

August 21, 2012 Minutes
Cordry-Sweetwater Conservancy District
Board of Directors Meeting
“Minutes”

August 21, 2012, 7:00 PM, CSLOA Clubhouse

Board Members Present: Larry Kolar, David Moebis, Quinn Hetherington, Dave Jarrett, Anita Wright, Herbie Benshoof, Francis Gantner

Board Members Absent: None

CSCD Attorney: Roger Young

Managers Present: Anthony Haywood, Vernon McGaha

Managers Absent: Marty Anderson

Guests:

A. Welcome and Pledge of Allegiance: Mr. Kolar called the meeting to order at 7:00 PM

B. Announcements:

1. Mr. Kolar introduced Kristi Putnam as the new administrative assistant for the Board of Directors.
2. Vernon McGaha presented an award to John Dotts for saving a swimmers life on July 8th. The EMT and firefighters who responded were also recognized.

C. Agenda Modifications:

1. Francis Gantner had a modification to the Agenda, Mr. Gantner requested that item 6d-2 to be discussed under the water commission report.

MOTION: MR. GANTNER MADE A MOTION TO APPROVE THE MODIFICATION TO THE AGENDA, SECONDED BY MR. HETHERINGTON – MOTION CARRIED UNANIMOUSLY.

D. Freeholder Concerns:

1. Frank Green, who lives on Halibut Dr., voiced his concern about a dock structure being built without a permit and about the debris they are throwing onto his property and have been reported to the building monitor. He is wondering what is being done about the issue. Mr. Kolar is going to look into the issue and get back with him.

2. Tim Rowand requested a permit to have a concert at the beach shelter on Saturday, September 29th from 6 p.m. to 10 p.m. There would be 2-3 bands playing and would be asking for donations to the church from the community who attend the concert. He has submitted an application to the district.

MOTION: MR. MOEBS MADE A MOTION TO APPROVE MR. ROWAND'S REQUEST, SECONDED BY MR. BENSHOOF – MOTION CARRIED UNANIMOUSLY.

3. Fay Eckle voiced her concern about her neighbors building a dock 5ft from the property line and putting their pontoon on her property. She went to the Building Commission, CSLOA, and the CSCD meetings and complained. She was told to get a surveyor to identify pin in order to get a permit to build a dock. Mr. Kolar said she would need to get a surveyor to identify the pin to be sure of the pins location before the setback can be determined. The survey has to be current.
4. Tony Latner, who lives on lot number WS15, voiced his concern about the development of vacant lots and excessive dock building and was wondering how it was managed. Mr. Kolar stated that we follow the Building rules and if he has any specific concerns to bring it up with the Building Commission and to contact Dan Lee.

E. Approval of Minutes:

1. June 19, 2012 Board Meeting Minutes

MOTION: MRS. WRIGHT MADE A MOTION TO APPROVE THE JULY 19, 2012 BOARD MEETING MINUTES, SECONDED BY MR. BENSHOOF – MOTION CARRIED WITH FRANCIS GANTNER ABSTENTION DUE TO HIM NOT BEING PRESENT AT THAT MEETING.

F. Management Reports:

1. **Financial Manager:** Larry Kolar presented the financial report since Mrs. Anderson was absent.
 - a. Mr. Kolar read aloud the financial report.

MOTION: MR. GANTNER MADE A MOTION TO APPROVE THE FINANCIAL REPORT SUBJECT TO AUDIT, SECONDED BY MR. BENSHOOF – MOTION CARRIED UNANIMOUSLY.

- b. The Board reviewed and discussed the claims. Mr. Kolar had a question for Mr. Haywood about a line item in which Mr. Haywood addressed his question. Mr. Moebbs had asked if the Reith-Riley charge was for the work on Bass and Buffalo Drives and Mr. Gantner responded that it was for those two roads addressed.

MOTION: MR. MOEBS MADE A MOTION TO APPROVE THE CLAIMS SUBJECT TO AUDIT, SECONDED BY MR. BENSHOOF – MOTION CARRIED UNANIMOUSLY.

