

**Cordry Sweetwater Conservancy District
Board of Directors Meeting
“Minutes”**

August 11, 2010, 7:00 PM, CSLOA Clubhouse

Board Members Present: Jerry Fenwick, Norman Noe, Larry Kolar, David Moebs, Quinn Hetherington, Cheryl Boyle

Board Members Absent: Tom Dziennik (death in family)

CSCD Attorney: None

Managers Present: Marty Anderson, Vernon McGaha

Managers Absent: John Collins

Guests: Margaret Bruce, Tom Lowe, Scott Newland, Gene Lashley, Shawn Michel, Greg Vavul

A. Welcome and Pledge of Allegiance:

Mr. Fenwick called the meeting to order at 7:00 pm and led in the Pledge of Allegiance.

B. Agenda Modification: None

C. Commission Reports:

1. Building – Mr. Fenwick: Mr. Fenwick summarized the Building Commission meeting minutes.

- a. Mr. Fenwick reported that Mr. Kinnick has installed a swing set placed in cement on his property at 7351 Center Lake Road without applying for or receiving a CSCD building permit. Since setting the swing set in cement makes it a permanent structure, it is in violation of the CSCD building rules (were the swing set not set in cement it would be in compliance). Mr. Kinnick stated that he is not going to remove the swing set. Mr. Fenwick stated that the commission passed a motion to recommend that the matter be turned over to the CSCD attorney.

Motion: Mrs. Boyle made a motion to refer to the CSCD attorney the matter of Mr. Kinnick not complying with CSCD building rules by installing a permanent structure (swing set placed in cement) at 7351 Center Lake Road without a CSCD building permit and in violation of CSCD building rules, seconded by Mr. Hetherington – motion carried with 4 votes for, no votes against, and 1 abstention.

- b. Mr. Fenwick reported that Mr. Keirn voiced concern about inconsistencies between Resolution 2008-15, Resolution 2009-5, and the present rules. Mr. Moebs responded to Mr. Keirn that he and Mr. Lee were working on noting in the current rules where the two resolutions applied so as to make the current rules consistent. The intent is to have the update completed for consideration at the next commission meeting.

- c. Mr. Fenwick reported that Mr. Hetherington had voiced concerns about dilapidated docks on L-20/L-22. Mr. Hetherington stated that these structures pose a safety issue.
- d. Mr. Fenwick reported that a question was raised about who is responsible if a tree falls on a neighbor's property. It was felt that the freeholder who owns the property where the tree was originally rooted is responsible for the removal of the downed tree. Mr. Hetherington pointed out that in a couple of cases the property where such a downed tree was rooted did not have to cover the damage. However, in such a case, the one insurance company paying the claim could attempt to be reimbursed by the insurance company covering the property where the downed tree that caused the damage was rooted.

2. Roads – Mr. Noe: Mr. Noe summarized the Roads Commission meeting minutes.

- a. During the Roads meeting, Mr. Collins reported on the activities of his department during the month of June: 1) maintenance on all vehicles and equipment was performed; holes in roads were patched as needed; stone was put on roads as needed; roads were graded as needed; culverts were cleaned out as needed; removed trees from roads during and after storms; mowed alongside of roads; cut brush alongside of roads.
- b. There was discussion of areas along main roads that had low hanging branches that could be reached with a pole saw from the back of a truck. Mr. Collins will check those areas and take care of it.
- c. Cougar Drive new pavement was smoothed out and tapered 7-8 ft at the end of the road; there has been no response from the lot owners in this area.
- d. A lot owner requested that Mr. Collins take the road up to his fence so that he could have more parking but Mr. Collins declined this request.
- e. All paving of side drives is completed and the contractor has been paid. Jay Drive was not included in the paving as in the original contract. The contractor was okay with the reduction due to Jay Drive decision.
- f. A portion of Hackberry Drive needs to have gravel added and a "Slow" sign posted near the curve.
- g. Mr. Collins will seek engineer quotes and recommendations to establish if the road base is sufficient before further road paving work is done.
- h. It was noted that Elk Drive needs serious repair.
- i. It was noted that Norm Noe is chairman of the Roads Commission and this commission is to have 5 members.
- j. Note: At a previous meeting it was the decision of the commission not to make any decisions until the Court has made a ruling on the pending case.

3. Water – Mrs. Boyle: Mrs. Boyle stated that there was no quorum and financial reports were delayed due to software problems so there was no meeting.

