that the lot is a buildable lot.

Mr. Conkling asked Mr. Rael if the cost of the lot was the real issue with him as opposed to something else. Mr. Rael stated that, if the Board was willing to go along with the appraisal price of \$4,200.00 as a non-buildable lot, he would feel comfortable with that. Mr. Rael said that he is offended by statements made by some board members regarding access to his lot and house. He said that he is able to get into his garage without crossing the property line. However, it would be difficult and it would be an inconvenience if he could not cross the property line.

Mr. Deubel proposed that an effort be made to try to sell the lot at bid or auction as a buildable lot. If Mr. Rael's statements are true, then nobody would be interested in it as a buildable lot. If it does not sell, then it should be offered to Mr. Rael at the appraised price as a non-buildable lot. Mr. Metzgar stated that it is possible DFA can be convinced to go along with that suggestion but, in his opinion, that will not happen because the Environment Department has already stated that the lot is buildable and Mr. Corsie has told SSCAFCA verbally that if the Environment Department approved it, the City would approve it.

Mr. Conkling stated that the primary reason Mr. Rael would like to have the additional property is to make going into his garage easier and to have greater access. Mr. Rael concurred with this statement. Mr. Conkling stated that the solution might be to create a single driveway with an easement on both sides of the property line and extend the right of use and enjoyment for the entire driveway to both properties. This solution would give both properties easier access. Both owners could then have a shared maintenance agreement on the driveway. Mr. Rael stated that it would not solve the problem for SSCAFCA because, according to the drawings of the proposed well, it would fall right in line with the driveway on Parcel B-4.

Mr. Yarbrough stated that if an easement is given to Mr. Rael, that may negate a sale to a potential purchaser because the purchaser would have to honor the easement and may not want to do so. Mr. Conkling agreed that it might be a solution that would have a negative impact on the value of both properties.

Mr. Yarbrough stated that SSCAFCA is already making several concessions in order to sell this lot to Mr. Rael and suggested that the Board sell the lot to Mr. Rael at \$0.81 per square foot on a Real Estate Contract. If not, SSCAFCA should keep the property and the next time SSCAFCA goes for a sale of excess properties, this lot is advertised along with the others.

A motion was made by Guy McDowell to offer to sell the property to Mr. Rael at the appraised price of \$0.81 per square foot with the offer remaining open for ninety (90) days. If Mr. Rael does not want the property, the property should be sold at the next auction. It was seconded by Richard Deubel and carried unanimously.

2. Discussion on Loma Larga Road Response from the Village of Corrales.

Mr. Yarbrough stated that the SSCAFCA staff has received a letter from Mayor Kanin responding to the Board's request for a schedule of time and funding for the fixes on the Loma Larga roadway. Mr. Stoliker stated that Chris Allen was present at the meeting today to discuss any issues raised by the Village's letter.

Ms. Allen stated that the Village has met with Parsons/Brinkerhoff, which is the engineering firm that did the original design for Loma Larga. Attached to the letter is Parsons/Brinkerhoff's summary of areas which were first identified in SSCAFCA's study done by ASCG. The letter indicates a possible cost of \$22,000.00 to do the design analysis and coordination for repairing the areas indicated. Mr. Stoliker stated that the schedule is on the last page of the letter and the time for design and construction activities are broken down into design, analysis and coordination. The Mayor has indicated that the Village would start in November 2001 and would go for approximately three months. This time schedule does not include construction. The construction would occur after that.

Mr. Yarbrough stated that the letter does not address the drainage issue from the Thompson fence line eastward. The letter addresses only potential flooding that the roadway might have made worse. The money SSCAFCA has set aside for the local government assistance is \$50,000.00 per year. SSCAFCA is willing to let the Village use that money in any way the Village sees fit relating to drainage. However, the letter does not address SSCAFCA's main concerns. He stated that SSCAFCA has no other monies for construction, studies, etc. SSCAFCA has done what it agreed to do in its drainage study, which is control the flow from Rio Rancho into Corrales. The Village needs to address what it needs to do on the drainage issues relative to Corrales. With regard to long range monies, SSCAFCA's funds are very

limited for the next five years. SSCAFCA has projects that are ready to go and its funds are tied up in those projects.

Ms. Allen stated that the MAP funding is State Highway Department funding for the Municipal Arterial Program. Entities request the funds and it is up to the state to approve those funds. The Village does not currently have a request in to the state for those funds for the Loma Larga fix. This was the same kind of funding that was used for the construction of Loma Larga.

Ms. Allen stated that all subdivisions that come through the Village of Corrales are reviewed for drainage compliance. All house lots in the area east of the Thompson fence line are required to have on-site ponding. There are policies in place where development cannot create any problems greater than historical flows.

3. Discussion of Lomitas Negras Sewerline Project.

- a. Action/Approval of a Task Order for Wilson & Company for Ultimate Developed Preliminary Design in the Amount of \$53,000.00.