2. Infrastructure Manger: Mr. Haywood

- a. Have been in contact with Trafalgar Water on demonstrations for leak detection equipment. One demonstration was on a listening device for water leaks and another was for a utility detection device.
- b. Reading water meters with the new tablets that were purchased.
- c. There is a tree on Grosbeak Dr. that is in the right-of-way. REMC will remove the tree and we have to remove the debris.
- d. Need to repair the pontoon's fuel line due to a muskrat chewing the fuel lines.
- e. A fire hydrant was run over on Lemur Dr. and will be out of commission for a few weeks.
- f. Mr. Hetherington asked Mr. Haywood about the guidelines on replacing the buoys. Buoys have been left at the Sweetwater boat ramp. Mr. Haywood will take care of the buoy issue on Friday.

3. Security Manager: Mr. McGaha

- a. He is doing a recap of this year so they can plan ahead for next year on things that can be improved.
- b. The new patrol car is in service and the old patrol car is being stripped down
- c. Randy has the camera at Sweetwater Lake in use and online and also the one at the office. They are working on the camera for Cordry Lake.
- d. If the budget passes he would like to start looking at the different options for a new boat that was proposed.
- e. He is working on getting the license for the radios so they are in compliance for next year.
- f. There is a new boating option for newer model boats which is a plate on the rear to create a wake for wake boarding. Bernie spoke to a dealer who informed him that Mastercraft has a similar device but it is to keep the boat level when taking off. We need to inform homeowners as to what can legally be start put on the lakes.

G. Commission Reports:

1. Building: Mr. Jarrett

- a. There were three permits issued during the last meeting.
- b. Paragraph 1 has to do with a list of shoreline properties within the district that need attention. The board members were given a list last month of the properties but another one was found and needs to be added. Dan Lee is keeping the properties on file for future maintenance work.
- c. An application for a dredging permit was received for the properties located at 7593, 7607, and 7563 Grizzly Dr. It was presented to the Ecology Commission at the August meeting and received approval. It is a different kind of dredging than what is happening at the north end of Sweetwater Lake. This kind uses a type of geotech bags. The bag is on shore in which sediment is vacuumed into the bags. They have already voiced concern about how the sedimentation and how it is done but in the end Mr. Ellis made a motion to recommend to the CSCD Board that this dredging project be given a permit. Mr. Jarrett seconded and the motion passed

unanimously. It was noted that in order to sustain the dredging permit they had to have a temporary fix to stop the sediment from coming onto the property. They are going to use riprap as the temporary fix. Mr. Kolar suggested that we do nothing with that area until we get an engineer to investigate and recommend a long term solution. He has been talking with Christopher B. Burke Engineering. He voice concern on any problems that could come up if we start dredging before an engineer looks at it first. Mr. Gantner has some questions about the equipment and the process they are planning to take in order to protect the shoreline in which Bob Beam, one of the property owners, answered. Mr. Hetherington asked a question on how far they planned to dredge in which the property owners answered.

MOTION: MR. JARRETT MADE A MOTION FOR THE PROPERTY OWNERS AT 7593, 7607, AND 7563 GRIZZLY DRIVE BE GRANTED A DREDGING PERMIT USING THE GEOTECH BAGS METHOD. SECONDED BY MR. BENSHOOF – MOTION CARRIED WITH 4 VOTES FOR AND 3 AGAINST. ROLL CALL WAS AS FOLLOWED:

**MOEBS – NO
BENSHOOF – YES
HETHERINGTON – YES
GANTNER – NO
JARRETT – YES
WRIGHT – YES
KOLAR – NO**

MOTION: MR. JARRETT MADE A MOTION THAT UNTIL A PERMANENT FIX CAN BE AVAILABLE THAT THE CSCD BOARD ALLOWS A TEMPORARY FIX BE ALLOWED ON THE PARK DAM. SECONDED BY MR. HETHERINGTON, THERE WAS DISCUSSION.

Mr. Gantner requested that Mr. Jarrett remove his motion and to table the motion until the September meeting in order to get a civil engineer's opinion on if a temporary fix would work and what the cost would be.

