

Cordry Sweetwater Conservancy District
Board of Directors Meeting
"Minutes"

December 15, 2009

7:00 PM

Present: Norman Noe, Quinn Hetherington, Cheryl Boyle, Gregg Gillentine, Jerry Fenwick, Larry Kolar, David Moebs

CSCD Attorney: Roger Young

Managers: Marty Anderson, John Collins, Vernon McGaha

Guests: Shawn Michel, Duane Mercer, Vonda Mercer, Margaret Bruce, Tom Jackson, Tom Smith, Brian Lucas, Billy Coapstick, Charlie Johnson, Amy Jarvis, Tom Jarvis, Mike Fouch, Mary Fouch, Bill Boyle, Jeff Clark, Sherrill Hannah, Vaughn Hannah, Vicki Scott, R. Michael Engle, Brenda Green, Frank Green, Betsy Serra, James Serra, Bill Haas, Charles Robinson, Harry Williams, Sheryl Durbin, Stacy Wethington

Minutes prepared by: Stacy Wethington

A. Welcome and Pledge of Allegiance:

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

B. Freeholder Concerns: Jeff Clark recently purchased a property that has issues with the warranty deed. Mr. Noe stated that this issue should be taken to the Building Commission. CSCD Attorney Mr. Young said Mr. Clark should talk to his attorney.

C. Approval of Minutes:

1. November 17, 2009 Board Meeting Minutes:

Motion: Mr. Fenwick made a motion to approve the November 17, 2009 Minutes, as written, seconded by Mr. Gillentine – motion carried unanimously

2. October 20, 2009 Board Meeting Minutes:

Motion: Mrs. Boyle made a motion to approve the October 20, 2009 Board Meeting Minutes, as written, seconded by Mr. Fenwick – motion carried 6-1, Mr. Moebs abstained

3. November 18, 2009 Executive Board Meeting Minutes:

Motion: Mrs. Boyle made a motion to approve the November 18, 2009 Executive Board Meeting Minutes, as written, seconded by Mr. Moebs – motion carried unanimously

4. November 23, 2009 Special Board Meeting Minutes: Unavailable – tabled

5. December 9, 2009 Special Board Meeting Minutes: Unavailable - tabled

D. Financial and Claims Reports:

1. **Business Manager, Marty Anderson:** Mrs. Anderson read the financial report for the district for the month of November. Mr. Kolar asked for the total of the existing loan balance. Mrs. Anderson stated the balance was \$519,000.00.

Motion: Mrs. Boyle made a motion to approve the Financial Report, subject to audit, seconded by Mr. Fenwick, no further discussion - motion carried unanimously.

2. **Approval of Claims:** Mr. Kolar questioned claim #913 to Herald Construction for payment on the Cordry Dock, he asked if the dock was finished. Mr. Collins stated that they had finished today. Mr. Kolar also asked if claim #864 for the Hydrant rental was the final payment for 2009 rental, Mrs. Anderson stated there will be one more payment made this month.

Motion: Mrs. Boyle made a motion to approve the claims, subject to audit, seconded by Mr. Kolar, no further discussion – motion carried unanimously.

3. **Infrastructure Reports, John Collins:** Mr. Collins stated that he will make his comments during the commission reports.

- E. Budget Forecast Report, David Moebs:** Mr. Moebs gave the budget forecast report for 2009 and 2010. He stated that the CSCD received an OCRA grant to reimburse for claims due to the flood/tornado that was not covered by FEMA funds. The funds to pay for paving and dam repair will have to be encumbered.

Motion: Mr. Moebs made a motion to direct Marty to make a partial re-payment on the Emergency/FEMA line of credit in the amount of \$64,000 in December 2009 as stated in the 2009 budget forecast and to direct Marty to write a resolution(s) to encumber the funds to complete the side drive re-paving and Cordry Dam repair projects in the spring of 2010; seconded by Mr. Fenwick; motion carried unanimously.

F. Commission Reports:

1. **Building – Mr. Fenwick:** Mr. Fenwick summarized the minutes from the December 2, 2009 meeting.

- A. **Boathouse-Lot AA9:** Attorney Mr. Young stated that the board needs to decide if they will get involved with this issue and that the Building Compliance Officer needs to check out the situation to see what information is available. Mr. Williams stated that there are several violations with this structure. Mr. Noe stated that the Building Commission will work with Mr. Williams to see if the problem can be resolved.

2. **Ecology – Mr. Kolar**

- A. **Cordry Dam Repair:** Mr. Kolar gave an update on the project and stated that a contract extension was needed.

Motion: Mr. Kolar made a motion to extend the contract with Central Engineering to April 15, 2010 to allow time for the project to be finished, seconded by Mr. Gillentine – motion carried unanimously.

