

Cordry Sweetwater Conservancy District
8377 Cordry Drive Nineveh, Indiana 46164

FILED

JAN 14 2009

Cause No. 4213

Resolution 2008-15

Beth Mulry

CLERK BROWN CIRCUIT COURT

(Rescinding Resolution 2008-6, Structures Allowed on Undeveloped Lots)

WHEREAS, pursuant to Indiana Code 14-33-5-20 and the Cordry Sweetwater Conservancy District Deed Covenants and Restrictions, the Board of Directors of the Cordry Sweetwater Conservancy District has the authority to make regulations for the administration of the affairs of the District;

AND WHEREAS, covenants together with penalties for violations thereof are necessary for the orderly use and enjoyment of the property of the District;

THEREFORE, BE IT RESOLVED, that the Board of Directors of Cordry Sweetwater Conservancy District hereby adopts this revision to the CSCD Building Rules and Regulations, Rule V. Section M. - 4, to include **“Undeveloped lots may only have a single plane, square or rectangular dock not to exceed 100 square feet in size”**;

AND BE IT FURTHER RESOLVED, In congruence with Covenant #1, no “building structure” may be constructed, placed, or located on an undeveloped lot until and unless a dwelling in compliance with Covenant #1 is located on the lot or an adjacent lot owned by the same person or persons. If the building structure is constructed, placed, or located on the lot adjacent to the dwelling-improved lot and the ownership of that lot and the adjacent-improved lot subsequently becomes dissimilar in any way, the building structure located on the lot not containing the dwelling shall become a nonconforming building structure in violation of Covenant #1 and must be removed.

(A “building structure” is a structure which contains or includes a roof over any part of the structure. The term includes, but is *not* limited to, sheds, shacks, garages, boat houses, and party-decks, any part of which is constructed, placed, or located on a lot. The term does *not* include a structure that is only temporarily located on a lot and which can quickly and easily be removed without damage to the subject real estate (for example, camping trailers). A roofed-structure that is allowed to remain on a lot indefinitely will not be deemed to qualify for the foregoing exclusion, whether or not the structure can quickly and easily be removed without damage to the subject real estate.)

In addition, and apart from Covenant #1, no non-building structure (for example, fences, steps, decks, retaining walls) may be constructed, placed, or located on an undeveloped lot without an approved motion of the Building Control Commission, except that such motion approval shall not be required for picnic tables and other similar temporary structures that can quickly and easily be removed without damage to the subject real estate;

Resolution 2008-15 (continued)

AND BE IT FURTHER RESOLVED, That this resolution rescinds and completely replaces Resolution 2008-6 passed by the CSCD Board of Directors during the CSCD Board of Directors meeting on August 19, 2008;


AND BE IT FURTHER RESOLVED, That once this Resolution is approved by the CSCD Board of Directors that a copy of this resolution shall be placed in the front of the CSCD Building Rules and Regulations approved October 17, 2006, by Resolution 2006-8.

APPROVED this 3rd day of January 2009 at Nineveh, Indiana.

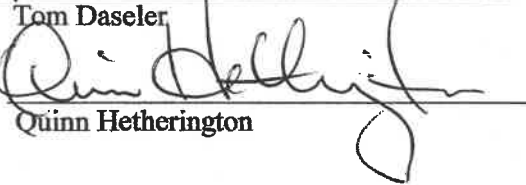

Tom Dzennik, Chairman


Norman Noe, Vice Chairman


David Moeb, Secretary


Tom Daseler

Larry Kolar


Quinn Hetherington


Cheryl Boyle

SWORN AND SUBSCRIBED TO BEFORE me, Notary Public, this 3rd day of January 2009.


Martha Anderson, Notary Public

Documentation on the strikeout in Resolution 2008-15

The following minutes of the CSCD Board of Director's meeting on January 3, 2009, document the change made to Resolution 2008-15 to remove the words "square or rectangular" from Resolution 2008-15. See the motion, amendment to the motion, and votes to approve the amendment and then the motion in the Building Commission report section of the minutes of the January 3, 2009, minutes.

These minutes are not official until approved by the CSCD Board

Cordry Sweetwater Conservancy District Board of Directors Annual Meeting

January 3, 2009

1:00 PM

Present: Dziennik, Noe, Moebs, Daseler, Kolar, Hetherington, Boyle

Absent: None

Guests: List available in CSCD Office.

