

**Cordry Sweetwater Conservancy District  
Board of Directors Meeting**

**“Minutes”**

APRIL 20, 2010

7:00 PM

**Present:** Jerry Fenwick, Norman Noe, Larry Kolar, David Moebs, Tom Dziennik, Quinn Hetherington

**Absent:** Cheryl Boyle

**CSCD Attorney:** Roger Young

**Managers:** John Collins

**Absent:** Vernon McGaha and Marty Anderson

**Guests:** Brian Lucas, Pat Dziennik, Randy Taggart, Bill Boyle, Pam Collins, Anita Wright, David Wallace, Rick Normington, Dave Jarrett, Shawn Michel, Brent Enderle, Katie Shrewsbury, Tony Carrico, Margaret Bruce, Peggy Obergfell, John Robinson, Jeanne Robinson, Brad Carroll and Stacy Wethington

**Minutes prepared by:** Stacy Wethington

**A. Welcome and Pledge of Allegiance:**

Mr. Fenwick called the meeting to order and led in the Pledge of Allegiance.

**B. Freeholder Concerns:** Dave Wallace stated his concerns with Blackbear Dr., the road is rough and he is asking that something be done. Mr. Collins explained that salt was put on the drive during the winter and this caused problems. The CSCD Crew is working on the problem. Mr. and Mrs. Robinson asked if they could speak on their concerns with Cougar Drive. Mr. Noe stated that this issue is on the agenda and will be discussed later.

**C. Minutes:**

1. March 16, 2010 Executive Board Meeting Minutes:

**Motion:** Mr. Dziennik made a motion to approve the March 16, 2010 Executive Meeting Minutes, as written, seconded by Mr. Kolar – motion carried unanimously.

2. March 16, 2010 CSCD Board Meeting Minutes: Mr. Noe asked that item D under the Ecology Commission be amended to state the following: “A five year plan for improving the parks area has been approved by the Ecology Commission.”

**Motion:** Mr. Dziennik made a motion to approve the March 16, 2010 CSCD Board Meeting Minutes, as amended, seconded by Mr. Kolar, - motion carried unanimously.

3. April 8, 2010 Executive Board Meeting Minutes:

**Motion:** Mr. Dziennik made a motion to approve the April 8, 2010 Board Meeting Minutes, as written, seconded by Mr. Moebs – motion carried, Mr. Noe abstained, he was absent from meeting.

**D. Management Reports:**

**1. Business Manager, Marty Anderson:**

- A. Mr. Dziennik summarized the financial report for Mrs. Anderson for the district for the month of March.

**Motion:** Mr. Kolar made a motion to approve the Financial Report, subject to audit, seconded by Mr. Dziennik, no further discussion - motion carried unanimously.

- B. **Approval of Claims:** Mr. Dziennik explained the two sets of claims for this month due to working in both software systems. Mr. Moebs asked if the claims could be separated by fund, general, water and roads. Stacy stated she would check with Marty. Mr. Moebs also asked if the claims were already paid since they had check numbers beside them. Stacy explained that they had not been paid, the new software requires the checks be printed first, and if any claim is not approved the check will be voided.

**Motion:** Mr. Dziennik made a motion to approve the claims, subject to audit, seconded by Mr. Moebs, no further discussion – motion carried unanimously.

- C. **Status of CompuTrain Software:** Stacy gave an update on the software installation and said she started training on the utility program in the new system. Marty still has a few training sessions to go through. This process is still on going and will take a while to complete.

**2. Infrastructure Reports, John Collins:** Mr. Collins stated that he had three things to discuss:

- A. Spillway repairs are finished. The new asphalt is down and looks great.  
B. The old compost area has been closed. A new compost area has been moved about ¼ of a mile towards Cordry Dam, we have installed a new road and this area will be complete and opened in a few days.  
C. Bumpers on Cordry and Sweetwater docks. Mr. Collins submitted a bid to purchase bumpers from Overton's to do both docks at a cost of \$1,600 for 400' sold in 20'rolls; this is for 20 rolls of bumpers that cost \$79.99 each. This will be installed by CSCD Crew. Mr. Fenwick asked about the corners. Mr. Collins stated that wasn't included in the quote. He said it shouldn't be more that a couple hundred dollars. Mr. Dziennik asked if \$2,000 would cover everything.

