

Cordry-Sweetwater Conservancy District
Board of Directors Meeting
September 15, 2020, 6 PM, CSLOA Clubhouse

****DRAFT ONLY****

1. **Board Members Present:** Herb Benshoof, Josh Edwards, Pat Sherman, Jay Nogan, Chad Crimmins, Matt Petersen, and Ted Adolay
2. **Board Members Absent:** None
3. **Also, Present:**
 - a. **Staff:** Josh Hawley, Jimmy Green, Brittany Bay, Nick Johann, Josh Bryant, and Kyle Wilborn
 - b. **CSCD Attorney:** Roger Young
 - c. Estimated 150 Freeholders present and 120 Freeholders watching via Zoom
4. **Informational Session:**
 - a. Mr. Hawley opened the informational session
 - b. Mr. Sherman spoke about the current and proposed assessment collections for the District. He discussed the problems he sees with how much money CSCD Freeholders pay in property taxes to Brown County with very little services or reimbursement back to our taxpayers.
5. **Public Comment on Assessment Collection**
 - a. Several questions and comments by Freeholders were collected and read by CSLOA Board Members Craig & Elaina Deiner
 - b. Alan Hux, an attorney representing a Freeholder offered his opinion that the Board does not have the authority to determine what constitutes a Freehold. He suggested that the Board rescind Resolution 2020-4 due to it being contrary to the Indiana Conservancy District Act.
 - c. Carrie Vavul asked if the CSCD should have some input with Brown County Assessors regarding the disparity of assessed values in the District.
 - d. Deb Miller spoke about her off-water lot and wanted to know why notices were not sent out to all freeholders.
 - e. Keith Martin asked how many homes are off-water versus on-water as well as full time versus part time owners.
 - f. Frank Allen had many questions about his seven lots and the process of marrying those lots. Mr. Young recommended holding off on marrying lots by deed until the Board makes its final decision.
 - g. Mary Fouch wanted to know who would benefit from this. She asked how many homes Board members own as well as family members and businesses. She said she would ask at the next public meeting.
6. **Pledge of Allegiance; Start of September Monthly Meeting (7:45 PM)**
7. **Meeting Agenda Modifications:**

- a. Ms. Bay requested item 9c: Resolution 2020-5 Transfer of Funds within the Budget be added to the agenda. Mr. Benshoof added it.

8. Approval of Minutes:

MOTION: Mr. Petersen moved to approve the August 18, 2020 Board Minutes, as submitted, seconded by Mr. Adolay. Motion passed unanimously.

9. Freeholder Concerns:

- a. Mike Werner on Catalpa Drive discussed an old trailer that is falling apart as well as dilapidated steps and dock. Mr. Hawley discussed the issues with what the CSCD has authority to enforce regarding maintenance of properties. He stated that the CSCD will work on an enforceable plan moving forward. Mr. Sherman spoke to the inability of the CSCD to enforce ordinances. Brown County has very few ordinances regarding dilapidated property, so it is difficult to enforce such rules. Mr. Young stated that if the dilapidated property is over the water, then the CSCD has authority to do something about it.

10. Management Reports:

a. Conservancy Manager/ Superintendent

1. Mr. Hawley requested the Board to hire Kyle Wilborn full-time as a Roads/ Water Operator with all associated benefits.

MOTION: Mr. Nogan moved to hire Kyle Wilborn full-time; seconded by Mr. Edwards. Motion passed unanimously.

b. Financial Manager:

1. Mrs. Bay summarized the fund report. The current balance is \$2,067,399.55.

MOTION: Mr. Sherman moved to approve the financial report subject to audit, seconded by Mr. Petersen, motion passed unanimously.

2. Mrs. Bay summarized the appropriation report and monthly claims list. The unexpended remaining balance for 2020 is \$664,979.88 or 35.29% remaining.

MOTION: Mr. Petersen moved to approve the monthly claims subject to audit; seconded by Mr. Sherman, motion passed unanimously.

c. Chief Officer Green Report:

1. Chief Deputy Green summarized his report. Mr. Green discussed several mandatory training sessions that his officers will have to complete. Mr. Green discussed overtime due to the virus as well as the fact that part-time officers get paid more from Brown County, so they are not as apt to work our open shifts.

