

Agenda Item #8 Follow-up High Usage a/c#3032 20111 Camino del Sol – meter test

Chair Marley noted last month this item was moved to the beginning of the discussion items and stated he wanted to move it this month to the end of the agenda with no objections.

Agenda Item #9 Yavapai County Elections – November 4, 2008

Chair Marley deferred opening dialog to Sarah (Hrabina/Management) and she indicated Management was in receipt of a letter from Yavapai County regarding the three (3) Board positions up for election. The letter affirms the District wants to be included in the County General Election. Upon Board discussion, J Evans moved to approve the District election be included with the Yavapai County General Election. The motion was seconded by F Ballinger and upon vote was approved unanimously.

Agenda Item #10 Dog Track Development

Chair Marley recapped that at the April Board meeting it was proposed we (the District) try to determine what the issues are and seek legal counsel, as authorized by the Board, if needed. Chair Marley stated he composed a letter with Randy (Hrabina/Management) which basically said we would like to sit down and meet with them. There was a scheduled meeting for this morning, but had to be cancelled because Randy was not out of the hospital. We will, therefore, try to reschedule the meeting. Right now we don't know if there are any issues. No Board action required/or taken.

Agenda Item #11: Parcel Development – SW corner Old Black Canyon Hwy & Maggie Mine Road; Jim Gessell

Chair Marley called upon Jim Gessell who introduced himself as the owner of the 16.33 acre property located on the SW-corner of Old Black Canyon Hwy & Maggie Mine Road. He stated he purchased the property with the intent of building a retirement home for himself and three sisters and to develop an "open storage" business on the commercial-zoned corner. Mr. Gessell's civil engineer, Troy O'Dell was introduced and he stated looking at the entire 16.33 acres the property is currently zoned commercial and multi-family residential. At the given (current zoning R2-4) rate it would allow for 177 dwelling units at 4,000-sq. ft. of land each. What they are proposing is a total of 10 residential lots and one commercial-zoned lot. This proposal is much lower density and would create lower water use than what could exist on the parcel. It's up to the developer to try to propose what's a feasible type of development. As Jim (Gessell/Owner) said, he plans to build a home for himself plus 3 lots for his sisters. If he proposed just a 5-split there would be no revenue to pay for the development costs which is why we are proposing the 10-lot (residential) plan. He reiterated that multi-residential would consume a lot more water; the 10-lot would cut that usage drastically. His intent is to re-zone from multi-family (R2-4) to residential single-family, minimum 1-acre. 10 residential lots would be the maximum, no additional splits and the commercial would be a very low water use as an open storage facility.

Chair Marley inquired about how the lots vary in size with Mr. Gessell indicating it was because of the topography. The two unusually configured lots are down in the flood plain, but include higher ground for building sites. J Evans asked if lots #2, #3 and #4 were about an acre in size with Mr. Gessell indicating they are and butt up to Thompson Drive, although access would not be from Thompson. He also noted the existing lots on Thompson drive are much smaller. Chair Marley inquired if their plan has been submitted to Yavapai County with Troy O'Dell indicating it had not. He stated the District's determination for supplying water will determine what they submit to County. Chair Marley stated, in general, the Board and District has long-term water supply concerns and asked if any of this property would be suitable to develop a well site. The Chair called upon Randy (Hrabina/Management) to speak on this with R Hrabina stating according to the (District) Ordinance it reads any developer has to drill a well; meet all ADEQ requirements and turn it over to the District in order for the District to supply water to a development. Across the street, they want to develop that with 283 RV-spaces and it's no different. They are both developments. Chair Marley inquired if they (Owner/Engineer) were familiar with the District Ordinance, noting it's available on-line with Troy O'Dell indicating he was not familiar with those requirements. Chair Marley suggested

they read it on-line (www.bccwid.org). Additional discussion followed including other requirements, such as the Fire Department. R Hrabina (Management) stated he had previously talked to the Owner at which time a different plan was discussed with just 5 residential lots.

The Chair indicated at the moment the matter appeared to be nebulous. He also noted the need to preserve the integrity of the District's water system. We are not in the "development" business; we are in the "service" business and it is not up to us to help a developer make his project profitable. Mr. Gessell inquired about the ability to drill private wells and it was noted unless there were deed restrictions on the property contrary to it, he certainly could drill private wells. Each lot, however, would have to have their own well as shared wells are prohibited under the Ordinance. The Chair stated he appreciated their attendance and at this time recommended to table the matter until the developer makes himself familiar with the Ordinance and develops a complete plan. Mr. Gessell stated he felt he came to the meeting with a real reasonable request.

No Board action taken and the Chair thanked Mr. Gessell and Mr. O'Dell for coming noting the Board had referred them to a number of information sources and a possible course of action.

Agenda Item #12 Board Resignation –Lavon Van Dusen, Secretary

Chair Marley opened the discussion stating a letter of resignation was received from Lavon, Board Secretary. Lavon had been appointed and has served on the Board for about 7-months and had done an excellent job. Unfortunately, new job requirements make her unable to attend Thursday evening meetings. On motion by J Evans, seconded by F Ballinger and Board vote, the letter of resignation was accepted without opposition.