**Motion:** Mr. Kolar made a motion to approve purchasing bumpers at a cost not to exceed \$2,000, seconded by Mr. Dziennik, motion approved unanimously.

- D. Mr. Noe questioned the decision to move the compost pile and build a new road. He wanted to know if this was approved by the CSCD Board. Mr. Kolar stated that it was part of the contract to Mr. Cleefman that was approved at the March meeting. Mr. Moebs stated it was not in the

motion to move the compost pile or put in a new road. Mr. Kolar stated he thought it was discussed last month and that he apologized if he was not clear. The bid from Cleefman stated it was to grade off existing pond, push in compost pile, cover with dirt, straw and seed area. This was one of the items in phase 1 of the 5 year plan passed out to all board members at March meeting. Mr. Hetherington stated that the old compost area had become a dump where leaves were as high as the ceiling and something needed to be done for the area to be used in any way. Mr. Dziennik stated he remembered asking the question if the current compost pile was to be pushed in with the pond and had asked how deep the pond was and where the new compost area was to be moved. Mr. Kolar stated that he said it was going to be moved down the road. Mr. Dziennik asked to move on and if this could be discussed at a special meeting. Mr. Noe stated that he had never seen the 5 year plan package. Mr. Hetherington stated that he remembered CSLOA was going to help with the cost of this project. Mr. Moebis stated that location was not the issue; the issue is that it was done with out board approval. Mr. Fenwick stated we will discuss this in a special meeting.

**E. Budget Forecast Report, Tom Dziennik:**

1. Mr. Dziennik read the 2010 Budget Forecast
2. Budget focus – Suggested Focus:
  - i. How do we pay for Security?: Can not use tax levy money, need \$2,400 per month
  - ii. New Maintenance Building: \$300,000 expenditure
  - iii. Dredging: Where 2008 flood was cause \$90,000 expenditure

**Discussion:** Mr. Fenwick asked Mr. Young about doing a Special Security Assessment. Mr. Young explained that there were three ways a conservancy district can raise funds for the district: 1.) Property tax levy, 2.) Selling products (boat decals, water, etc.), 3.) Special benefits assessments. A special benefits assessment has to first go through board action, then have an appraisal, lastly go to the court for approval. Mr. Young stated that the cornerstone to all of this is Judge Stewart's decision. If Judge Stewart decides that the CSCD can not provide security, and then the district will not have security, then the district would appeal the decision and go through the legislature asking for the law to be amended allowing conservancy districts to provide security to the district. The Department of Local Government Finance could still decide to reinstate the security budget. If that happened, Mr. Young stated that a Special Property Tax Assessment could be sent out a later date. Mr. Kolar suggested a Special Meeting to discuss the three items in the budget focus. Mr. Moebis stated that he doesn't think the Roads Assessment should be raised to cover security issues. He does think that the \$24 Roads Assessment should be raised to cover roads issues and a Special Assessment be made to cover security issues, if necessary.

**F. Commission Reports:**

1. **Building – Mr. Fenwick:** Mr. Fenwick summarized the minutes from the April meeting. There was a discussion on a dilapidated house on Elk Dr. that had been turned in to Brown County Board of Health. Mr. Collins is going to check with Mr. Kinard at BCBOH to see the status. Mr. Fenwick asked Mr. Young what the district could about the situation. Mr. Young stated that the district could file suit against the structure as being a public nuisance. Mr. Young stated the district

should contact the owners and ask for approval to remove dilapidated home. Mr. Collins will attempt to contact owner. Mr. Noe asked about hiring of Building Compliance Officer, Mr. Fenwick stated that was an agenda item that would be discussed later.

**2. Ecology – Mr. Kolar**

- A. Weed Control: Aquatic Control will do weed treatment on Wednesday May 12<sup>th</sup>. The lakes will be closed on May 12<sup>th</sup> and May 13<sup>th</sup>.
- B. Fish Structure: Mr. Kolar wanted to thank Mr. Normington and Mr. Wallace for their work installing the fish structures. There was a \$1,600 cost savings on this project.
- C. Angler's Club has a new website: [www.cordrysweetwateranglers.com](http://www.cordrysweetwateranglers.com)
- D. Geese Removal: The district has obtained a permit for oiling goose eggs during nesting. Mr. Noe asked if the Goose Round-up was going to happen. Mr. Kolar stated that Mr. Collins was getting that set up.
- E. Zebra Mussels: Mr. Enderle asked about Zebra Mussels that have been found in other lakes. Mr. Normington stated that you can get information on the DNR website about this issue. He also stated to install signs that state: BEWARE OF TRANSFER OF ZEBRA MUSSELS: Drain live wells before placing in lake.