- a. Mrs. Boyle reported that the CSCD insurance had covered the damage to Brian Mercer's home at 7878 Ebony Drive. (check recording)

D. Review of the Preliminary 2011 CSCD Budget:

- 1. New Employee Health Insurance Plan:** Mr. Kolar presented data on the plans that are under consideration to replace the current employee health insurance program. The current program continues to limit the services that are considered in network which is increasing costs for the employees. Mr. Kolar suggested that at some point the spouse carve out option should be considered. The spouse carve out requires that a spouse who is employed and that employer provides or offers health insurance then the spouse would have to use that coverage rather than the CSCD program. Mr. Kolar also suggested that a goal of having the employees pay 50% of premiums for their insurance be considered and phased in. The board members had a lengthy discussion of the advantages and disadvantages of the various programs. There was also input from the CSCD managers who were present. Most of the discussion centered around the cost savings of switching from Medical Mutual of Ohio (annual cost of \$149,907.00) to the Anthem Option 4 Rx C option (annual cost of \$86,535.72). Mr. Kolar was commended for the excellent work he had done in presenting the various options for employee health insurance and explaining the various options. Mr. Kolar recommended that the 2011 budget for employee health insurance should be \$100,000.

Motion: Mr. Kolar made a motion to replace the current Medical Mutual of Ohio health insurance program with the option from Anthem Option 4 Rx C from the Brunston Agency, seconded by Mrs. Boyle – motion carried with 4 votes for, no votes against, and 1 abstention.

Motion: Mr. Moebs made a motion to table the motion on replacing the employee health insurance program since the topic was not on the agenda for the special meeting and it seems that the board needs more time to study the options and get input from the employees, seconded by Mr. Noe – after further discussion of the options and the need to replace the current insurance this month, Mr. Moebs withdrew the motion to table the insurance motion and Mr. Noe withdrew his second of the motion to table the insurance motion.

- 2. Discussion and Modification of 2011 CSCD Budget:** The board members continued the discussion of the 2011 budget from the previous meetings. A number of items in the budget were adjusted during this meeting. The adjustments from the initial presentation of the 2011 budget through the finalization of the budget at this meeting are detailed in the spreadsheet that is attached to these minutes.

Motion: Mr. Noe made a motion to provide 2011 pay increases for three of the four full-time deputies and the four part-time deputies as proposed by Mr. McGaha adding \$9,202 to the 2011 CSCD budget, seconded by Mr. Moebs – motion was defeated with 2 votes for and 3 votes against.

Motion: Mr. Moebs made a motion to submit the preliminary 2011 CSCD budget completed at this meeting to the Brown County Auditor so that the budget can receive the necessary binding review by the Brown County Council at the next meeting of the council, seconded by Mr. Kolar – motion carried unanimously.

E. First Reading of the Preliminary 2011 CSCD Budget:

1. Mr. Moebis stated that the first and second readings of the 2011 CSCD budget would take place at subsequent meetings once the budget is reviewed by the Brown County Council.

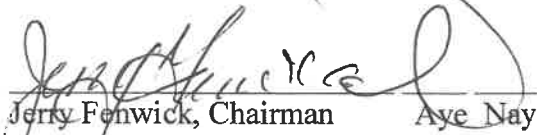
F. Adjournment:

Motion: Mr. Kolar made a motion to adjourn at 9:23 pm, seconded by Mr. Moebis – motion carried unanimously.

Attachment: Spreadsheet documenting initial to final preliminary 2011 CSCD budget

Minutes respectfully submitted by Dave Moebis

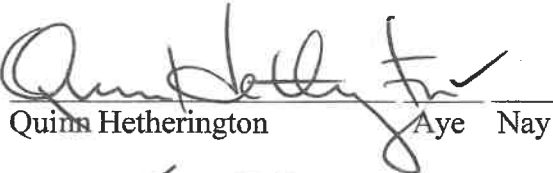
Approved this 16th day of November, 2010, at Nineveh, IN.


Jerry Fenwick, Chairman Aye Nay


Larry Kolar, Vice Chairman Aye Nay


David Moebis, Secretary Aye Nay

None _____
Open Position Aye Nay


Quina Hetherington Aye Nay

Cheryl Boyle Aye Nay


Norman Noe Aye Nay

Attest:

David Moebis, Secretary

These minutes are not official until approved by the CSCD Board of Directors
Cordry Sweetwater Conservancy District
Board of Directors Meeting
“Minutes”

August 17, 2010, 7:00 PM, CSLOA Clubhouse

Board Members Present: Jerry Fenwick, Norman Noe, Larry Kolar, David Moebs, Quinn Hetherington, Cheryl Boyle

Board Members Absent: None

CSCD Attorney: Roger Young

Managers Present: John Collins, Vernon McGaha, Marty Anderson

Managers Absent: None

Guests: No guest sign in list available.