MOTION: MR. JARRETT MADE A MOTION TO WITHDRAW HIS PREVIOUS MOTION. SECONDED BY MR. HETHERINGTON, – MOTION CARRIED UNANIMOUSLY.

- d. A freeholder came to the last meeting and asked the Building Commission to consider increasing the setback at property lines near the waterfront from 5 feet to 10 feet. There was no motion but rather bring it back for the next CSCD meeting. Mr. Gantner asked whether the board through a resolution change setback requirements. They are researching the issue.

- e. Mr. Young sent a letter to the CSCD about the ongoing trash issue at 7610 Centerlake Rd. The appliances have been removed and the remaining items have been covered with blue tarps. The property has been deemed non-compliant.

2. **Ecology: Mrs. Wright**

- a. Mrs. Wright said the Ecology Commission comments on the dredging on the North end of Sweetwater project was 50% complete. Had a discussion about the riprap produced by the dredging project. The Ecology Board made a motion to set aside the riprap for the use by the CSCD and the residents at first come first serve bases. Mr. Kolar asked where it was going to be and how much. Mr. Hayward answered that it could be about 600 tons and it could be located at both boat ramp parking lots. Mr. Kolar wants to wait to make a motion until we find out a more definitive answer as to how much will be left over and where the location would be.
- b. Ecology Commission also discussed allowing freeholders to contract with the dredging contractor after the CSCD funded project is complete.

MOTION: MRS. WRIGHT MADE A MOTION TO ALLOW DREDGING SPOILS SITE TO BE USED FOR PRIVATE FUNDED DREDGING PROJECTS THROUGH THE REST OF 2012 – SECONDED BY MR. JARRETT. THERE WAS DISCUSSION ABOUT THE APPLICATION PROCESS AND A QUOTE FROM MERRELL BROTHERS CONTRACTOR. MRS. WRIGHT AMENDED THE MOTION TO ALLOW DREDGING SPOILS SITE TO BE USED FOR PRIVATE FUNDED DREDGING PROJECT THROUGH THE REST OF 2012 ONLY DONE BY MERRELL BROTHERS AND FOLLOWING THE APPLICATION AND RULES OF DREDGING, SECONDED BY MR. GANTNER. MOTION WAS CARRIED UNANIMOUSLY.

- c. Merrell Brothers has requested partial payment for about 50% of their services. The amount would be \$71,933.50.

MOTION: MR. KOLAR MADE A MOTION TO APPROVE THE PARTIAL PAYMENT OF \$71,933.50 TO MERRELL BROTHERS FOR THEIR SERVICES, SECONDED BY MR. BENSHOOF – MOTION WAS CARRIED UNANIMOUSLY.

- d. Mrs. Wright went over the discussion about the solution to boat ramp at Sweetwater Lake. They had placed bags of cement at the end of the boat ramp as a temporary fix, which didn't work. They have contacted Dave O'Mara Construction for help in finding a solution.
- e. Mrs. Wright stated that the Ecology Commission discussed the issue of the sunken pontoon boat. It has been there for about 20 years. Mr. Young stated that it could be declared abandoned and then CSCD could legally remove it. Mr. Haywood will contact Merrell Brothers to see about helping in the removal of the pontoon boat.
- f. Mr. Kolar discussed about Merrell Brothers dredging Cove A3 at the North end of Sweetwater Lake. It would be about 1,153 cubic yards at the cost of approximately \$15-50 per cubic yard for a total of approximately \$17,872.

MOTION: MR. KOLAR MADE A MOTION TO PERMIT MERRELL BROTHERS TO DREDGE COVE A3 AND A CHANGE ORDER FOR THE AMOUNT NOT TO EXCEED \$17,872, SECONDED BY MR. GANTNER, THERE WAS DISCUSSION – MOTION WAS CARRIED WITH 6 VOTES FOR AND 1 VOTE AGAINST. ROLE CALL WAS AS FOLLOVED:

MOEBS – YES

BENSHOOF – YES

HETHERINGTON – YES

GANTNER – YES

JARRETT – NO

WRIGHT – YES

KOLAR – YES

3. Security: Mr. Hetherington

- a. Mr. John Davis, attorney for Mr. and Mrs. Joe Davis, a freeholder, stated his objection for the agenda item 6C-1 for violation of the open door law. It was duly noted by Mr. Kolar and will be moving forward.
- b. Mr. Hetherington went over the bids for the purchase of radios. The sole bid was from Owen Communication. Part of the cost would be coming out of the Roads Commission. The Security Commission's portion of the cost would be \$1,090.