Mr. Stoliker stated that at the last meeting, the Board indicated that it wanted to work cooperatively with the City on resolving the sewerline issue on Lomitas Negras. The staff has had several meetings and much discussion on this matter. The City of Rio Rancho has hired Wilson & Company to do the work on the sewerline. SSCAFCA staff asked Larry Webb, of the City of Rio Rancho, if it was okay if SSCAFCA used the same engineer to do the preliminary design work that would mesh with the sewerline work. The cost for that work would be \$53,000.00.

Mr. Yarbrough stated that there has already been some extensive flood damage in the arroyo. For example, the arroyo has eaten away to within ten to twelve feet of one building in the area. Mr. Stoliker stated that something should be done within a year on the Lomitas Negras.

Mr. Aguirre, of Wilson & Company, stated that the sewerline will help the City to service the area where the school is located. He stated that it makes sense to do both projects in the arroyo area and have both facilities located now so SSCAFCA does not have to go in and retrofit one or the other in the future. The items can be delineated at the same time. Also, by looking at both of them simultaneously, they can make some recommendations

for what the crossings would look like and what kind of protection will be needed at manholes, etc.

Mr. Stoliker stated that the surveying cost would be shared between the City and SSCAFCA. He stated that Mr. Aguirre will have only a Phase III Preliminary Design and the design will not address the total problem. Mr. Yarbrough stated that the City has agreed to assume the risk regarding the sewerline and arroyo if there are any tort matters raised. Mr. Stoliker stated that the City is going to pay for its own design and installation of the sewerline. SSCAFCA is going to pay for a study, preliminary design, and identify right of way acquisition to protect the arroyo and handle the drainage portion of the project. Mr. Stoliker stated that the parties are going to share survey information. Also, AMREP has agreed to donate the property it owns in the arroyo area to the City and SSCAFCA will have an easement on it.

Mr. Webb stated that the school is not contributing any money to the drainage project. The City has structured an agreement with the school district for water and waste water utilities. The school district is contributing \$175,000.00 to bring a regional water line to the school.

A motion was made by Mark Conkling to approve the task order for Wilson & Company in the amount of \$53,000.00. It was seconded by Guy McDowell and passed unanimously.

John Chaney left the meeting at 3:15 p.m.

4. Discussion of the Rio Rancho 528 Roadway Bond Election.

Mr. Stoliker stated that the City of Rio Rancho's bond election is scheduled for October 16, 2001. Mr. Metzgar stated that SSCAFCA cannot help to advertise for approval of the City's bond election. It is no different than SSCAFCA not being able to spend taxpayer money seeking approval for its bonds. An entity cannot spend taxpayer money to ask taxpayers to approve a bond. The only thing SSCAFCA can do is ask people to go out and vote on the bond election.

Mr. Stoliker stated that the 528 project will spend millions of dollars to retrofit the channel on the west side of 528 and put in some ponds. It makes that urban area draining to 528 compliant with all of SSCAFCA's requirements up to the 100 year event.

Mr. Metzgar stated that private groups can ask people to vote in favor of public bonds because all their money is privately donated and is not public funds.

5. Action/Approval of Dedication Plaques.

Mr. Stoliker stated that they have researched information regarding the plaques for Johnnie Losack and Annette Jones. Laura Davis, of the SSCAFCA staff, stated that she has gathered materials from different companies around town. She has samples of some black polished granite, some brass, some polished aluminum materials, cast bronze, cast concrete and cast aluminum. Roskos Field has some pieces that she is particularly partial to. Mr. Yarbrough has suggested putting information on the back side about SSCAFCA, the project and the person. The plaques can be any size.

Laura stated that the companies do cover the plaques with some kind of material to make the plaques graffiti-proof. She stated that, by consensus, the staff likes the Roskos Field material best. For 217 letters on the plaque, it will cost approximately \$450.00. Mr. Stoliker stated that the monoliths are eight feet high by three feet wide. Mr. Yarbrough stated that he would like to see a plaque at each of SSCAFCA's projects, especially the ones dedicated to Johnnie Losack and Annette Jones and, hopefully, would become a standard for SSCAFCA. Mr. Stoliker stated that he has discussed reducing the monoliths size from eight feet high to about six feet high.

The consensus of the Board was the monolith and some kind of sign, but no pictures on them. Mr. Deubel stated that he doesn't see a problem with having a picture of the person, so long as the person agrees to it. It was decided that every plaque would come to the Board for prior approval.

ATTORNEY'S REPORT.

1. Update/Action on the Middle Venada Right-of-Way Acquisition.

Mr. Metzgar stated that this matter should be in the Closed Session.