Agenda Item #13 Board Vacancy; Appointment

Chair Marley opened the discussion indicating the previous holder, Ron Lee, who had been elected by the public is interested in returning to the Board. J Evans indicated prior policy has always been to open it up to the public. R Marley asked if Jim was suggesting we post it and try to collect more letters (of intent) with J Evans stating it would be nice to have him (Ron Lee) back on the Board. S Hrabina/Management noted this position along with Jim (Evans) and Floyd (Ballinger) will all be up for re-election, so if anyone else was interested they could seek public election shortly. Additional discussion followed regarding requirements with F Ballinger asking if in the past wasn't there a 30-day period to let people know about the opening with the Chair stating the District probably never had a previous office holder seeking to be re-instated immediately upon vacancy. J Evans inquired if the Board could fill it with just an appointment with S Hrabina/Management indicating the Board has that ability; if not at this meeting, next month. There are a lot of issues right now and I think that's why Ron (Lee) didn't want to see the Board short-handed.

The Chair called for a motion and J Evans moved to put the appointment of Ron Lee on the agenda for next month. Additional discussion followed and with no second to the motion on the floor a new motion by M Brown to approve the appointment of Ron Lee to be effective immediately was made and seconded by J Evans. Upon vote the re-appointment of Ron Lee to the Board as Secretary was unanimous.

(Deferred) Agenda Item #8 Follow-up High Usage a/c#3032 20111 Camino del Sol – meter test

Chair Marley opened the discussion and in review stated it's evident the Board has the right to set rates; measure water use; and bill our customers accordingly. It's also part of good business practices to shut service off for non-payment. Unfortunately, at one point you made a threat against our Management by phone – that "no one dare come on your property and try to shut off your water". Mr. Poropat acknowledged he did make that statement. You realize now if we have to shut off your water we will bring the County Sheriff's with us, with Mr. Poropat stating that was fine. Chair Marley then said we are now talking about additional discussion and if there are any threats or veils of threat, this discussion ends. I won't accept threats; we need to deal with this on a professional level. No one has come with you and I don't know what you plan to

bring up but it appears we followed your directive (last month). We took the meter and had it tested and it was verified for accuracy by an independent agency. We did not do it ourselves. It turned out to cost less than was originally quoted. What we know is the meter works, the 69,000 gallons went through the meter; the water went somewhere - we don't know where, but somewhere on your property; and the last time you were here we discussed how things can happen- toilets can jam. I've personally had lines that developed pinhole size leaks that leak for awhile and then seal themselves. Lots of things can happen. With all of that in mind, your meter tested good; there is absolutely no reason to believe there was an error; the water went through the meter – what new information do you want to present for Board consideration? Mr. Poropat stated he was told by the water company (Management) that there is a tape of the (last) meeting, specifying the statement of him saying a neighbor had told him that they had seen a water truck on his property. I would like to hear that tape. Chair Marley indicated the "tape" is really a digital recording of the meeting, not a tape and he would be happy to make a copy and provide it to him at no cost. Mr. Poropat stated he never made that statement. Chair Marley indicated it had no bearing on the matter and additional discussion followed regarding the flow tests performed on the meter.

Mr. Poropat asked for the name of the agency the Board answers to with Chair Marley indicating the District is a Special District of Yavapai County so he could call the Board of Supervisors. In leaving, Mr. Poropat provided the Chair with a corroded plumbing fitting as proof of the "quality" water we provide with Chair Marley noting ALL of Arizona has very hard water. The Chair indicated he was sorry the issue could not be resolved to his (Mr. Poropat's) liking. No Board action taken.

Agenda Item #14 Public Call

Barbara Getmen inquired about the number of units, 177, previously discussed (Jim Gessell development) and what the septic requirements would be for something like that. Chair Marley indicated no action could be taken but allowed R Hrabina to comment. R Hrabina indicated the County would require a sewer plant.

Diana Baker (Big Bug News) noted the (Gissell) development would be a subdivision, unlike the Dog Track development since that is being proposed as a rental/RV park.

With no other business to come before the Board the Chair thanked the Public for attending and the meeting adjourned at 8:25 PM.

CERTIFICATION:

I, Sarah J. Hrabina, certify that the Agenda for the April 17, 2008 Regular Board Meeting was publicly posted at the Black Canyon City Post Office Bulletin Board, on Friday, April 11, 2008 on or before 4:30 PM.

Sarah J. Hrabina

Sarah J. Hrabina

ATTESTED:

I, Ronald E. Lee, Sr. for the Black Canyon City Water Improvement District certify that the minutes, as transcribed, are true and correct to the best of my knowledge and belief.

Respectfully submitted,

Ronald E. Lee, Sr.

Ronald E. Lee, Sr., Secretary

Transcription of minutes completed by Sarah J. Hrabina on 5/12/2008

Amended: YES NO

Minutes of the Regular April 17, 2008 Board Meeting approved as herein transcribed by Board

action on: _____