- B. Mr. Kolar stated that the Angler's Club asked for permission to drop Christmas trees into the lakes to be used as fish structures.

Motion: Mr. Kolar made a motion to permit the Angler's Club to drop Christmas trees into the lakes, seconded by Mr. Fenwick – motion carried unanimously.

3. Security - Mr. Noe/Mr. McGaha: Mr. McGaha summarized the security minutes.

- A. Steel Cable: Mr. McGaha stated that posts will be placed in between the existing posts to replace the steel cable wire at the beach.
- B. Security Cameras: Mr. McGaha stated that the quotes on the security cameras were in and that they needed to get with Avenue Cable to work out the details before we can proceed with this project.

4. Roads – Mr. Hetherington: Mr. Hetherington stated they did not have a quorum at the Roads Meeting, but did mention the following:

- A. There was a concern with the paving completed on Cougar Drive where freeholder didn't think paving went to the end of the road. Mr. Collins is looking into the issue.
- B. Mr. Collins stated that the paving base coat was completed on the following drives: Sweetwater Dr., Centerlake at "Cordry Dip", Herron, Eagle and Cougar. The top coat will be installed in the spring. There are two additional drives, Ebony and Jay that will be paved in the spring. Mr. Moebs asked for Mr. Collins to get the amount from Wallace Paving that will need to be encumbered and paid in 2010.
- C. Mr. Kolar asked if any additional crack sealing would take place, Mr. Collins stated that it would depend on if the weather permitted.

5. Water – Mrs. Boyle summarized the Water Report by mentioning:

- A. The water loss is down slightly
- B. Automatic Meter Read Program: Mrs. Boyle stated that the Water Commission discussed the AMR program and that a legal advertisement requesting bids on this project has been placed in the Brown County Democrat. The bid opening date will be Thursday, January 14, 2009 at the CSLOA Clubhouse at 6:30 pm. Mr. Noe asked if an informational meeting for the public has been scheduled, Mrs. Boyle stated that the meeting date had not been set yet. Mr. Young advised to set the meeting after the opening of the bids, so that the public will be aware of the cost of the project. Mr. Noe also suggested that the Water Commission look into grant programs to see if they are available to the water utility.

G. Unfinished Business:

- 1. **Resolution 2009-5:** Tabled until Mr. Moebs has revised Resolution 2009-5.

2. **Duck Ct. Easement:** Mr. Young has sent a letter to the board stating his opinion on this issue. Mr. Tom Smith requested a copy of this letter. Mr. Noe stated that he could not have a copy of the letter. Mr. Young explained that it was not able to be disclosed do to Attorney/Client privilege. Mr. Smith asked how to go about getting the CSCD Board to allow the property to be declared to be of “no value”.

H. New Business:

1. Resolution 2009-7: Setting location and time of the Annual Meeting

Motion: Mr. Fenwick made a motion to approve Resolution 2009-7 to set the 2010 Annual Cordry Sweetwater Conservancy District meeting and election of officers for Saturday January 2, 2010, the election will be conducted from 11:30 am to 12:30 pm, followed by the annual meeting at 1:00 pm at the CSLOA Clubhouse, seconded by Mr. Kolar – motion carried unanimously.

Motion: Mr. Kolar made a motion to petition the court to change the annual Cordry Sweetwater Conservancy District meeting to the second Saturday of January at 1:00 pm at the CSLOA Clubhouse, commencing 2011, seconded by Mrs. Boyle

Discussion: Mr. Gillentine suggested changing the date of the annual meeting to the summer when more freeholders are available to attend. Mr. Young stated that the annual meeting must take place before March 1st of each year.

Above motion carried with a vote of 6-1, Mr. Noe voted ‘no’.

2. Resolution 2009-8: Establishing Procedure for Full-time Employment and Termination

Motion: Mr. Kolar made a motion to approve Resolution 2009-8 to establish the procedure for Employment and Termination of Employees, seconded by Mr. Fenwick – motion carried unanimously.

3. Resolution 2009-9: Comp-time payout

Motion: Mr. Fenwick made a motion to approve Resolution 2009-9 to pay out the employee comp-time, seconded by Mr. Kolar – motion carried unanimously.

4. Resolution 2009-10: Additions to agendas of regular and special meetings

Motion: Mr. Noe made a motion to approve Resolution 2009-10, motion died for failure of a second.

5. Employee Pay Increase: There was a discussion on giving a pay increase across the board for the employees. Mr. Noe suggested a 5% increase. Mr. Hetherington expressed his disapproval of a pay increase. Mr. Kolar also disapproved and suggested a “bonus” plan to compensate employees who are deserving of such. After discussion a motion was made.