MOTION: MR. HETHERINGTON MADE A MOTION TO APPROVE THE PURCHASE OF 4 NEW RADIOS AT THE AMOUNT OF \$1,090, SECONDED BY MR. GANTNER; THERE WAS DISCUSSION – MOTION CARRIED UNANIMOUSLY.

- c. Mr. John Davis renewed his objection to the 6C-1 agenda item in which was again duly noted. There was a lengthy discussion during the Security Commission over the events that brought us to that evening. Mr. Davis gave a presentation to the Security Commission and handed out materials to the commission members in which were then also given to the CSCD Board members. The Security Commission made a motion to recommend the suspension of the boat stickers on said boat of Joe and Pamela Davis for 1 year from the date that the CSCD Board acted on this issue. That motion was seconded and carried with a 3-2 vote. The same information that was presented at the Security Commission was now presented to the CSCD Board in which are attached as Attachment A and B. The overall issue is that the Davis family purchased a Hurricane speedboat which was registered with the district. After a few days the Davis family decided they didn't like the boat

and traded it in for a Mastercraft speedboat for which they did not go back to the district to register the Mastercraft. They removed the boat decals from the Hurricane and placed them on the Mastercraft without giving documentation to the district. The Board members have been given a packet prior to the meeting obtaining what the district was provided by the Davis family since they have become freeholders of the district. There was a lengthy discussion on the issue. During the discussion Mr. John Davis wanted it noted that there was no fraud or deceit on the issue and then asked Mr. Joe Davis a series of questions. Mr. Kolar then asked Mr. Joe Davis a series of questions. Mr. John Davis presented 3 letters from freeholders that couldn't be at the meeting which are attached as Attachment C. Other freeholders also spoke on behalf of the Davis family at this time. Mr. Joe Davis read a letter on behalf of himself (part of Attachment C). Mr. Kolar went over the District rules book about revoking boating privileges from a freeholder. Mr. Gantner asked why we didn't sit down before this and tried to come up with a reasonable solution. The Board members were going to take what was heard tonight under consideration and table the issue until the next CSCD Commission meeting.

MOTION: MR. GANTNER MADE A MOTION TO TABLE THE DISCUSSION OF REVOKING JOE AND PAMELA DAVIS BOATING PRIVILEGES FOR 1 YEAR UNTIL THE NEXT CSCD BOARD MEETING ON SEPTEMBER 18TH. SECONDED BY MR. BENSHOOF – MOTION CARRIED UNANIMOUSLY.

4. ROADS: Mr. Gantner

- a. Mr. Gantner is hoping to get bids in for the September meeting for Asphalt Patching, Re-Graveling, and the Dam Guardrails. Each patch site was visited by Mr. Haywood and a priority list was created determining on the budget. Would like to have the work done by the end of the year.
- b. A motion was approved by the Road Commission to approve the purchase of 4 new radios at the cost of \$1,950.00.

MOTION: MR. GANTNER MADE A MOTION TO APPROVE THE REQUEST OF 4 NEW RADIOS IN THE AMOUNT OF \$1,950.00. SECONDED BY MR. BENSHOOF – MOTION CARRIED UNANIMOUSLY.

- c. Mr. Gantner notified the Board that Mr. Mike Fouch who is currently serving on the Roads Commission would like to resign and Mr. Lanny Rossman would like to take his place.

MOTION: MR. GANTNER MADE A MOTION TO APPROVE THE REQUEST OF MR. FOUCH'S RESIGNITION FROM THE ROADS COMMISSION AND APPROVE MR. ROSSMAN TO TAKE HIS PLACE. SECONDED BY MR. BENSHOOF – MOTION CARRIED UNANIMOUSLY.