A. Pledge of Allegiance – Mr. Dziennik called the meeting to order at 1:00 PM and led in the Pledge of Allegiance.

B. Approval of December 16, 2008 Minutes:

There was some discussion about items not mentioned in the minutes that were discussed in meeting. Discussion about pay increases.

- **Motion:** Mr. Moebs made a motion to approve the 12-16-2008 minutes, seconded by Mrs. Boyle – motion was not voted on. Minutes were tabled until next meeting in February.

C. Financial Report: Marty Anderson gave the financial report.

1. Financial Statement:

Mr. Kolar asked when the loan was to be paid. Marty will report the dates.

- **Motion:** Mrs. Boyle made a motion to approve the Financial Statement, subject to audit, seconded by Mr. Noe – motion carried unanimously.

2. Claims:

- **Motion:** Mrs. Boyle made a motion to approve the Claims, subject to audit, seconded by Mr. Moebs – motion carried unanimously.

3. Resolution 2009-1 (Supplemental Pay as Base)

- **Motion:** Mr. Noe made a motion to approve Resolution 2009-1, seconded by Mrs. Boyle – after discussion about the need to clarify the resolution, the resolution was tabled until the February meeting.

4. Resolution 2009-2 (Transfers)

- **Motion:** Mr. Noe made a motion to approve Resolution 2009-2, seconded by Mrs. Boyle – motion passed unanimously.

Mr. Moebs suggested that subtitles be added to the resolutions under the resolution number.

5. Resolution 2009-3 (Encumbered Funds)

- **Motion:** Mrs. Boyle made a motion to approve Resolution 2009-3, seconded by Mr. Moebs – after discussion about the need to clarify the resolution, the resolution was tabled until the February meeting.

D. Infrastructure Report – Infrastructure Manager – J. Collins

Mr. Collins was not present to give a report.

E. Annual Commission Reports:

1. **Building** – D. Moebs gave the Annual Building Commission Report. Mr. Moebs reported on:
 - a. Two lawsuits – One settled paying a one-thousand dollar fine and attorney fees, as well as improving the deck to meet side line setback requirements. The other lawsuit involved a freeholder building his deck over his septic system. That is still in process with the court.
 - b. A special Rules Committee was formed to improve the Building Rules to match the Covenants and State and County Codes. This is still a work in process.
 - c. Septic System Evaluation Committee sent out letters to the freeholders explaining what they were required to do. Notices were sent to the first group, (third), of freeholders, to have their systems inspected. Mr. Moebs stated there are still some freeholders that haven't met the requirements, but most have.
 - d. The CSCD Board approved increasing the Building Commission to seven members.
 - e. A new item was put on the agenda for 2008. *Problem Lots*, as a major concern to the Building Commission, was made an item on the agenda to review as they are monitored.
 - f. At the Boards request, the Building and Ecology Commissions worked on providing a policy for *Geothermal Heating and Cooling Systems*. The Commissions came up with some regulations that the Board approved and the Attorney, Roger Young provided a Hold Harmless agreement for the freeholders to sign. Letters were sent out including the Hold Harmless agreement and the regulations, (that included system information requirements), for the system owners to sign and return.
 - g. A petition was presented to the commission, in August, by ninety freeholders, about not complying with deed restrictions and dock size on undeveloped lots. Mr. Moebs stated it would be reviewed later at this meeting.

h. In September the commission started creating a data base of old permits, to improving tracking old permit information. Mr.Moebs stated Mrs. Georgina Settles is to be thanked greatly for doing much of the work collecting information from the old files.

- **Motion:** Mrs. Boyle made a motion to approve the Building Commission Annual Report, seconded by Mr. Hetherington – motion carried unanimously.

Mr. Moebs presented Resolution 2008-15 including wording recommended by the Building Control Commission that was not included in the version of the resolution that was presented at the December 16, 2008, Board meeting. After a lengthy discussion a motion was made.

- **Motion:** Mrs. Boyle made a motion to approve Resolution 2009-15, seconded by Mr. Moebs.

While discussing the motion by Mrs. Boyle, it was decided to amend the original motion by Mrs. Boyle as follows.

- **Motion:** Mr. Moebs made a motion to amend Mrs. Boyle’s motion to exclude the words “square or rectangular” in the statement, “THEREFORE, BE IT RESOLVED”, seconded by Mrs. Boyle – – motion to amend the original motion was approved with 4 yes votes, 2 no votes, and no abstentions.