11. Commission Reports:

a. Building:

1. Building Compliance Officer Nick Johann stated that he has processed nearly 100 building applications so far. He then summarized the building permits up for approval.

MOTION: Mr. Sherman moved to approve building applications 20-068, 20-088, 20-089, 20-090, 20-091, 20-097 for approval from the CSCD Board contingent upon lot owners obtaining all permits required by Brown County and meeting all conditions by the Building Commission, seconded by Mr. Petersen. Motion passed unanimously.

2. Mr. Johann summarized the variance request up for approval. There were no remonstrators against the variance.

MOTION: Mr. Sherman moved to approve variance request 20-022 for approval from the CSCD Board contingent upon lot owners obtaining all permits required by Brown County and meeting all conditions by the Building Commission, seconded by Mr. Adolay. Motion passed unanimously.

3. Mr. Johann summarized two dredging requests that were previously approved by both the Building Commission and the Ecology Commission.

MOTION: Mr. Edwards moved to approve dredging applications 20-013 and 20-014 for approval from the CSCD Board, seconded by Mr. Sherman. Motion passed unanimously.

b. Ecology:

1. Mr. Edwards stated that Ecology is working on action-plans for non-monetary items the Commission is looking at. He also stated that for 2021 Ecology will enforce the current rule of only allowing dredging between August 31 through December 15.

c. Security:

1. Mr. Petersen stated the gas pumps are now closed for the season and that there were a lot of good compliments on the illuminated buoys installed in 2020.

d. Roads:

1. No Quorum, No Meeting

e. Water:

1. Mr. Hawley spoke about the proposed water rate increase due to a 35% increase from our supplier. There will be a public meeting to go over the first rate reading and allow public comment/ questions. Mr. Hawley stated that it was very important for freeholders to sign up on the website for free text/email alerts.

12. Old Business:

- a. None

13. New Business:

- a. Cell tower lease discussion was tabled until next month's Board Meeting.

- b. Public Hearing for 2021 Budget**

1. Mr. Hawley opened the public hearing for the 2021 budget at 8:10pm.
2. Mr. Hawley read the proposed 2021 General Fund Budget total of \$1,795,889.
3. Mr. Hawley read the proposed 2021 Rainy Day Fund budget withdrawal of \$100,000 to cover engineering costs of the Cordry Dam Spillway Replacement Project.
4. Public Comment:
 - i. Mr. Hux requested the minutes reflect that he believes that the Board has failed to produce the budget in accordance with IC: 14-33-9. "The budget contains requests for funds for expenditures which are for expenses that do not pertain to accomplishing the purposes for which the District was established. Therefore, collection of such requested funds is not proper. Resolution 20-4 is contrary to the Conservancy District Act and collection of revenues to fund the District's budget and is not a valid method to collect those funds for the District budget; and the imposition of Resolution 20-4 based on the definition of freeholders as pertained in the statute and freeholds will result in the collection of insufficient funds to cover the lawful expenses of the District."
 - ii. Craig Deiner had questions about personnel balances being zero and how several line items in personnel decreased. Mr. Hawley answered that this proposal has the newest personnel items included which moved his Superintendent's salary to the Conservancy Manager line item even though he is doing both. He also stated that in the past, the General Fund budgeted money for full salaries of certain employees while the Water Utility paid for portions of those salaries. A change was made going into 2021 to reflect that the General Fund should only be budgeting the correct portion of the General Fund salary of those employees.
 - iii. Tim Wozniak had several questions regarding the water utility and how it is funded. Mr. Hawley and Mr. Young attempted to answer all the questions regarding the fact that the water utility is a public water utility. Mr. Wozniak requested the Board develop a decision-making chart so that freeholders know the organizational methods of the District.
5. Mr. Hawley closed the public hearing for the 2021 budget at 8:27

- c. Mrs. Bay presented Resolution 2020-5: Transfer of Appropriations within the Budget.

**MOTION: Mr. Nogan moved to approve Resolution 2020-5
Transfer of Appropriations within the Budget, seconded by
Mr. Crimmins, motion passed unanimously.**

14. Board Members Concerns

- a. None

15. Adjourn

**MOTION: Mr. Petersen moved to adjourn, seconded by
Mr. Crimmins. Motion passed unanimously.**

The meeting adjourned at 8:31pm.

Respectfully submitted,

Jay Nogan, Board Secretary

Date Submitted: September 15, 2020