5. WATER: Mr. Benshoof

- a. Mr. Benshoof stated that 3 bids to paint the blue water tower were received. They reviewed the bids and decided not to accept any of the bids. One of the bids seems extremely low and didn't seem to understand the scope of the project. The other bids seemed extremely high. They will re-evaluate the project and create a new specification list for next year.
- b. They approved a firm for the water loss control engineering firm. They accepted the bid from M.E. Simpson.

MOTION: MR. BENSHOOF MADE A MOTION TO ACCEPT M.E SIMPSON AS THE WATER LOSS CONTROL ENGINEER FOR THE COST NOT TO EXCEED \$50,000.00. SECONDED BY MR. HETHERINGTON– MOTION CARRIED UNANIMOUSLY.

- c. Princes Lakes Water Utility will be increasing their rates by 16 percent which will take effect sometime in September. It was opened up as a public hearing. The rates were given as a side to side comparison from what the water rate is currently to what it will be when the increase takes effect. Mr. Young is to prepare a resolution and issue a notice of a public meeting along with the second reading on the proposal.

MOTION: MR. BENSHOOF MADE A MOTION TO APPROVE THESE NEW RATES ON THE FIRST READING. SECONDED BY MR. MOEBS – MOTION CARRIED UNANIMOUSLY.

- d. Mr. Benshoof stated that there was a motion to approve Brown's Tree Service for cutting down trees at the cost of \$2,900 which was the lowest cost from the 3 bids. This item was tabled until the next CSCD meeting.

H. Other Governmental Interface Meeting Reports:

1. Brown County Solid Waste: Mr. Moebis

- a. Mr. Moebis stated that there will be an Adopt-A-Road picnic for those who help keep the roads clean.
- b. There will be a document shredding and a DEA drug disposal event on Saturday, September 29th and on Saturday, October 6th there is an electronics recycling event. There is a large appliance and scrap metal event on Saturday, September 8th and on Saturday, December 1st.

I. Status from CSCD Attorney: Roger Young

1. The property on Centerlake Road with the tarps is moving forward with a pre-trial date towards the end of September.
2. Mr. Young filed 2 freeholders in which the CSCD Board asked Mr. Young to file with no answer to date.
3. Mr. Young is moving forward with the septic inspection non-compliance lawsuit. There was a hearing on August 21st. The court ordered the freeholder to comply within 60 days. There are other freeholders who are not willing to comply so we have a contempt hearing set for September 18th. One solution would be to shut off the freeholders' water if they are not willing to comply with a notice. Mr. Gantner asked a question about the liability of the solution. Mr. Young explained the process of how to issue notice to a freeholder whose water is to be shut off.
4. The BMV needs up to add language to the lease for the vehicles.

MOTION: MR. GANTNER MADE A MOTION TO APPROVE AN AMENDMENT TO THE MASTER VEHICLE CONTRACT AMENDING THE LEASE AS FOLLOWED: ONE, NOT WITHSTANDING ANY LANGUAGE TO THE CONTRARY CONTAINED IN THE MASTER VEHICLE CONTRACT ON JUNE 6TH, 2012 AND THE COUNTY AND DISTRICT AGREE THAT THE VEHICLES DESCRIBED IN EXHIBIT A SHALL BE REGISTERED IN THE NAME OF BROWN COUNTY SHERRIFF/BROWN COUNTY COMMISSIONERS. SECOND, NOT WITHSTANDING ANY LANGUAGE TO THE CONTRARY CONTAINING MASTER VEHICLE LEASE AGREEMENT ON JUNE 6TH, 2012 THAT THE COUNTY AND DISTRICT AGREE THAT IF ANY VEHICLE LEASED HERE UNDER IS TOWED THE COUNTY WILL PROMPLY NOTIFY THE DISTRICT THAT THE VEHICLE HAS BEEN TOWED AND PROVIDE ANY SUCH INFORMATION THAT IS REQUESTED BY THE DISTRICT. SECONDED BY MR. MOEBS– MOTION CARRIED UNANIMOUSLY.