The amended, original motion was approved with 5 yes votes, 1 no vote and no abstentions.

- **Building Compliance Officer’s Report:** Mr. Quackenbush gave the Building Compliance Officer’s Report.

Mr. Quackenbush reported:

- a. There were 91 permits applications issued.
 - b. One application denied
 - c. Three Stop Work Orders issued with two resolved.
 - d. Dredging permits – 2; Heralds, Stevens
 - e. One Variance – Ketner’s at 6784 Grey Wolf – Roadside property line setback.
 - f. Commission went from five to seven members with Four new members for 2008; David Moebs, Bob Ellis, Ed Keirn and Dave Baker.
- **Motion:** Mrs. Boyle made a motion to approve the Building Compliance Officer’s Report, seconded by Mr. Moebs – motion carried unanimously.

2. **Ecology** – L. Kolar gave the Annual Ecology Commission Report.

Mr. Kolar reported;

- a. Dams: Both dams were inspected by engineers. The Sweetwater dam and spillway repair was completed from 2007. Both dams were mowed in June and September. In 2009, the Cordry dam will experience the same type of repairs already applied to the

Sweetwater dam in 2008. The cost of the Cordry dam repairs will be \$100,000.00 to \$140,000.00.

- b. Dredging – a study has been started and is on going.
 - c. Weeding was done on both lakes.
 - d. The trapper has been out trapping muskrat and beaver on both lakes.
 - e. Budget – submitted to CSCD, which included, funding for the repair of the Cordry Dam, dam maintenance, shoreline stabilization and a new dock on Cordry.
 - f. Greg Gillentine mentioned that some of the outlets on the Sweetwater dam were damaged during a mower demonstration and will be repaired.
 - g. Mr. Kolar asked the Board if it would be ok to do another Christmas tree drop. Board voted in favor, with only one member opposing.
- **Motion:** Mr. Kolar made a motion to approve a tree drop, seconded by Mr. Daseler – motion carried with 5 yes votes, 1 no vote, and no abstentions.
 - **Motion:** Mr. Moebs made a motion to approve the Annual Ecology Report, seconded by Mr. Daseler – motion carried with 5 yes votes, zero no votes and 1 abstention.

3. **Security** – Mr. Noe & Mr. McGaha gave Annual Security Commission Report.

Mr. Noe reported;

- a. Security purchased a “2007 Bayliner” boat for patrol on Cordry Lake.
- b. A “2008 Dodge Durango” was purchased for a patrol car.
- c. Two boatlifts were purchased to keep the boats out of the water and readily available.
- d. Mailed 141 letters to freeholders who had boats with improper stickers or no stickers.
- e. Night patrol was increased with an increase in violators.
- f. Brown County speed limit ordinance passed.
- g. Looking for someone to head up a committee to work on getting a cell-phone tower for better cell-phone service.
- h. Three IDNR approved deer-reduction hunts with 6 deer harvested.

Mr. McGaha report;

Mr. McGaha asked that everyone look out for their neighbor, due to the economic conditions causing an elevation in the crime rate. He also stated that the crime rate is low in our community because of the presence of deputies twenty-four-seven.

- **Motion:** Mr. Noe made a motion to approve the Security Annual Report. Seconded by Mrs. Boyle – motion carried unanimously.

- 4. **Roads** – Q. Hetherington gave the Annual Roads Commission Report. Mr. Hetherington reported;
 - a. Road repairs from June flood were completed with FEMA funding at 75%. The remaining 25% may come from the County, through Federal assistance. Repairs cost well over \$100,000.00.
 - b. The Roads Commission has prioritized a paving list, for a time when the CSCD has the monies to do the work.
 - c. A 2009 Ford truck was purchased with a plow and sand spreader.
 - d. The guardrail on the Cordry Dam was painted.
 - e. Worked on weight limits, opening and closing dates.
 - f. Installed a drain at the beach to reduce erosion and took down a retaining wall and replaced it with a gradual slope.
 - g. Roads Commission is looking at possibly doing some chip and seal in the future.

- **Motion:** Mrs. Boyle made a motion to approve the Roads Annual Report, seconded by Mr. Moebs – motion carried unanimously.

