

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
Tuesday, May 12, 2009**

The Board of Directors of Brooktrails Township Community Services District met in regular session on May 12, 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, Orth, Ziady, Horrnick and Skezas. Also present were General Manager Chapman and District Counsel Neary.

REPORT ON CLOSED SESSION

None.

C. ADDITIONS/ADJUSTMENTS TO THE AGENDA

It was discussed that Item 5 would be heard before Item 4 provided that Bob Parker of DOT arrived in time.

D. MINUTES OF PREVIOUS MEETINGS

1. April 28, 2009. Director Williams said on p. 3951, fourth line of 2nd paragraph, the sentence beginning "He said" was Director Orth speaking rather than himself. Director Ziady said the sentence saying she was not happy about the idea of the \$200,000.00 revolving loan fund should conclude with the statement, because it would be based on the Recreation garbage franchise fund. Director Orth moved to approve the minutes as so amended; Director Ziady seconded. The minutes were unanimously approved.

E. SPECIAL PRESENTATION

None.

F. PUBLIC HEARINGS

None.

G. PUBLIC COMMENTS

None.

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 Williams seconded; the motion was unanimously approved.

3. Retroactive approval of check for newsletter postage. Director Orth moved to retroactively approve the postage payment. Director Ziady seconded; the motion was unanimously approved.

I. ACTION AGENDA

5. [heard out of sequence] Consideration of extended fees with KOA Corporation (2nd Access Road). General Manager Chapman said the project would have a new total cost of \$146,000 and described contributions made by the parties to date. He said that \$16,000.00 additional funding was necessary of which Brooktrails would need to pay \$8,000.00.

Bob Parker from DOT said this request would be before the Board of Supervisors next week for the County's \$8,000.00 share. More intense design was done than anticipated in the original estimate, along with development of a new alignment alternative, which resulted in the increased cost. No STIP funding has been invested yet, however, there was \$459,000.00 for preliminary design (*but not yet funded*) for the coming fiscal year. He said the County does have a legislative project in for Brooktrails. There was another development team meeting last week and we were looking for consultants to come up with a method for impartial ranking of the alternatives. Mr. Chapman voiced this would be "preferred route" and would allow us to sally forth with Congressman Mike Thompson.

Mr. Parker clarified the \$459,000 would be for planning and preliminary design. Director Ziady asked what our obligation would be in this. Mr. Parker said Brooktrails was not responsible for this or for the PS&E component. Director Ziady asked if we would be asked for more contributions before construction; Mr. Parker said, never say never. There might be a multitude of funding sources. He said there was a very similar project in the Redemayer Road area in Ukiah but they were not even as far along in that one in terms of funding location as we are on this one.

Director Orth said STIP stood for State Transportation Improvement Plan. He mentioned that MCOG was undergoing a slight reorganization and he hoped they would get a planning committee from that. He wanted the Board of Supervisors to be made aware of the connectivity of the two projects: dam

improvement and second access road. Mr. Parker said he believed Mr. Chapman would be addressing the Supervisors in the near future. Mr. Chapman said he would love to get the Supervisors here for a meeting this summer about the 2nd Access and the Lake Ada Rose dam. The newly prepared map showing slide areas around the alignments were reviewed. The map showed both faults and potential landslide areas. Robert Melluish asked about utilities being put in at the same time as road construction; Mr. Parker said he believed they would offer to share the right-of-ways with any utility interested.

Director Orth moved to approve payment of an additional \$8,000.00 to KOA for completion of the feasibility study; Director Horrick seconded. President Skezas asked to add a contingency of the County approving its own \$8,000.00 share and this was agreed. Roll call vote was as follows:

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

4. Architectural appeal from resident Tom Germann (boat port). General Manager Chapman reminded the Board of the blanket variance idea which they had rejected at an earlier meeting. Therefore an individual appeal by Tom Germann was now up for hearing regarding a boat port. The boat port involved was in the front setback, but it did not interfere with the 6' side yard setback, or obstruct traffic, at least according to our District Architect, Bob Axt. It would also keep the boat off the street. If the Board approves the appeal, Mr. Germann would then go through the County variance process.

Mr. Germann said when he put the carport up he was under the impression it did not require a permit; he already had the concrete off-street parking area. He said he had no complaints from neighbors about it and he confirmed he merged his three lots, and that this was the only suitable space due to grade. Director Orth noted it was fireproof material. He further suggested that the limbs near it should be limbed, however.

Herb Lockner, a neighbor of Mr. Germann, said he did have a complaint. He noted that the boat port was about 3' from the pavement and he felt this was a violation. He spoke that the fence was also a violation, and needed to be at the 6' line. He said he had talked to a building inspector about this. He said the fence did obstruct vision and people coming up Crawford Road could not be seen.

Mr. Chapman challenged the fence statement needing a permit. He said he was surprised that Bob Axt, knowledgeable about such matters, would have forgotten about such an important item in his report. Don Morris voiced that he had called Frank Lynch, Senior Planner, and said they had corridor preservation setbacks, which was 25' from the centerline of the street, and they didn't allow structures within that. Also, on top of that was an additional 10' from the front of your parcel. They told him that a fence higher than 3-1/2' was considered a structure. Mr. Chapman said he was not familiar with that rule, but it was his understanding that a 6' fence didn't require a permit, as long as it didn't violate traffic visual curves around a bend. He said there were three different entities involved in fences or hedges: County Planning, Brooktrails and DOT.