2. N.M. 528 Conveyance O & M Responsibility.

Mr. Metzgar stated that if the Rio Rancho bond issue for the 528 project does not pass, everything is dead and everybody goes back to the drawing board. Intel, the State Highway

Department, City of Rio Rancho and SSCAFCA are four entities that are joining together to try to get the project done. Assuming the bond issue passes, the State Highway Department drew up an agreement among the governmental entities whose duties continue. Intel's portion consists of money only. The Highway Department drew up the agreement, presuming that the City of Rio Rancho would be handling the maintenance of the drainage portion of the facility. He stated that SSCAFCA does not want the City to handle the maintenance of the drainage portion of the facility because Mr. Stoliker feels that it is SSCAFCA's responsibility and that is how SSCAFCA knows the maintenance is carried out correctly. Mr. Metzgar said that he has drafted changes to the agreement which show this change in O & M responsibility. There are provisions in the agreement that each party will help the other in the funding of the maintenance of the facility. It doesn't require that the parties provide any specific amount of money, but it states that the parties will assist if asked.

Mr. Deubel stated he is in agreement with the proposal, but he would like to see more detail as to what is meant by SSCAFCA assisting either entity in funding. He suggested stating in the agreement that SSCAFCA would be willing to entertain a request for assistance. Mr. Metzgar stated he has no problem in doing the changes, but he doesn't know how the Highway Department will react to the changes.

Mr. Metzgar stated that the City of Rio Rancho, which was originally going to donate the property for the ponds, didn't own what it thought it did. AMREP owned one or two of the ponds. His understanding is that AMREP is going to provide the ponds free. A drain may be needed going from one of the ponds to the other and it will cross private land. The Agreement provides that SSCAFCA is to reimburse the State Highway Department for any right-of-way that needs to be acquired. He is not comfortable with this provision and would prefer that SSCAFCA be kept aware of the acquisition. He added language that SSCAFCA would participate and be kept fully informed by the State on all aspects of any right-of-way acquisition that is required and obtained. He stated that the Highway Department has *staff* that does right-of-way acquisition all the time and they may have in-house appraisals. The State also has its own negotiators for acquisition of the property. He is comfortable with the State doing the work and providing him with the information prior to any purchases being made due to his relationship with the Highway Department.

It was the consensus of the Board that the suggested changes be made.

FOR BOARD INFORMATION:

1. SSCAFCA Office Building Schedule.

Mr. Stoliker stated that the building schedule shows that SSCAFCA is getting ready to advertise and has a non-mandatory pre-bid conference coming up.

2. The Ribbon Cutting for Roskos Field Will be Held at 4:00 p.m. on October 26, 2001.

Mr. Stoliker stated that the ribbon cutting for Roskos Field is scheduled for October 26, 2001 at 4:00 p.m.

3. Paseo del Volcan Final Environmental Impact Statement Comments from SSCAFCA Dated September 10, 2001.

Mr. Stoliker stated that there was an Environmental Impact Statement provided to SSCAFCA on the Paseo del Volcan roadway. He and Mr. Foglesong worked on that project and it is included in the Board's packets.

4. Task Order for BHI for Review/Coordination of Lomitas Negras Drainage Improvements With Montoyas Arroyo.

Mr. Stoliker stated the Chairman has approved the \$5,000.00 task order for Bohannan-Huston to make sure they take all the dam information and put it into the Montoyas Arroyo Drainage Management plan.

CLOSED SESSION.

A motion was made by Mark Conkling to go into closed session for the purpose of discussion of negotiations with property owners on the Middle Venada project. It was seconded by Richard Deubel. Roll call vote: Mark Conkling, yes; Richard Deubel, yes; Guy McDowell, yes; Dub Yarbrough, yes. Motion passed 4-0.

The Board went into closed session at 3:45 p.m.

RESUME OPEN SESSION.

A motion was made by Mark Conkling to resume Open Session. It was seconded by Guy McDowell and passed unanimously.

The Board resumed open session at 4:20 p.m.

Mr. Yarbrough stated that the items discussed in closed session were related only to the issue stated for the closed session and that no formal action was taken for open session reporting.


OTHER BUSINESS.


Mr. Yarbrough stated that he is going in for knee surgery on October 15, 2001 and will miss the board meeting scheduled for October 16, 2001. He stated that he will most likely be unable to attend the Roskos Field dedication, but he encouraged the board members to attend.

Mr. McDowell asked about the status on the Trinity Pond case. Mr. Metzgar stated that the City and Corrales are still dealing with the liner matter and that the hearing had been continued many times. A motion was filed by Corrales stating that the City of Rio Rancho failed to put in the proper liner and each time the hearing is set, the hearing is continued. The hearing is now scheduled for October 9, 2001 at 3:00 p.m.

ADJOURNMENT.

A motion was made by Mark Conkling and seconded by Richard Deubel to adjourn the meeting. It was carried unanimously. Meeting adjourned at 4:25 p.m.


RICHARD DEUBEL
Secretary

WM. C. YARBROUGH
Chairman


DATE APPROVED: 12OCT01