

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
Tuesday, July 14, 2009**

The Board of Directors of Brooktrails Township Community Services District met in regular session on July 14, 2009 at 7:00 p.m. at the Brooktrails Community Center.

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

Roll call showed the following directors present: Williams, Ziady, Orth, Horrick and Skezas. Also present were General Manager Chapman and District Counsel Neary.

**REPORT ON CLOSED SESSION**

After reviewing a matter of potential litigation, the Board received information, gave direction, and authorized a settlement, the terms of which will be made public at a later time.

**C. ADDITIONS/ADJUSTMENTS TO THE AGENDA**

Director Orth moved to add retroactive approval of a check to the Consent Calendar. Director Horrick seconded and the motion carried unanimously.

**D. MINUTES OF PREVIOUS MEETINGS**

1. June 23, 2009. Director Horrick moved to approve the minutes; Director Williams seconded. Directors Orth and Ziady abstained. The minutes were approved.

**E. SPECIAL PRESENTATION**

Fire Chief Schoeppner advised the Board of a small fire that afternoon that started between the Sherwood Road apartment complex by the convenience store and Robinson Road. The fire was believed to be caused by discarded smoking materials. Neighbors were using hoses and buckets when the Fire Department arrived. The fire was quickly put out and numerous support crews and planes also responded immediately. The first response truck, our duty patrol truck with foam capabilities, was a key component to the quick handling of this fire.

**F. PUBLIC HEARINGS**

None.

**G. PUBLIC COMMENTS**

William Boosinger of Poppy Drive commended the District on keeping up the Par Course and on the new bridge. He felt the playground fence was a smart and prudent move. He referred to his previous concern about fire hazards on the Romero property and said, although the Fire Chief had said he had seen worse, he still felt it is serious. Comments were made about potential control burns in the winter.

**H. CONSENT CALENDAR**

2. Review of Accounts Payable report and authorization to issue checks. Director Orth moved to approve payment of the outstanding bills. Director Horrick seconded; the motion was unanimously approved.

*ITEM ADDED TO AGENDA: Retroactive approval of postage check. This was for postage for the required annual Consumer Confidence Report mailing. Director Orth moved to retroactively approve this payment. Director Horrick seconded; the motion was unanimously approved.*

**I. ACTION AGENDA**

3. Consideration of request for variance from resident Tom Germann (boat port). Mr. Chapman explained the process involving the granting of a variance to a property that violates District standards. Director Orth said of the structures he had looked at that violated the standards, this was probably one of the better ones and he did not find it visually obstructive; he was inclined to grant the variance. He said off-street parking would be a big issue in the Specific Plan update process.

Director Williams expressed concern about Mr. Axt's comment that the boat would be otherwise on the street. He said there was a third choice, and that was to store it outside of the District. Don Morris, in the audience, quoted a code section about street parking. He said it was illegal to park in most areas so he felt it was not a valid point. Variations in actual versus legal County right-of-way distances were discussed. Mr. Morris read a statement from himself and his wife asking why the District would bother to have community design standards, and then grant exemptions to them. It listed various points of violation about the fence on the property and placement of the fence and part of the boat port within the County right of way. He disputed Mr. Axt's statement that the right of way was 40' wide, saying it was 50' and the front property line should be at least 8' from the pavement edge. He said the original 1979 plot plan

showed the front property line a significant distance from the pavement edge. He refuted the findings of Mr. Axt and said it was visually obstructive and obtrusive, and that the boat could be legally parked on the street, and that Brooktrails employees [Note: Mr. Germann is a Brooktrails employee] have the responsibility to know the District's requirements and standards.

Director Horrick said this variance request will still come before the County, and the County wrote the original citation. He did not have objections to this variance. A Brooktrails resident, Herb Lockner complained about the fence, visual obstruction, and Mr. Germann's dog. Mr. Germann said a contractor built the fence and a permit was not obtained. The property was resurveyed when the three lots were merged and he said his pins were correct. He said he asked when he built the carport if it needed a permit and was told it didn't because it was a pole structure that could be taken down and did not have heat, light or power. It was put up eight years ago.