**3. Security - Mr. Hetherington:** Mr. Hetherington summarized the security meeting minutes.

- A. Permanent radios in patrol boats: Officer Taggart is looking into the cost of installing permanent radios instead of hand-held radios.
- B. Mr. Hetherington read Bernie's report: The cables at the beach needs to be removed, there was a discussion on using poles/posts instead of cable. There was also a complaint about the number of campaign signs that are allowed on a lot owner's property. Mr. Hetherington stated they did not find any rule that limited the number of signs that are allowed.
- C. Mr. Noe questioned the complaints about Mr. Normington during his employment as boat patrol. Mr. Noe stated since this was a personnel issue; he asked that an executive meeting be scheduled to discuss this situation. Mr. Noe stated that Mr. Normington should be heard. Mr. Noe then turned the floor over to Mr. Normington. Mr. Normington stated that he turned in his application and was then called by Mr. Fenwick and told that he would not have a position. Mr. Dziennik stated that Indiana was an "At-Will" employment state, and that this should be discussed at an executive meeting. Mr. Fenwick stated that Mr. Hetherington was in charge of hiring of the seasonal employees and until he had done this, he didn't see the issue. Mr. Moebs stated that he believed Mr. Normington deserved to have his case heard. An Executive Meeting of the CSCD Board was set for Wednesday April 28<sup>th</sup> at 6:00 pm.
- D. Mr. Noe asked about the deer reduction committee as stated in the security minutes. It states that Mr. Hetherington and Mr. Boyle will develop a Deer Eradication plan with assistance from Mr. Noe and Mr. McGaha under old business. Mr. Noe stated that he and Mr. McGaha have been in charge of this committee for the last two years and does not believe anything needs to be changed. Mr. Hetherington stated that there was not a vote on this issue.

**4. Roads – Mr. Noe:** Mr. Noe summarized the roads meeting minutes.

- A. Cougar Drive Paving Concerns:** Mr. Noe stated his concerns with the paving project at the end of Cougar Drive. Mr. Noe turned the floor over to Mr. Robinson. Mr. Robinson stated his concerns are with the elevations of the road and the risk of water runoff onto his property. Mr. Robinson's request is to finish the road and "swell" it towards the cove side away from his house. Mrs. Robinson stated that her car is bottoming out due to the drop off where the pavement stopped. Mr. Fenwick stated that he thought an engineer should be called in on this issue. Mr. Noe stated he believed that if paving was continued to their property, there would be an increased chance of water damage in his opinion. Mr. Kolar suggested that Trent Baxter, an engineer, needs to be called to look at the issue and see what needs to be done.
- B. Decision on paving gravel roads until engineering survey completed on road and drainage.** Mr. Noe stated the Roads commission voted to not pave or asphalt any gravel roads or any other roads that are not already paved with asphalt until an engineering study is done on the road considered to be paved. This includes not paving Jay Dr. if the contractor who has the contract to pave Jay Dr. will release the CSCD from the contract or will allow the Jay Dr. paving funds to be used to repair other previously paved roads in the CSCD. Mr. Collins talked to the contractor and he will not release the district from the contract, but will allow the district to use those funds for something else. Mr. Kolar stated his concerns with paving any roads from an ecological standpoint and asked Mr. Noe if Jay Drive would be handled separately. Mr. Collins is looking into having Hackberry Drive "chip and sealed" at a cost of approximately \$23,000, Jay Drive would cost approximately \$19,000. The contractor is coming out tomorrow to look and see if this is possible. Mr. Noe asked if this could be brought back to the Roads commission. Mr. Collins stated the contractor wanted to start back around May 1<sup>st</sup>. Mr. Noe stated if this is not possible, a special meeting should be called.