- 5. **Water** – C. Boyle gave the Annual Water Commission Report. Mrs. Boyle reported;
 - a. Revised the Water Utility Rules and brought rates up to current.
 - b. Changed out 141 meters.
 - c. Flushed the water hydrants and painted 25% of them.
 - d. Inspected the water towers and installed a ladder guard on the blue tower.
 - e. Had five Boil Water Advisories without a decrease in water quality.
 - f. Had an above ground electric panel installed as a result of the flood.
 - g. Purchased the land around the pumping station.
 - h. CSCD was represented at the IRWA and AWWA conferences by Cheryl Boyle, J. Collins, Joe Quackenbush and Larry Harder.
 - i. Excellent results in testing resulted in fewer tests required by state.
 - j. Had a 25% water loss. Higher loss may be a result of estimating.

Mr. Kolar asked the dollar cost of water lost. Mrs. Boyle stated \$37,000.00.

- **Motion:** Mr. Moebs made a motion to approve the Annual Water Report, seconded by Mr. Hetherington – motion carried unanimously.

F. Septic System Evaluation Program Report – M. Bruce

Mrs. Bruce reported;

- a. 426 letters sent out in January explaining requirements for septic system inspections and including report forms.
- b. 447 completed forms returned by December 2008.
- c. Computer list showed 90 noncompliant as of December 2008.
- d. As a result of the inspections 43 systems needed and received repairs.

Mrs. Bruce said there were a few complaints, but for the most part people were cooperative and wanting to comply.

Mr. Noe asked what will happen if these people don't comply within a reasonable amount of time. Mr. Dziennik suggested those freeholders should be reported to the Building Control Commission so that the commission can make a recommendation to the CSCD Board on what action to take to bring these freeholders into compliance with the septic system evaluation program.

- **Motion:** Mrs. Boyle made a motion to approve the Septic System Evaluation Report, seconded by Mr. Moebs – motion carried unanimously.

G. 2009 Board Election:

1. Results – D. Moebs & C. Boyle

Mrs. Boyle reported;

- a. Mrs. Boyle thanked Mrs. Ruth Ann Gillentine and Terri Morgan for their assistance as election clerks.
- b. Mrs. Boyle reported that Mr. Moebs received 66 votes and Mr. Fenwick received 73 votes with a total of 79 ballots; 68 absentee ballots and 11 voters in person.

2. Oath of Office

Mr. Noe presided in administering the Oath of Office to Mr. Fenwick and Mr. Moebs.

3. Resolution 2009-4 – Indemnification

There was a question of the monetary value or amount of the liability insurance. Mr. Quackenbush to report amount to Chairman. Mr. Quackenbush stated he believed it was one million per person, per incident.

- **Motion:** Mr. Noe made a motion to approve Resolution 2009-4, (Indemnification), seconded by Mr. Moebs – motion carried unanimously.

H. Election of Officers:

1. Nominations

- a. **Chair –**

- **Motion:** Mrs. Boyle made a motion to elect Tom Dziennik, seconded by Mr. Noe – motion carried unanimously.
- **Motion:** Mr. Noe made a motion to close nominations, seconded by Mr. Fenwick, motion carried unanimously.
- **Motion:** Mr. Moebs made a motion to declare Mr. Dziennik as Chairman by acclamation, seconded by Mrs. Boyle – motion carried unanimously.

b. Vice Chair

- **Motion:** Mr. Dziennik made a motion to nominate Mr. Noe, seconded by Mr. Moebs, motion carried unanimously.
- **Motion:** Mrs. Boyle made a motion to declare Mr. Noe as Vice Chairman by acclamation, seconded by Mr. Moebs – motion carried unanimously.

c. Secretary

- **Motion:** Mr. Noe made a motion to nominate David Moebs as Secretary, seconded by Mrs. Boyle – motion carried unanimously.
- **Motion:** Mr. Noe made a motion to declare Mr. Moebs Secretary by acclamation, seconded by Mr. Kolar – motion carried unanimously.

2. Signature Cards

Signature cards are carried over from 2008, due to officers being the same as for 2009.

I. Board Member Commission Appointments:

Mr. Dziennik asked that Mr. Fenwick take the Building Commission Seat as Mr. Moebs will be busy working with the Building Rules revisions. All other Commissions will remain the same with the exception of Mr. Dziennik taking the Solid Waste Seat.