J. Unfinished Business:

1. Mr. Kolar updated on the insurance broker.
2. Mr. Kolar updated on the Interlocal Agreement. We are waiting for the county to respond.
3. Mr. Kolar went over the floor plans for the new Maintenance/Office Building. He asked for a motion to approval of the floor plan with an exception to taking out one of the walls.

MOTION: MR. GANTNER MADE A MOTION TO APPROVE THE PRELIMINARY FLOOR PLAN THAT HAS BEEN PROVIDED BE APPROVED BY THE BOARD SUBJECT TO ANY SUBSEQUENT CHANGES DEEMED NECESSARY BY THE ARCHITECT, SECONDED BY MR. BENSHOOF – MOTION CARRIED UNANIMOUSLY.

4. Mr. Kolar went over the 2013 budget proposal. We will have a non-binding meeting with the county. The commission will make a motion at the next meeting in September.
5. Mr. Kolar went over the goals for 2012 and 2013.

6. Mr. Kolar asked for a motion to establish a new Conservancy Manager position. Mr. Benshoof and Mr. Gantner volunteered to help in filling this position.

MOTION: MR. KOLAR MADE A MOTION TO TAKE THE MATTER OF APPROVING THE POSITION OF CONSERVANCY MANGER OFF THE TABLE, SECONDED BY MR. MOEBS – MOTION CARRIED UNANIMOUSLY.

MOTION: MR. KOLAR MADE A MOTION TO APPROVE THE CONSERVANCY MANAGER POSITION, SECONDED BY MR. GANTNER – MOTION CARRIED WITH 6 FOR AND 1 AGAINST. ROLE CALL WAS AS FOLLOWED:

MOEBS – NO

BENSHOOF – YES

HETHERINGTON – YES

GANTNER – YES

JARRETT – YES

WRIGHT – YES

KOLAR – YES

K. New Business:

1. Mr. Kolar asked the board for approval of a financial consultant for the building loan and capital assets. Mr. Gantner and Mr. Kolar met with Debra Shutta who would help in assisting the CSCD Board in looking at the previous budgets and assist the board in recommending alternatives for the building project and how to develop future tax levies along with assisting in procedures of capital assets. She was recommended by Mr. Young because she does other work for similar conservancy districts. Her fee would be \$1,000.00.

MOTION: MR. KOLAR MADE A MOTION TO APPROVE THE FINANCIAL CONSULTANT, DEBRA SHUTTA, FOR \$1,000.00 TO PROVIDE SOME FINANCIAL ADVISING SERVICES FOR THE BUILDING AND CAPITAL ASSET, THERE WAS DISCUSSION. SECONDED BY MR. MOEBS – MOTION CARRIED UNANIMOUSLY.

L. Board Member Concerns:

1. Mr. Moebs discussed with the board members that conservancy districts do not have the authority to issue fines. The Davis's had proposed fines as an option to removing their boat decals for failure to register their Mastercraft boat with the district.
2. Mr. Jarrett asked about the need for microphones or sound systems for the commission and board meetings in order for the audience to hear the commission and board members better.
3. Mr. Kolar suggested a newsletter be sent out in September and asked the other board to think about what they would like included.

M. Adjourn

MOTION: MR. MOEBS MOVED TO ADJOURN AT 10:49 PM, SECONDED BY MR. BENSHOOF – MOTION CARRIED UNANIMOUSLY.

Respectfully submitted by Kristi Putnam.

Approved this 16th day of October, 2012, at Nineveh, IN

_____ Larry Kolar, Chairman	x _____ Aye Nay	Francis Gantner x _____ Francis Gantner, Vice Chairman	_____ x _____ Aye Nay
David Moebz ✓ _____ David Moebz	_____ ✓ _____ Aye Nay	Herbert Benshoof ✓ _____ Herbert Benshoof	_____ ✓ _____ Aye Nay
Quinn Hetherington, Secretary ✓ _____ Quinn Hetherington, Secretary	_____ ✓ _____ Aye Nay	Anita Wright _____ Anita Wright	_____ _____ Aye Nay
Dave Jarrett ✓ _____ Dave Jarrett	_____ ✓ _____ Aye Nay	Attest: _____ Quinn Hetherington, Secretary	_____ _____ Aye Nay