A. Welcome and Pledge of Allegiance:

Mr. Fenwick called the meeting to order at 7:02 pm and led in the Pledge of Allegiance.

B. Agenda Modification Motion:

Mr. Fenwick stated that Mr. Dziennik has resigned from the Board. Mr. Noe requested that the Board allow 30 days for anyone from the open area to apply to fill the open position on the Board. Mr. Tom Lowe, who was in the audience, stated that he would complete an application to fill the open seat.

Motion: Mr. Kolar made a motion to amend the agenda to move section 3 of Unfinished Business to after section 6, seconded by Mr. Moebs—motion carried unanimously.

Motion: Mr. Fenwick made a motion to limit the meeting to end at 9:00 pm, seconded by Mrs. Boyle—motion carried with 4 votes for and 1 against.

C. Freeholder Concerns: None

D. Approval of Minutes:

1. The minutes in sections 1-7 were tabled because the meeting minutes have not been completed.

Motion: Mrs. Boyle made a motion to approve the August 16th, 2010 Meeting Minutes, seconded by Mr. Kolar—motion carried unanimously.

E. Management Reports:

1. **Business Administration Manager:** Marty Anderson
 - a. **Financial Report:** The financial report was read aloud by Mrs. Anderson.
 - b. **Approval of Financial Report:** The financial report copies were not available to the Board members at this meeting; therefore there was no vote on the financial report.

- c. **Approval of Claims:** Mr. Moebs had a question a claim for gasoline for the marinas. Mr. Moebs questioned the liability insurance the CSCD has on the dams and if anyone had made contact with the insurance agent to check on the status. Mr. Collins stated he would contact the agent to get the information.

Motion: Mrs. Boyle made a motion to approve the claims, subject to audit, seconded by Mr. Kolar—motion carried unanimously.

Motion: Mr. Noe made a motion that future financial statements include all accounts for the CSCD each month, seconded by Mr. Moebs—motion carried unanimously.

2. Infrastructure Manager: John Collins

- a. **Infrastructure Report:** Mr. Collins stated that the slide on the Cordry Dam has been corrected. There are a few other minor issues but nothing major.
- b. **Cordry Dam spillway seepage:** Mr. Collins contacted Cass Construction about fixing the problem and requested they not start the work until after Labor Day. He is currently waiting to hear back from them.

F. Budget Forecast Report:

1. Mr. Moebs stated that this information was previously handled by Mr. Dziennik, who has since resigned from the board. He requested more time be given to allow someone else to handle this responsibility.

G. Commission Reports:

1. Building-Fenwick

- a. Mr. Fenwick stated the Mr. Kinnick had several projects for his property that will require permits; therefore the Commission did not approve a permit for the current project until all projects are submitted together as a package to receive a permit.
- b. There was a permit request presented to the Commission for the third time for a dock on Indian Cherry. The plans would only allow a 13 ft wide channel in the cove and the CSCD rules state the requirement is a 15 ft wide channel is maintained in a cove. There was no action taken on this request.

2. Ecology-Kolar

- a. Mr. Kolar stated that the Ecology Commission does not have the minutes prepared yet from the last meeting.
- b. The Eagle Scout program received a \$100.00 donation from the Angler's Club.
- c. Mr. Kolar noted that a motion was required to give Mr. Dave Jarret permission to remove lily pads that are growing between the boat ramp and pump on Sweetwater Lake.

Motion: Mr. Kolar made a motion to give permission to Mr. Jarret to remove the lily pads from the areas located by the boat ramps & pumps on Sweetwater Lake, seconded by Mrs. Boyle—motion carried unanimously.

- d. The swans on the lake have still not been caught. Dr. Brickler has made a couple of attempts but has not been able to catch them. Mr. Collins stated the road crew was going to attempt to capture them and take them to Dr. Brickler.

Motion: Mr. Fenwick made a motion stating if Mr. Collins and the road crew are unable to capture the swans the CSCD would hire the trapper they use to capture geese at a rate of \$250.00 for both swans and he would turn them over to Dr. Brickler, seconded by Mr. Moebs—motion carried unanimously.