Motion: Mr. Noe made a motion to issue a 3% pay increase to the full-time employees of Cordry Sweetwater Conservancy District, seconded by Mr. Gillentine – motion carried by a vote of 4-3, Fenwick, Gillentine, Moebs and Noe voted ‘yes’, Kolar, Hetherington and Boyle voted ‘no’.

6. 2010 Holiday Schedule:

Motion: Mrs. Boyle made a motion to approve the 2010 Holiday Schedule with the removal of December 23, 2010 as a paid holiday, seconded by Mr. Kolar – motion carried with a vote of 6-1 Mr. Noe voted ‘no’.

7. Candidates for the CSCD Board Election: Area 2, Larry Kolar, term of 4 years, Area 7, Tom Dzieennek, term of 1 year. Both candidates are running unopposed.
8. CSCD Board Election Clerks: Mr. Moebs is taking care of this.
9. CSCD Freeholder List Certification: Stacy Wethington stated that the list has been given to the Brown County Auditor for verification.
10. Verizon Lease: Mr. Young has reviewed the lease agreement. He does not believe that a conservancy district can enter into a lease agreement for real estate with a company. He has contacted the Attorney General’s office to see if they would have a recommendation. If their office doesn’t have a recommendation, the CSCD Board would have to contact a local legislator to have a bill passed to allow conservancy districts to enter into such an agreement.

I. Specific Dam and Lake Issues and Board Member Concerns:

1. Mr. Fenwick stated that the Building Commission was recommending Bill Boyle to be approved as the CSLOA representative to the commission.

Motion: Mr. Fenwick made a motion to approve Bill Boyle as CSLOA representative to the Building Commission, seconded by Mr. Kolar – motion carried by a vote of 6-1, Mrs. Boyle abstained

2. Mr. Hetherington stated his view on the issue on Duck Ct.; he also asked why there weren’t any commission meetings in January.
3. Mrs. Amy Jarvis and Mr. Tom Jackson: Mrs. Jarvis deferred to Mr. Jackson. Mr. Jackson said that he had a few issues to discuss:
 - A. The first issue was with the deer hunt and how it appears to be in violation of the rules and regulations of Cordry Sweetwater Conservancy District. He asked how it was approved and how long it would continue. Mr. Noe stated there was a public meeting that involved the Department of Natural Resources. The DNR explained how a deer hunt was needed to control the deer population. Mr. Smith requested a copy of the resolutions to allow deer hunting in the conservancy. Mr. Moebs stated that there was no resolution; the hunt had been approved by motions in the minutes.
 - B. The second issue was, who do the employees of the district answer to and if a freeholder has an issue who handles it. Mr. Young explained that the district is ran like most county governments where an employee reports to a department head and the department heads

report to a board of directors. It was also asked who handles employee reviews/evaluations. Employee evaluations are conducted by the department heads and passed on to the chairman of the board who gives to the rest of the board.

- C. A question was asked about the open door law on executive meetings and why there was no certification on the Executive Meeting Minutes. Mr. Moebs stated that he had inadvertently left the statement off of the minutes he prepared and that it would be on all future Executive Meeting Minutes.
- D. Mrs. Lyndberg stated her concerns about the deer hunt and asked if any non-freeholders were allowed to hunt. Mr. Noe stated that only freeholders or immediate family of freeholders were allowed to hunt.
- E. Mrs. Jarvis asked about the termination of a CSCD employee. Mr. Noe stated that this employee had resigned and Mr. Young stated that this could not be discussed at a public meeting. Mrs. Jarvis also asked about obtaining information on all the lawsuits that the CSCD is involved in at this time. Mr. Young stated that those would have to be obtained through the Brown County Court.

J. Adjournment:


Motion: Mr. Gillentine made a motion to adjourn at 9:35 pm, seconded by Mr. Fenwick – motion carried unanimously.


Continued from page 5 of the December 15, 2009 CSCD Board of Director Meeting Minutes

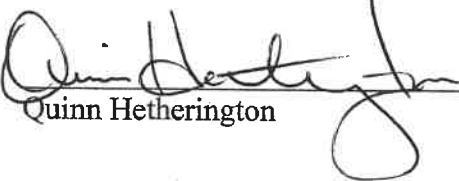
2010 ~~2009~~ ^{DBM}
Approved this 2nd day of January 2009, at Nineveh, IN.

Norman Noe, Chairman


Jerry Fenwick, Vice Chairman


David Moebs, Secretary


Larry Kolar


Quinn Hetherington


Cheryl Boyle

Gregg Gillentine