

MAGMA FLOOD CONTROL DISTRICT
MINUTES OF THE
WEDNESDAY, DECEMBER 12, 2018 MEETING

The Regular Meeting was called to order by Board President Vinson Dobson at 4:07 p.m. at the Florence Unified School District Anthem K-8 Library, 2700 N. Anthem Way Florence, Arizona. Appearing telephonically were District Board President Vinson Dobson, Director Tyler LeSueur and Director James Kenny. Appearing telephonically were General Manager Kent Pace, Assistant Board Secretary Larry Pfeiffer, and District Attorney Stephen R. Cooper. The Meeting was properly posted within the boundaries of the District and a phone number of 1-800-920-7487 was provided for individuals residing within and without the District to appear telephonically for the Meeting. Director Tyler LeSueur welcomed the following public members who were present at the meeting, Natasha Schmidt, Barbara Manning, Robert Shoppell and Doris Goveia.

The following public parties expressed the following comments during the introductions:

1. Natasha Schmidt stated she was concerned that her property taxes went up \$100.00 dollars as a result of the District and wants to know why this occurred.
2. Barbara Manning expressed similar concerns about the taxes and the pending maintenance issues involving the Dam.
3. Robert Shoppell expressed concern about the cost of maintaining the Dam and wanted to know who was responsible for paying taxes on the Dam. He noted the taxes for the District had doubled over last year. Mr. Shoppell also expressed an inquiry as to whether the Dam could be used for recreational purposes.
4. Doris Goveia expressed concerns about better communication between the District and the residents of Anthem concerning issues involving the Dam and taxes.

General Manager Kent Pace spoke about these concerns and noted:

1. Tax rate and District boundaries – In 2011 the District began construction to rehabilitate the Dam. The cost of this project was appx \$23 million dollars of which the Federal Government (USDA-Rural Development) paid for 65% of the costs. General Manager Kent Pace also noted rock mulching the Dam would cost between \$2 & \$3 million dollars and it would not be prudent to spend these funds until the studies are completed to determine how best to mitigate the formation of desiccation cracks. General Manager Kent Pace noted that the desiccation cracks are likely due to the drying out of the soil embankment materials which create hairline shrinkage cracks. When it rains, surface water then enters into these hairline shrinkage cracks causing erosion and the aperture of the cracks/holes to grow. General Manager Kent Pace stated the ADWR performed a dam safety inspection twice in 2018. The District is working on a maintenance plan to address the desiccation cracks and is currently evaluating various repair methodologies in separate test sections on the Dam.
2. As to issues involving communications with Anthem residents, General Manager Kent Pace was informed the policies of the Anthem Homeowners Association do not allow government notices to be posted on the community website. The Homeowners Association did state that it would provide a link to the District website. General Manager Kent Pace also stated the District website has RSS feeds which allow an individual to be updated on any notice posted on the District website if you sign up for receiving the notices.
3. General Manager Kent Pace again discussed the status of frequency of the repairs and cracks on the Dam. He noted the Dam was built in the early 60's and was designated as being an unsafe Dam in the 1970's. When the District was created it encompass approximately 23,000 acres and was initially created by 13 land owners. At the time, the Dam's primary function was the protection of agricultural property and improvements. Due to subsequent population increases within the District boundaries, ADWR had to reclassify the Dam from an Agricultural Dam (which protected farm land) to a Dam which had to protected life—the main factor resulting in the unsafe designation of the Dam (which unsafe designation remained until the rehabilitation was ultimately complete in 2017). General Manager Kent Pace also stated that not all of Anthem is located with in the Magma Flood Control District boundaries and directed the individuals to look at the District maps on the District website. General Manager Kent Pace also stated there were no plans to operate the Dam for recreation since this is a flood control dam and recreational facilities are likely not within the scope of the state's Flood Control District statutes.

