

\*\*\*These minutes are not official until approved by the CSCD Board of Directors\*\*\*

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

July 20, 2010, 7:00 PM, CSLOA Clubhouse

**Present:** Jerry Fenwick, Norman Noe, Cheryl Boyle, Larry Kolar, Quinn Hetherington, Tom Dziennik, David Moebis

**CSCD Attorney:** Roger Young

**Managers:** Vernon McGaha, John Collins, Marty Anderson

**Guests:** Gene Lashley, Margaret Bruce, Denise Lorenz, Elisabeth Forbes, Shawn Heidel, Pam Collins, Bill Boyle, Katie Moore, Pat Dziennik, Bob Sheldon, Rick Normington, Barbara Meguiar, Terri Morgan.

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

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

**B. Agenda Modification Motion:**

Mr. Fenwick proposed that the meeting not extend past 9:00 pm tonight. Mr. Moebis has the agenda prepared according to priority of importance.

**Motion:** Mr. Fenwick made a motion to stop the meeting at 9:00 and proceed with the agenda at the next meeting, which should be in a couple of days, seconded by Mr. Dziennik -- motion carried with 5 votes for and 1 vote against.

**C. Approval of Minutes:**

1. May 7, 2010 CSCD board Special Meeting Minutes. The three additional sets of minutes have been tabled because they have not yet been completed.

**Motion:** Mr. Dziennik made a motion to approve the May 7, 2010 CSCD Board Special Meeting Minutes, seconded by Mrs. Boyle -- motion carried unanimously.

**D. Management Reports:**

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

- a. The Financial Report:** The Financial Report was read by Mr. McGaha, as Mrs. Anderson had lost her voice at this time. There was a payment made to Indiana Bond Bank in the amount of \$321,000.00 on June 29, 2010, which was a semi-annual payment.

**Motion:** Mr. Dziennik made a motion to approve the financial report, subject to audit, seconded by Mr. Moebis -- motion carried unanimously.

- b. Approval of Claims:** Mr. Kolar discussed the claims listed for park improvements. Three claim numbers were questioned and determined the claims were for lake patrol boats, which could also fall under security.

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

## **2. Infrastructure Manager: John Collins**

- a.** Mr. Collins stated concerns for the seepage problems on Cordry Dam. The water is seeping under the emergency spillway and not going through the spillway tube as it should. Bids were requested by Mr. Collins from five companies with only one responding with a bid to correct the problem. The bid was from C.A.S.E. Construction, Inc. which included a concrete footing 50 ft long 3 ft deep and 1 ft wide at a cost of \$3400.00. Also included in the bid was an option to replace the concrete slab, which includes sawing approximately 70 linear ft, remove existing slab, hauling of debris and form and pour new 8 inch thick slab at a cost of \$4700.00. Additional cost could be incurred if the existing slab is thicker than 8 inches and if it has to be removed with a hoe ram at a rate of \$240.00 hour with a 4 hour minimum. There was discussion between Mr. Collins and the Board regarding interference with the boat ramp and length of time estimated to complete the job.

**Motion:** Mr. Kolar made a motion to approve the bid from C.A.S.E. Construction Inc for repair of concrete footing and replacement of concrete slab on Cordry Dam not to exceed \$10,000.00, seconded by Mrs. Boyle -- motion carried unanimously.

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

- 1. 2010 Budget Forecast-** Mr. Dziennik discussed and explained the various items in the 2010 approved budget and asked for any questions. There were no questions regarding the budget.

## **F. Commission Reports:**

### **1. Ecology-Mr. Kolar**

- a.** There was no quorum this month for Ecology. Mr. Kolar did discuss the safe removal of the swans due to the aggressiveness of the animals. Once captured the swans will be taken to Dr. Brickler with Briarcrest Veterinary Clinic, at which time they will have their wings clipped and they will reside on a farm with other exotic animals. There was discussion between the

board members regarding the need to remove the swans due to the safety of swimmers and boaters.

**Motion:** Mr. Kolar made a motion to have the swans removed through the assistance of Dr. Brickler if possible and if not to have another company remove them, seconded by Mr. Dziennik -- motion carried with 5 votes for and 1 vote against.