**Motion:** Mr. Noe made a motion that the CSCD does not pave or asphalt any gravel roads or any other roads until an engineering study is done on road considered to be paved, seconded by Mr. Dziennik – motion carried unanimously

**C. Purchase new tires for 2003 Ford truck:**

**Motion:** Mr. Noe made a motion to spend \$710.00 with Taylorsville Tire for tires for the 2003 Ford F250, seconded by Mr. Moebs – motion carried unanimously.

**D. Decision to hire Robbie Dailey as Full time employee to replace position that has not been filled.**

**Motion:** Mr. Noe made a motion to hire Robbie Dailey as Full time employee, pay scale will be \$10.50 per hour, seconded by Mr. Hetherington – motion carried unanimously.

- E. Mr. Kolar questioned if all the studded tires have been removed from trucks. Mr. Collins stated there is one truck with studded tires on. He is planning on removing them after they do crack sealing. The crack sealing machine is back and operational.

**5. Water – Mrs. Boyle:** No meeting in April.

**H. Brown County Solid Waste: Mr. Moebs** summarized the minutes from the Brown County Solid Waste Management meeting, he mentioned that Tire Amnesty day has a tentative dated of June 26<sup>th</sup>.

**I. Unfinished Business:**

1. 2010 goals and plans: This has been discussed previously. Mr. Collins has plans for a new maintenance building, from Mr. Trent Baxter. Mr. Noe stated that additional engineers be contacted to be put on retainer. Suggestions were Ed Boards, Trent Baxter and Michael Leavitt. Mr. Kolar suggested putting some members in charge of certain categories of the goals and plans list, especially ones that do not cost any money.
2. Building Compliance Officer Position: R. Daniel Lee has been hired as part-time building compliance officer. He will start on May 3<sup>rd</sup>. Mr. Fenwick stated he thought it needed to be approved by the board; Mr. Collins and Mr. Kolar stated it did not, since it was a part-time position. Mr. Noe stated his displeasure with the board in allowing a person to be hired with out board approval. Mr. Dziennik stated a committee was formed at the March meeting and it was a part-time position, and did not need board approval.
3. Liability Insurance: Still have not heard anything from agent.
4. Status of Appeal of DLGF: Previously discussed by Mr. Young.
5. Decision on how to fund security: Discussed previously.
6. Developing CSCD Board of Directors By-Laws: Tabled until next meeting.
7. Verizon Cell Tower Lease: Mr. Young stated that there were three amendments to the Conservancy Law: 1. Allowing conservancy districts to enter into a land lease agreement, 2. If there are no contested races, there is no need for an election, 3. Prohibit land from being divided to control the outcome of an election. Mr. Noe suggested that when Verizon goes before Brown County Planning and Zoning, freeholders need to attend the meeting. Mr. Noe asked if escrow was being kept in case of abandonment, to help offset costs of demolition. Mrs. Margaret Bruce stated that it was a Brown County ordinance that they have to keep escrow.

**I. New Business:**

1. Resolution of Appreciation for Senator Simpson and Representative Koch for their efforts regarding the cell tower.

**Motion:** Mr. Dziennik made a motion to approve the Resolution of Appreciation, seconded by Mr. Noe - motion carried unanimously.

2. Decision on Settlement Agreement for Shake Lawsuit: Mr. Young summarized the settlement agreement and what the Freeholder has to deconstruct his porch and move it back to a point that's away from the absorption field, install gutters on the back of the deck and outlet those to a point outside the absorption field. The land owner is going to have to apply for a permit tomorrow, the permit process will go through the building commission to make sure what they are proposing is consistent with the settlement agreement, all work has to be done (90) days from the date the building permit is issued. Case has not been dismissed, but continued until they comply with the settlement agreement. Mr. Young recommends that the board approve this agreement.

**Motion:** Mr. Moebs made a motion to approve the Shake settlement agreement as advised by Attorney Mr. Roger Young, seconded by Mr. Dziennik – motion carried unanimously.