4. General Manager Kent Pace stated as to the property tax issue that approximately three (3) years ago the District reduced its tax rate by 80% after the Dam rehabilitation was completed. However, because of the unanticipated desiccation cracking issues, which were not included in the Dam and channel maintenance budgets, the District was forced to raise taxes to address these problems. General Manager Kent Pace noted the current tax rate, although an increase from prior year, still represents a 60% reduction from the tax rate collected only three (3) years ago (which rate was in place for nearly a decade as funds were collected to rehabilitate the dam). Finally, General Manager Kent Pace noted we have not been able to move as quickly as we had hoped in repairing the desiccation cracks because we are waiting for more rainfall to better determine its impact on the various repair methodologies being evaluated. General Manager Kent Pace noted the rainfall last year was approximately 1.7 inches versus the usual annual rainfall of 5+ inches. After the testing is completed, a proper solution to maintain the Dam will be determined. It is likely that the maintenance solution will include 1) thoroughly ripping and tilling the surface of the dam, 2) replanting non-woody vegetation to help stabilize the soils, and 3) placing rock mulch on the Dam to prevent erosion rills. Lastly, General Manager Kent Pace noted that it would not be prudent to undertake these costs without evaluating and testing the various alternatives and methodologies. State regulators and local industry experts have not previously encountered desiccation cracking issues to the extent seen on the Magma Flood Retarding Structure (Dam).

General Manager Kent Pace gave a brief update on issues involving 1) the ADWR supplemental inspection of the Magma Flood Control Retarding Structure, and 2) an update on desiccation cracking and erosion issues on the surface of the dam. Having recently attended the supplemental inspection with ADWR, General Manager Kent Pace stated he was surprised at the amount of erosion holes and cracking that continued to form on the Dam given the limited rainfall. However, he was pleased with the performance of several of the District's desiccation cracking maintenance test sections, but desires to continue to evaluate the test sections when additional rainfall occurs. ADWR confirmed that the dam is still considered "safe," but noted that it was imperative for the District to diligently monitor and maintain the desiccation holes and cracks to prevent a public safety issue from arising. The General Manager also reported that efforts to

perform system wide vegetation control maintenance and downstream toe maintenance on the southern portion of the Dam were beginning. Toe repairs on North end of the Dam had been successfully completed over the summer. General Manager Kent Pace also noted he met with Desert Weed Control in anticipation of awarding a maintenance plan for weed and vegetation control.

General Manager Kent Pace also provided an update on the status of the NRCS grant application for the Middle Magma Regional Flood Control Project. NRCS recently indicated that although the agency had anticipated application decisions would be finalized during October of 2018, no decisions have yet been made. Director James Kenny noted the difficulty and effort required to receive grant funding, applauded the District for its previous successes in obtaining grants, and encouraged staff to continue those efforts.

The next item of business was consideration of the approval of the Minutes of the Regular Meeting of September 12, 2018. A motion was made by Director James Kenny to approve the Regular Meeting and verify the actions of the September 12, 2018 Meeting. President Vinson Dobson seconded this motion. Thereafter, the Minutes for the Regular Session were approved.

The next item of business was an Executive Session which was convened at 4:47 p.m. and ended at 4:50 p.m.

The next item of business was to consider approving the award of a contract to Desert Weed Control to perform as needed services described in the Vegetation Management Plan of February 2018. It was also noted that the work and cost will be pre-approved by the General Manager before funds are expended for the maintenance. A motion was made by President Vinson Dobson and was seconded by Director James Kenny to authorize the General Manager to enter into a contract with Desert Weed Control, Inc. to perform as needed services as described within

the Vegetation Management scope of work (version: Feb. 2018) based upon the per acre rates included in their low bid. The motion was thereafter approved unanimously.

The next items of business were Board reports. President Vinson Dobson noted that no one including the District Officers likes to pay taxes which are imposed by the District Board. There were no other reports to come before the Board.

The next item of business was General Manager Kent Pace reports. There were no other reports.

The next item of business was other business which came before the Board. There were no items of other business.

The next item of business was adjournment of the meeting at 4:50 p.m.

RESPECTULLY SUBMITTED this _____ day of December, 2018.

**STEPHEN R. COOPER, Attorney for
MAGMA FLOOD CONTROL DISTRICT**