Director Orth moved to approve the variance and commented on the lack of parking available and the problem this is in the District; Director Horrick seconded. Roll call vote was as follows:

AYES: Directors: Orth, Horrick, Skezas  
NOES: Directors: Williams, Ziady  
ABSENT: Directors: None

Director Williams stated there were way too many structures and vehicles parked right next to the street in this community, and if people can't park their boats well away from the street, they need to park them out of Brooktrails. President Skezas said the parking laws were not enforced.

#### **J. ADDITIONS TO FUTURE AGENDAS**

None.

#### **K. SPECIAL REPORTS**

**From Directors:** Director Orth said the Board of Supervisors had voted to add the County Energy Authority to the MCOG powers.

**From District Counsel:** Counsel Neary said there would be a meeting regarding sewer later this month with the City of Willits. Director Orth said he would like an update on their applications for grant funding.

**From General Manager:** Mr. Chapman said he had sent a courtesy letter to 13 individuals who exceeded the excessive use cap during June. He had asked the Willits News to extend their request another month because he wanted one last courtesy mailing with the enclosed ordinance passed this spring attached. He further elaborated he had a concern with TWI if somebody had a legitimate line break. He reported that our long standing employee, Doug Pohlson, passed away three weeks ago and Director Ziady had suggested a memorial bench. Mr. Chapman, after being asked, said the return well at Lake Emily was still pumping 38-39gpm. He reported we have more water as of July 15 this year than we had last year on April 15. We are drawing Ada Rose down on purpose for repairs. Director Orth reported that Supervisor Pinches wanted to require 50% conservation by all water districts.

Don Morris asked, if next month people exceed the limit, are you going to send another courtesy letter? Mr. Chapman said no. Director Williams asked when he expected to commence enforcement. Mr. Chapman said he had not received one letter back on his July 1 mailing. Director Williams urged that we use the process as quickly as possible and deal with the response.

Director Orth asked whether we could give a 15-day warning. Mr. Chapman said his letter was clearly a warning letter. Director Orth said you could also describe the appeal process. Mr. Chapman said he sent them a copy of the ordinance. He said he wasn't looking forward to stamping down on folks, particularly the innocent; he considered line breaks to fall into that category.

Director Ziady said if we want to come out of the moratorium, then we have to control usage. Mr. Chapman said we will find out what they've used at the end of July and start that process. Director Williams said we don't have to wait, he felt we were being too reasonable. Mr. Chapman said they know if they violate in July, we're coming back with force. Director Williams said if you don't do anything during the month, if he were they, they would think that we have to wait until they violate in August. He suggested acting as soon as they go past it this month. If we're going to start finding out what's really going on, he said, the way to do it is to move fairly quickly

#### **L. PUBLIC COMMENTS**

Steve Eberhard asked about signage on Sherwood Road and in the greenbelt. Mr. Chapman said the Recreation Committee would make a recommendation on his additional request. Mr. Eberhard said he would like to bring up his side of the story to the Committee; the time and date were given him. Mr. Eberhard said he appreciated the 10 signs put up but he felt they forgot about the other signs. Director Ziady said it had been explained to Mr. Eberhard there is a budget and some things need to be done over time. She said be aware it's not an inexpensive deal, we were talking several thousand by the time we finish, and the committee would have to weigh what projects we are not going to do if we're going to do this all now. Mr. Eberhard said he didn't understand this.

Meryl Morris asked for an update on the Specific Plan update and there being a citizens' ad hoc committee. Director Orth said this hasn't occurred yet.

**M. ADJOURNMENT**

Director Horrick moved to adjourn. President Skezas adjourned the meeting at 7:46 p.m.

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George Skezas, President

ATTEST:

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MICHAEL V. CHAPMAN