- e. Mr. Kolar stated that engineers have been contacted to figure out how much material will need to be removed from the north end of Sweetwater Lake. The ReMetrix Company would complete a survey of both lakes at a cost of \$21,225.00. This information could have useful to obtain money from FEMA when the flood occurred in June, 2008. This company is more reasonable than the other bid that was received by Ed Boars which was \$9600.00 for the north end of Sweetwater only.

Discussion: There was much discussion by the board regarding dredging. Mr. Collins stated he had contacted the Army Corp of Engineers about the permits required for dredging for Cordry and Sweetwater Lakes and was informed that they have nothing to do with these lakes. Mr. Noe requested that Mr. Collins get the information he received verbally in writing before the next board meeting so he could view it. Mr. Moebs questioned if this company has any experience with the type of deep ravines that we have on Cordry and Sweetwater Lakes, since these lakes are different than Lake Lemon. Mr. Kolar stated they do have experience on deeper lakes. Mr. Moebs was concerned with the determining factors the company uses by which they decide to take a measurement. Mr. Kolar stated the company would do an average of 10 points for the measurement in each cove. Mr. Noe proceeded to read the provided documentation from ReMetrix that stated they would only probe water less than 8ft deep. Mr. Noe requested that the board have 30 days to review the provided information prior to voting on whether or not to go ahead with the project. Mr. Hetherington asked if the CSCD would have had this information in June, 2008 how much estimated funding they would have received from FEMA. Mr. Collins stated by his estimation the CSCD would have received an estimated \$90,000.00-\$100,000.00 from FEMA, if they would have had this data prior to the flood.

Motion: Mr. Kolar made a motion to approve to hire ReMetrix to complete a survey of Cordry and Sweetwater Lakes at a cost of \$21,225.00, seconded by Mrs. Boyle—motion carried with 3 votes for, 1 against and 1 abstention.

3. Security-Hetherington

- a. Mr. McGaha stated that Officer Clark has completed K-9 Training through Homeland Security.
- b. A new weather siren will be installed; the security commission is currently trying to receive a donated pole from REMC.
- c. A freeholder had boat decals revoked because the boat had a cabin in it, which is not in compliance with the CSCD rules & regulations. The freeholder requested to have the money returned for the cost of the boat decals and was

informed to attend this CSCD Board of Directors meeting. The freeholder did not attend the meeting.

- d. Officer McGaha and Officer West attended a class on August 3 & 4th for training.
- e. Officer West's commission is in need of new tires at a cost of \$617.76, which is state bid pricing.

Motion: Mr. Hetherington made a motion to approve the purchase of new tires for Officer West's commission at a cost of \$617.76, seconded by Mr. Kolar—motion carried unanimously.

- f. Mr. Hetherington stated the state law has changed regarding political signs and the length of time they are permitted to remain posted. The Security Commission has recommended that the CSCD adjust its rules regarding the political signs to match the new state legislation.

Motion: Mr. Hetherington made a motion to change the CSCD rules regarding to political signs, seconded by Mr. Kolar. After further conversation it was determined more information was needed prior to passing a motion, therefore Mr. Hetherington withdrew his motion until more information was received. Mr. Young will be reviewing the new state legislation to determine the changes necessary.

- g. The Security Commission decided to continue the current 19ft boat length rule since the board made it clear this is what they would prefer.
- h. A freeholder within the CSCD has lost his/her lake privileges because they received 3 boating violations. At the Security Commission there were two motions made; the 1st motion, which included probationary time, did not pass, but the 2nd motion to suspend the lake privileges until January 1, 2011 did pass.

Discussion: The freeholder's attorney, Mr. Barr spoke on his behalf. Mr. Barr stated that two of the violations the freeholder received were while he had visitors utilizing his boat. Mr. Barr stated that the freeholder always has an 18 page manual for his guests to review prior to them utilizing his boats. One of the violations was for an expired boat decal, which they felt should not count against the freeholder because it was not a safety issue. The boat patrol officer also spoke and explained the violations that were written. The Board had lengthy discussion on this issue prior to the motion.

Motion: Mr. Hetherington made a motion to revoke the boat decals until January 1, 2011, at which time the boat decals could be reissued, seconded by Mrs. Boyle—motion carried unanimously.