- b. Mr. Kolar discussed the dredging of the north end of Sweetwater Lake and has found 1 engineer willing to look at the lake. He would like to have this engineer, Mr. Ed Board to come out and look at it and see what needs to be done and also to check the debris coming into the lake. He also discussed having ReMetrix come out and do a survey of the north end of Sweetwater Lake to determine the estimated material that needs to be removed in this area of the lake. They also would like to obtain an estimate for this company to look at both lakes.

**Motion:** Mr. Kolar made a motion to hire Mr. Ed Board to assess the north end of Sweetwater Lake for dredging purposes not to exceed \$400.00, seconded by Mr. Moebs - motion carried unanimously.

**Discussion:** Mr. Dziennik would like the engineer that will be hired to also certify to the Board know if the material in the lake was caused from CSCD land or non-CSCD land. Mr. Kolar states this could be addressed by both the engineer and ReMetrix. Mr. Collins believes that most of the debris in the north end of Sweetwater Lake occurred due to the road blown out in 2 sections and blown out in 3 sections during the flood in June 8, 2008. Mr. Collins stated he could certify this information with pictures. Mr. Noe thinks the engineer may need to obtain a permit from the Army Corps of Engineers and he would like the engineer to check on the permits that are required prior to dredging. Mr. Kolar stated that at this time the engineer will just be gathering data and if/when they decided to dredge they would inquire about the required permits at that time.

- c. Mr. Kolar would like to discuss the hiking trail project which was proposed by Austin Settles-the grandson of Buzz Settles as an Eagle Scout project in honor of his grandfather. This project would consist of a new map board at the beginning of the trails, 4 new benches, 8 signposts and installing gates across the trails. The gates would keep ATV & snowmobile users from utilizing the trails for recreational purposes. Estimated cost to the CSCD would be around \$300.00.

**Motion:** Mr. Kolar made a motion to permit Austin Settles to do an Eagle Scout project and provide \$300.00 in materials for the project, seconded by Mrs. Boyle -- motion carried unanimously.

## **2. Security-Mr. Hetherington**

- a. The Security Commission's recent meeting lasted 3 hours. Mr. Hetherington stated that 2 officers were interested in taking training on August 3 & 4 costing a combined total of \$550.00. Mr. McGaha stated that it is mandatory for the officers to have 32 hours of training per year.

**Motion:** Mr. Hetherington made a motion to approve Officers Bernie McGaha and Terry West to attend Forensic Pathology for the Death, Homicide and Criminal Investigator's Conference on August 3 & 4, seconded by Mrs. Boyle -- motion carried unanimously.

- b. Mr. Hetherington referred to Bernie's Report and stated that Officer Mike Clark has completed another part of his K-9 training. The training is at no cost to the CSCD and the hours attended count towards his mandatory continuing education hours.
- c. Mr. McGaha stated that he spoke with EMA regarding weather radio and they would try and get a controller for the siren at the firehouse to be used for weather alerts. The EMA did give the CSCD office a weather radio to allow the office staff to warn employees of severe weather warnings. There was discussion of weather radios for residents and Mr. McGaha is checking into information that Walgreen's and a TV station are offering them at a reasonable rate for homeowners.
- d. Mr. Hetherington suggested Mr. Young check on information regarding possible rule changes for signs being limited within subdivisions by homeowner's associations. Mr. Young will research this for current law.
- e. The Security Commission had a 2 hour discussion on the next 3 items. The 1<sup>st</sup> item is the current CSCD regulation that a boat be no longer than 19 ft be permitted for use on the lakes. The boat in question is owned by a freeholder on the lakes and the boat has in previous years been allowed to be stickered by the CSCD. The title reads 19ft in length, but when measured by Officer McGaha it was measured 19ft 8in in length. The CSCD has obtained information about this particular boat stating that it measures 19ft 6in in length.

