

**MINUTES OF THE  
SPECIAL MEETING OF THE  
I.C.R. SANITARY DISTRICT  
December 14, 2010**

**Approved: 1/12/11**

**Date:** Tuesday, December 14, 2010  
**Time:** 11:00 a.m.  
**Place:** Marina Street Annex, 500 S. Marina Street, Prescott, Arizona 86303

I.C.R. Sanitary District Board of Directors

Gene Leasure, Chair  
Dayne Taylor, Director  
Charlie Turney, Director

Gloria Lorntzen, District Clerk  
Doug Nelson, Counsel for the District

Guests

Clint Poteet, Harvard  
Hal Lobaugh, Property owner  
Barb and Bob Hilb, Residents  
Jack Fields, County attorney  
Steve Mauck, Yavapai Co.  
Geoff Meek, YCDS - EU  
Shirley Leasure, Resident  
Eileen McGowan, Resident  
Dawn Meidinger, attorney  
Jimmy and Chris Stoner, Residents  
Marless Taylor, Resident  
Boyce MacDonald

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**1. Call Regular Board Meeting to Order**

The meeting was called to order at 11:01 a.m. by Chair Gene Leasure. A quorum was present for the purpose of conducting business.

**2. Introduction of Attendees.** Present were Gene Leasure, Chair; Charlie Turney, Director; Dayne Taylor, Director; Gloria Lorntzen, District Clerk; Doug Nelson, Counsel; Clint Poteet, Hal Lobaugh, Barb and Bob Hilb, Jack Fields, Steve Mauck, Geoff Meek, Shirley Leasure, Eileen McGowan, Dawn Meidinger, Jimmy and Chris Stoner, Marless Taylor, Boyce MacDonald.

**3. NEW BUSINESS**

**a. Open dialog regarding District Resolution 2009-1 and County position on issuing building permits in the District discussion and possible action**

Mr. Leasure gave a brief overview of the situation with the District hook ups and the Resolution 2009-1. Mr. Fields stated that they are there at the request of the District as a courtesy at this point. There was a discussion about the County issuing building permits while there is a moratorium. Mr. Mauk stated that once the Moratorium went in place and there was no other venue for wastewater disposal, it was appropriate to issue septic and building permits. There was some discussion as to the types of septic systems that are allowed.

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There was also discussion pertaining to the District ordinance.

Mr. Nelson discussed the 2006 Moratorium and the annexation of Talking Rock, Whispering Canyon, and The Preserve into the District, and the dispute between the District and the developers. They also discussed the various types of septic systems that can be installed. Mr. Fields advised that they require some kind of plan for wastewater disposal.

There was also a discussion with Mr. Mauk regarding whether any building permits have been denied, and none were stated. There was also talk about the District being a separate political subdivision.

The Board and Mr. Fields discussed the possibility of the County collecting a fee for them, and Mr. Fields stated that they will take a look at any proposal by the District, and that the developers should be included, but it should be discussed in private, not at a public meeting.

Mr. Lobaugh discussed whether the District can adopt an ordinance that will include owners of property in the District, but who do not live in the District, in mailings and voting.

During the middle part of the meeting, counsel for Plaintiff and County Attorney left the room and Jack Fields did not return. Counsel for Plaintiff returned after an extended period of time.

- b. ARS Title 48-2001 Right of the District to “regulate”..... “any person and which provides for sewage collection, treatment and disposal in the district” discussion and possible action**
- c. ARS Title 48-2031 re; class 2 misdemeanor for violation of a District rule (District Ordinance) discussion and possible action**
- d. Definition of “dry sanitary sewer” discussion and possible action**
- e. P&Z meeting 6/5/2002 “Environmental Services Department approval of sanitary facilities prior to Final Plat submittal” discussion and possible action**
- f. BOS meeting minutes 3/5/2005 “approval of sanitary facilities”... What kind of sanitary facilities does the County approve? Discussion and possible action**
- g. BOS meeting minutes 3/5/2005 “No individual wells or individual waste water systems” for Whispering Canyon. Applicable to entire district discussion and possible action**
- h. Planning and Zoning Commission approval of Harvard Development Agreement on August 18, 1999 discussion and possible action**

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Mr. Mauk stated that he could not comment as to the development agreement. There was also a discussion regarding compliance with that agreement.

**i. BOS meeting 2/4/2002 Third Party Trust Agreement with Whispering Canyon developers and sanitary facilities approval discussion and possible action**

The Board and Mr. Mauk discussed the 2002 Third Party Trust Agreement with Whispering Canyon developers.

**j. Land within the District returned to original zoning discussion and possible action**

The Board and Mr. Mauk discussed properties that may have or havenot been returned to the original zoning.

**k. Possible revision of notice attached to all building permits issued in the District discussion and possible action**

Mr. Taylor wanted to know if some kind of agreement can be worked out between the District and the County regarding revision of notice attached to all building permits issued by the County. Mr. Mauk stated that the County issues the building permit to the applicant, and if there is something the District would like the County to put on the notice, they would be happy to do it.

**4. OLD BUSINESS**

**5. Call to the Public**

Mr. Leasure asked for questions from the public. A series of questions were raised by members of the audience.

**Motion: Mr. Leasure moved to recess the Special Meeting and go into Executive Session; Mr. Turney seconded; motion passed unanimously.**

Special Meeting recessed at 12:08 p.m.

Special Meeting reconvened at 4:00 p.m.

Motion: Mr. Leasure moved to set up a meeting for December 20, 2010, to discuss the revised Resolution, to be on the table for approval by the Board; Mr. Turney; motion passed unanimously.

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**Motion: Mr. Leasure moved to adjourn the regular meeting; Mr. Turney seconded; motion passed unanimously.**

Meeting adjourned at 4:00 p.m.