J. Proposed CSCD Board Goals for 2009:

Mr. Dziennik presented the goals and explained their purpose.

1. **Budget Management** (\$2,700,000.00)-conduct and approve 2009 outlook monthly discretionary spending beyond:
 - a. \$960,000.00 (\$80,000.00 monthly normal rate) annual total.
 - b. Pay-off Of \$540,000.00 bank loans.
 - c. Responsibility: CSCD Board

Mr. Moebs suggested setting up a budget committee to report monthly to the Board in a summary form what is above and below budget. Mr. Moebs stated his suggestion is not to indicate that Marty was not doing her job, but this year is going to be tough to keep up with so we need everyone to contribute.

2. **Employee Compensation**-Rationalize total 2010 compensation package for full-time employees by August 1, 2009, which is competitive and fair. Responsibility: CSCD Board.

Mr. Dziennik stated that the budget committee could vote on the

compensation package around August.

3. **Water Utility Loss**-Provide quarterly water loss update to CSCD Board
 - a. Percentage and plans to reduce loss for March, June, September and December Board meetings.
 - b. Responsibility: Water Commission

4. **Building Rules**-Publish updated and CSCD Board approved CSCD Building Rules governing document by September 2009.
Responsibility: Building Control Commission
Mr. Dziennik stated that Dave Moebs, Ed Keirn and Brent Enderle have been putting a great deal of effort into revising the Building Rules.

5. **CSCD BY-LAWS**-establish CSCD Board Governance Operating BY-LAWS with preliminary draft in July and final Board approved document by September 2009.
Responsibility: CSCD Board

K. Wrap-up:

1. Greg Gillentine asked which Board Member was going to be on the Building Control Commission. Mr. Dziennik responded that Jerry Fenwick would be on the Building Control Commission, Mr. Dziennik to attend the Brown County Solid Waste meetings, and Mr. Moebs would be the chairperson for the Building Rules Review Committee.
2. Bill Boyle provided an update on the Atterbury Joint Land Use committee. A database is being built of data needed for the study. There are issues with several entities and concerns about adequate data. The group understands the community concerns about convoys and air corridors. Bill will provide a more detailed review at the February Board meeting.
3. Shaun Michel commended John Collins for his successful efforts in getting FEMA money for the flood repairs and hopes that John is as successful in obtaining a grant from Brown County to cover the expenses not covered by FEMA.
4. Quinn Hetherington expressed concerns about upcoming property tax caps. He wondered how Brown County would treat the caps with respect to the Brown County taxes and the CSCD taxes. The concern is would Brown County cover its taxes and then whatever amount that was left over under the cap, if any, would go to the CSCD taxes. Larry Kolar stated that the cap includes all taxing entities. Tom Dziennik commented that this should be an agenda item for the Budget Committee that was recommended to be formed during this meeting.

L. Adjournment:

- **Motion:** Mr. Noe made a motion to adjourn at 3:36 PM, seconded by Mr. Kolar – motion carried unanimously.

APPROVED this 17th day of February, 2009 at Nineveh, Indiana.

Tom Dziennik, Chairman

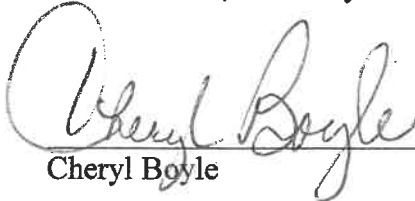
Norman Noe, Vice Chairman



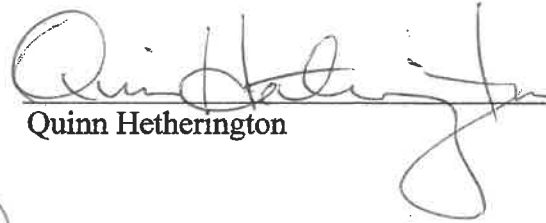
David Moebis, Secretary



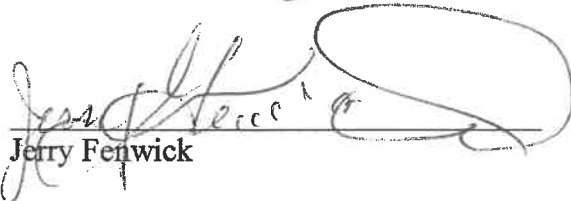
Larry Kolar



Cheryl Boyle



Quinn Hetherington



Jerry Fenwick