3. Revised Employee Handbook: Mr. Kolar has been working on this project for a while. He stated he was reluctant on spending any more time on this project without support from the board. He suggested that the district hire an outside company to revise the document. Mr. John Collins asked that the employees be included in the input on the document. – item tabled
4. Discussion of review of State Board of Accounts Audit findings from 2008 (audit, review and/or consultation): Mr. Moebs has contacted three different CPA firms to see if they had experience in working with conservancy districts. They are the following: Nick Agresta, Dennis Hash – Woodbury CPA and Bradley Mares – Horizon CPA. Mr. Moebs stated the most reasonable thing to do was to go into a consulting engagement agreement with whichever firm the board would choose after he gathers all the information and take SBOA document and go through with Marty, Stacy and budget committee and look to see if we have complied, changed whether it is working or not. One other factor is timing wise; Mr. Moebs believes we need to wait until the CompuTrain Software is entirely installed, because he believes a number of the findings are addressed by that software. He will continue talking with the three individuals and will come back to the next meeting with a report that summarizes his findings. His concern is to make sure findings have been resolved since we are now approaching two years since the last audit, and they wouldn't look with much pleasure if we haven't done anything to resolve the findings from the last audit report. Mr. Dziennik suggested that if you go through the findings, there was nothing numerical – only procedural. He wants to make sure that the firms we are looking at are experts in procedures in dealing with State Board of Accounts. Mr. Dziennik believes we should work on a forward basis and not harp on the past. Mr. Kolar asked why we are revisiting something from the past, instead of focusing on the future and asked where we were going with this. Mr. Noe stated he didn't see anything wrong with having a third party check the books once a year. Mr. Kolar suggested a "review" during the off year of the SBOA audit. Mr. Fenwick stated that it would be a good idea to look into the costs of these firms and bring back to the board.
5. Maintaining existing CSCD Hardware, Brent Enderle: Mr. Enderle gave a presentation on a maintenance program on the existing hardware system. The board will review the maintenance proposal.

6. Result of meeting with Major General Umbarger & Atterbury Surrounding Zone: It is not a "veto", only an interest in what is going on in the surrounding "zone". They have formed three working groups, one from each of the three surrounding counties: Bartholomew, Johnson and Brown we have been invited to be a part of this group. Mr. Dziennik volunteered to work on the committee.

**J. Specific Lake or Dam Issues/Board Member Concerns:**

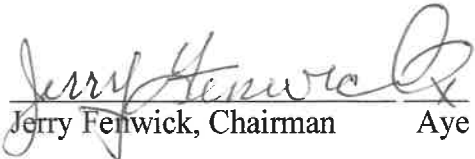
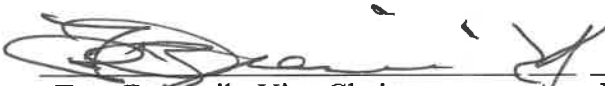
1. Mr. Dziennik stated his concerns with having an executive meeting about a "seasonal" employee. He thought that it should be handled by the Security Manager and Board member on Security Commission.
2. Mr. Hetherington stated his concerns with the costs of employee health insurance.
3. Mr. Noe stated that lake patrol needs to be working at this time.
4. Mr. Bill Boyle discussed a Fire Fighter Memorial. Mr. Kolar asked what the size of the memorial was going to be. Mr. Fenwick suggested this be brought before the Building Commission.
5. Mr. Moebs suggested that the Hydrant Rental fees paid to the Water Utility need to be discussed at the March CSCD Board meeting.
6. Mr. Shawn Michel asked about the new location for the compost pile. Mr. Collins asked for a week period to temporarily close the compost are until the road can be finished.


**K. Adjournment:**

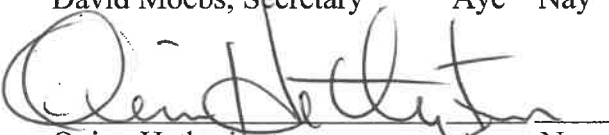

**Motion:** Mr. Dziennik made a motion to adjourn at 10:45 pm, seconded by Mr. Kolar – motion carried unanimously.

Continued from page 7 of the March 20, 2010 CSCD Board of Director Meeting Minutes

**Approved** this 18th day of April 2010, at Nineveh, IN.

 Jerry Fenwick, Chairman	Aye	Nay	 Tom Dziennik, Vice Chairman	Aye	Nay
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<u>Abstain</u> David Moebs, Secretary	Aye	Nay	 Larry Kolar	Aye	Nay
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 Quinn Hetherington	Aye	Nay	 Cheryl Boyle	Aye	Nay
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<u>Abstain</u> Norman Noe	Aye	Nay
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Attest  
David Moebs Secretary