Mr. Morris voiced it was clear that the carport was in violation and the fence was also in violation. Mr. Chapman repeated the 6' fence stance again. Once more, depending conditionally on traffic obstructions, a 6' fence didn't require a County permit; however, an 8' fence would. He reminded the Board that we had many examples of 6' fences throughout the District. Director Orth said he knew that fences considered unsafe were redtagged and torn down. Mr. Lockner said that it was a hazard and he has almost been run down when walking.

President Skezas interjected and asked if Mr. Germann was redtagged just for the boat structure and Mr. Germann confirmed this was so.

Mr. Lockner then turned the subject briefly about the applicant having killed a buck deer near his fence last fall along the outside property boundary line, for which, according to Mr. Lockner, Mr. Germann was charged but was "slapped on the wrist" via the Court system later. He asked that Mr. Germann not be given a special exemption just because he was a Brooktrails' employee.

Director Williams asked exactly what created the hazard to Mr. Lockner on the road. Mr. Lockner said the driveway. The fence was 6' high and if you're coming up in a truck, there were blind spots. Director Williams asked if the structure housing the boat contributed to the risk; Mr. Lockner said not that much, not directly.

Director Orth said we are trying to find ways to accommodate offstreet parking; it is the County who did the variance process and they just want our input. *[Note: At the point the tape failed. Minutes from this point prepared from notes due to tape failure.]* The discussion consensus was to ask for staff to return with more information. This would include the District Architect making recommendations to provide criteria supporting off street parking, as well as the concept of potentially allowing fire safe parking structures (metal roofs vs. tent tops). Director Orth wanted these concepts inserted into the next Specific Plan update. He further discussed the general topic of our streets not meeting current County road standards, and this could affect our rules regarding off street parking. It was suggested that possibly the applicant would have to slightly modify the fence angle near the boat port for better viewing from the road. Mr. Chapman said he would have to get with Bob Axt regarding some of these issues.

6. Consideration of bulk sale of water to local contractors with licenses. General Manager Chapman explained the District had been approached by a few licensed contractors needing water for summer construction projects. He then discussed the proposal to make bulk sales to licensed contractors from the fire hydrant located in the District parking lot. He confirmed that the City of Willits no longer provided bulk water service. He suggested a \$30.00 hook-up fee (Willits' former charge) each time. He mentioned that a 3,000 gallon truck would approximate a \$60.00 total charge. He further noted the revenues that could be brought in by the bulk sale of perhaps a total of 10 acre feet. It would be closely monitored. He had discussed this issue with Bruce Burton, DHS engineer, and received verbal approval, as long as the water was classified non-potable outside the hydrant, and a back-flow device was in place during transfer. The water projection provided by Richard Estabrook was reviewed with an anticipated 148 acre feet approximately December, 2009.

Director Williams asked why not let them fill up with raw water. Mr. Chapman responded that we wanted to be able to monitor the hydrant from the parking lot. Director Ziady suggested we might have a public relations problem given the fact the District was in a water moratorium and we're selling water. Mr. Chapman responded we were looking at the situation as temporary situation, and that excess water not used or sold would not produce revenue. The discussion then turned to why not charge more. Mr. Chapman responded that we weren't interested in gouging folks. What we wanted was to help local contractors make it through the summer with their construction projects, because those folks, in turn, have helped us during several emergencies in the past.

Resident Wally Stahle voiced concern not to sell the water because we made need it later. Mr. Chapman reminded the audience that we would never have enough water to make it through two complete years of drought, and that given the ending projections the Richard Estabrook had for this year (December at 148 acre-feet), that we would still have enough water to go deep into winter.

District Counsel Neary said he didn't feel that Ord. 76, the Utilities Code, should be amended for this issue and that a simple resolution would suffice. Directors expressed support of the idea as described, and Mr. Chapman said he would return with a draft resolution.

7. Consideration of SDRMA insurance waiver for motorcycle show. General Manager Chapman said he spoke with the District's insurance carrier, Dennis Timoney, SDRMA, who said they had no problem with the show, but they did suggest that their own waiver form be used. Mr. Chapman asked the Board to decide whether burnouts would be allowed during the event. After some short discussion it was, by consensus, agreed to be allowed in a 20' by 20' area. It was moved and seconded to allow the June 2, 2009 event [*notes do not indicated who moved and who seconded*] and the motion carried unanimously.

8. Summer water report by Richard Estabrook. Mr. Estabrook was out of town and unable to attend. His projection of 148 acre-feet remaining in the reservoir at December 1 was accepted by the Board.

J. ADDITIONS TO FUTURE AGENDAS

None.

K. SPECIAL REPORTS

From Directors: Director Orth reported that MCOG had instructed that a resolution be prepared asking the cities and county to adopt the Area Energy Authority power. Mr. Orth said he would not be attending the May 26th meeting.

From District Counsel: Mr. Neary said he would not be attending the next meeting due to another community's emergency water situation.

From General Manager: Mr. Chapman said that the next meeting would be light because he was going to be out of town next week to an ACWA seminar.

L. PUBLIC COMMENTS

Bob Houtz said he took a trip and was glad to be back home in Brooktrails.

M. ADJOURNMENT

President Skezas adjourned the meeting at 8:43 p.m.

George Skezas, President

ATTEST:

MICHAEL V. CHAPMAN