- i. The Security Commission also had the boat patrol make a list of all of the boats currently in the water with no decals or expired decals. There was discussion about the CSCD sending a letter to all freeholders that have boats in the water with no decals or expired decals to allow them so many days to remedy the situation. The letters should be delivered by a sheriff's deputy.
- j. The dates for the upcoming deer hunt are as follows:
 - October 2-3, 2010
 - October 9-10, 2010
 - October 16-17, 2010

- October 23-24, 2010 (Will not hold the hunt during the Haunted Trail)
- November 6-7, 2010
- November 13-14, 2010
- November 20-21, 2010
- November 27-28, 2010
- December 4-5, 2010
- December 11-12, 2010
- December 18-19, 2010

The Security Commission has reviewed and agreed with the dates of the deer hunt and it was noted the hunts will not take place during the holidays at the end of the year. Mr. Kolar requested to see the recommendations from the Security Commission. Mr. Noe stated the Security Commission made no vote made on the dates because the board voted last year for the hunts to proceed during the 2009 & 2010 season. It was noted the Security Commission has been requested to agree to the dates listed.

k. The Security Commission has a vacancy for one new member.

4. Roads-Noe

a. The Roads Commission meeting only lasted for ten minutes with only one item to discuss. Mr. Collins has been informed he is to have the road crew trim the trees over the roads.

5. Water-Cheryl

a. The Water Commission had no meeting this month and currently has one vacancy for a new member.

H. Brown County Solid Waste-Moebs

1. There were 2500 tires collected by the Brown County Solid Waste at the Tire Amnesty Day which was held on June 26, 2010.
2. There will be another Shred Day scheduled in November, 2010.

I. Unfinished Business:

1. Mr. Fenwick stated that the CSCD has won the lawsuits against them. The judge ruled in favor of the CSCD in all but one ruling. Mr. Young explained the rule that was struck down by Judge Stewart was on page 11 of the Water Utility rules & regulations handbook. Under section D rule # 12 was struck down by Judge Stewart. Mr. Young suggested the Board make a motion to omit this rule from the handbook, by drawing a line through rule #12 with a black marker.

Motion: Mrs. Boyle made a motion to omit rule #12 from the Water Utility rules & regulations handbook by drawing a line through rule #12 with a black marker, seconded by Mr. Noe—motion carried unanimously.

2. Mr. Young stated there has been no date set for the Verizon cell tower.
3. This item was moved to the last item under unfinished business.
4. This item was skipped for this evening.

5. A budget has been completed and turned in. No vote is necessary to approve the budget.
6. Mr. Kolar voiced concern about the amount of time left in the meeting to discuss this subject. Mrs. Anderson stated she was still waiting on a few applications prior to getting a complete quote before receiving the quote for the new premium.

Motion: Mr. Noe made a motion to extend the meeting past 9:00 p.m. to discuss the employee health insurance program, seconded by Mr. Kolar—motion carried unanimously.

Discussion: Mr. Kolar stated the CSCD is trying to transition to Anthem to save money. Mr. Kolar discussed the board recommended the CSCD should have all full time employees, whose spouse's are currently employed by another organization be required to obtain health insurance through their employer if available. Mr. Kolar recommended this take effect January 1, 2011. Mr. Hetherington stated at his previous place of employment they adopted this policy. This policy would still allow for the employees spouse who does not have insurance available through their employer to obtain insurance from the CSCD.

Motion: Mr. Kolar made a motion effective January 1, 2011 to require the employee whose spouse is employed to obtain health insurance through the spouse's employer. To obtain health insurance paid by the CSCD the spouse would provide a certified letter to the CSCD stating their employer does not provide health insurance, seconded by Mrs. Boyle—motion failed with 2 votes for and 3 against.

Discussion: Mr. McGaha requested clarification on the spouse health insurance. He stated that he would now lose the health insurance for his wife, who is employed and at the same time receive no raise this year. Mr. Kolar stated that the CSCD was trying to cut costs and this would assist with saving money. Mr. McGaha stated that the CSCD is changing insurance to save \$60,000.00 per year for the employee health insurance and questioned the need to cut the benefits from the employees. He stated that the freeholders have not complained about the health insurance the employees have. Mr. Hetherington stated the freeholders are concerned with their property taxes and don't realize how the money is spent. Mr. Fenwick stated the 2012 budget will be very lean. Mr. Kolar gave figures for various employees and the cost of the health insurance for the spouse for those employees. He stated the health insurance was more for the spouse than for some of the employees. Mr. Noe stated he was not ready to vote on the issue right now due to the impact on the people it will affect. Mr. Kolar stated that he would like to see new employees begin to pay a portion of their health insurance and the current employees over a period of time pay a portion of their health insurance up to 40%. Mr. Noe stated he did not know how these changes would impact the current employees. Mr. Hetherington suggested that the CSCD could leave the insurance alone for this year but inform the employees that things will change in 2012. Mr. Kolar compared the different contributing cost for 2 different employees with varying factors and the amounts the employees could be paying. Mr. McGaha commented that he has 3 employees that currently work part time jobs to pay their bills, these employees did not receive a pay increase this year and the CSCD is going to drop their spouse's health insurance coverage and they also are going to expect them to pay towards their health insurance. Mr. Fenwick stated he thought Mr. McGaha's employees received a raise, but it was stated by

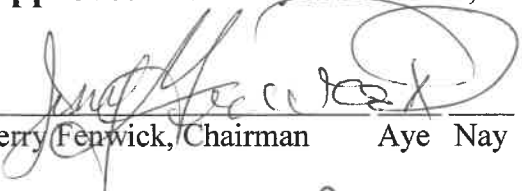
other board members they did not receive a raise. Mr. Collins stated that the CSCD has few long term employees who have stayed partly because of the benefits. Mr. Fenwick stated something has to give and 2012 will be a very tight budget. Mr. Collins stated he understands the situation but the Board is doing all of this at once. Mr. McGaha stated that 3 of his employees are just trying to survive. Mr. Kolar stated he was just trying to help the CSCD transition for the future. An audience member requested that the CSCD give the public the decision and allow them to attempt to raise money if necessary to let the employees keep the health insurance the way it currently is for the employees. Mr. McGaha stated that the CSCD is cutting costs since they are switching insurance companies. Another audience member questioned if the new insurance is better than the previous insurance for the employees. He also questioned the fact of requiring the employee to endure a cost through both the loss of spouse coverage and paying for a portion of their insurance. Mr. Kolar agreed that this is what they are proposing. The audience member noted the CSCD would be saving money by switching insurance and removing the spouse coverage if possible and having the employee pay a portion of the insurance. The freeholder stated the CSCD could end up "cutting their nose off to spite their face" because they could lose good quality employees because of this. Mr. Hetherington stated that the CSCD spent \$151,000.00 for 9 employees. Mrs. Anderson stated that the reason she began getting quotes on new policies was because the costs were high and she thought the money saved with the insurance change would even things out. She didn't realize the employee health insurance would need to be adjusted since changing insurance. A freeholder suggested the CSCD grandfather current employees or get higher deductibles on the health insurance. Mr. Noe stated since the cost of health insurance is now under \$100,000.00 and the board sees the impact this will have on employees the board could look at all of the expenditures and how they impact the employees as well. Mr. Noe stated they must have insurance. Mr. Hetherington stated if the employees know its coming they could prepare for it.

Discussion: Mr. Kolar suggested the CSCD adapt a new policy that all new CSCD employees pay 40% of their health insurance costs. Mr. Moebs stated that he would agree with this decision if the amount was not so high. There was discussion on the percentage that the new employees will be required to pay. It was decided that the percentage amount would be changed to 12%.

Motion: Mr. Kolar made a motion that all new employees pay 40% of their health insurance premiums, effective at the time of hire, seconded by Mr. Hetherington. Mr. Kolar modified his motion to all new full time employees of the CSCD be required to pay 12% of their health insurance premiums, effective at the time of hire, seconded by Mr. Hetherington—motion carried unanimously.

Motion: Mr. Noe made a motion to adjourn at 9:38, seconded by Mr. Moebs—motion carried with 3 votes for and 2 against.

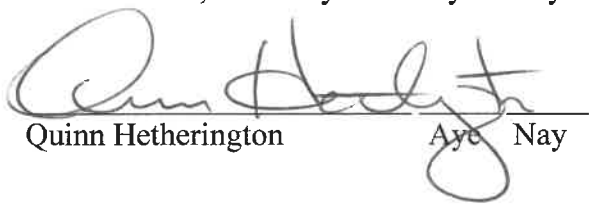
Approved this 21 day of December, 2010, at Nineveh, IN.


Jerry Fenwick, Chairman Aye Nay


Larry Kolar, Vice Chairman Aye Nay ^X


David Moebs, Secretary Aye Nay ✓

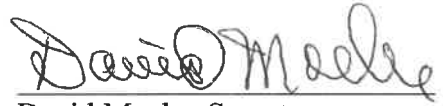
None _____
Open _____ Aye Nay


Quinn Hetherington Aye Nay


Cheryl Boyle Aye Nay ⁰

Norman Noe Aye Nay

Attest:


David Moebs, Secretary