**Discussion:** The Board had lengthy discussion over the length of the boat in question. Mr. Young stated that if the title of the boat is the documentation that the CSCD uses to determine validity then the boat in question should be within compliance since the title

states it is 19ft in length. Mr. McGaha requested the board to make a determination on this issue so he may give guidance to his deputies if the issue ever arises. Mr. Young stated the CSCD will need to maintain consistency when determining the length of a boat, whether the title is used to determine the length of a boat or if the CSCD decides to require the boats to be measured. Mr. Noe stated that in the past the CSCD has used the title to determine the length of a boat unless there has been reason to question the length as it is stated on the title. Mr. Kolar stated that the measurement should have been done the 1<sup>st</sup> time the boat in question was registered and not many years later after the freeholder has obtained numerous boat stickers for this particular boat. Mr. Dziennik reminded the board members that they were in place to serve the freeholders and suggested they put some good rules in place. Mr. Moebs stated that he checked the internet and found 31 boats by 6 different manufacturers that measured 19ft or less. The concern he has is how far the CSCD extends the rules for a freeholder when their boat is not in compliance with the CSCD rules and regulations. Mr. Young asked if there was any misrepresentation on the part of the owner of the boat in question in applying for and obtaining the boat title.

**Motion:** Mrs. Boyle made a motion to approve the boat stickers owned by Mr. Salsberry stickers for eternity, and any boat that will be registered for the 1<sup>st</sup> time on CSCD property applying for boat stickers will be physically measured, seconded by Mr. Dziennik -- motion carried with 4 votes for and 2 against.

- f. The 2<sup>nd</sup> issue was the reinstatement of a freeholder's lake privileges resulting infractions the freeholder's son had received from CSCD lake patrol for driving unsafely and allowing passengers to stand in the boat while the boat was in motion.

**Discussion:** The boat patrol officer gave a verbal report of the incident that resulted in the loss of lake privileges for the freeholder. The boat patrol officer stated that he then contacted the deputy on duty, which was Officer Taggart. Officer Taggart verified that the freeholder did in fact have 3 lake infractions at this time and proceeded to the property to revoke the CSCD boat decals. Officer Taggart stated the freeholder's son said he had thrown away the tickets that had been written by the boat patrol officer. Mr. Hetherington stated three options the CSCD board has, give the stickers back, issue no stickers, give the stickers back but not allow the freeholder's son to operate the boat. The board does not think it is feasible to restrict the boating privileges for all but one person in a household. Mr. Young asked the freeholder for

the 3<sup>rd</sup> time if she would like to speak on the subject and she declined on the advice of her attorney.

**Motion:** Mrs. Boyle made a motion to remove the boat stickers from this freeholder for the remainder of the calendar year, ending Dec 31, 2010, seconded by Mr. Moebis— motion carried with 5 votes for and 1 against.

- g. The 3<sup>rd</sup> issue that the Security Commission had was the “Rock the Dock” July 4<sup>th</sup> fireworks celebration. This is a party that occurs on Sweetwater Lake on the weekend the fireworks celebration is held. It occurs on a freeholder’s property in a cove and there were 4 bands that played from 11:00am to 7:00pm. The cove was blocked by boats that were tied or anchored together. There were 2 individuals that live on the cove, which did not attend the party that came to the security commission meeting and stated they had concerns about safety, noise and access in and out of their docks. The security commission did not believe according to the rules and regulations that they had any authority to act on these complaints. The security commission would like clarification from the Board on this issue. Mr. Young stated the Board does not have police power authority. The concerned freeholder’s should contact the local law enforcement and allow them to investigate the claims. Mr. Young then stated if the incident occurs on the lakes then the CSCD Boat Patrol would have the authority to handle the situation. A freeholder stated his concerns with this party and the problems it has caused him as a resident in the neighborhood. Mr. Young stated the freeholder could file a civil action lawsuit against the neighbor holding the party. A second freeholder stated his concerns for safety in the cove where the party is being held and suggestion having the party at the beach or somewhere else to allow him access to his property. The boat patrol officer stated it would be helpful if the complainants’ would state which individuals have been drinking so they will know which boats to stop.

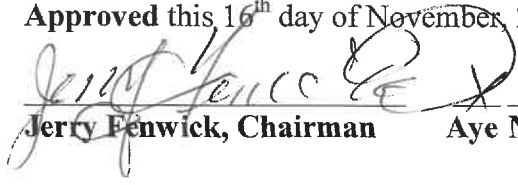
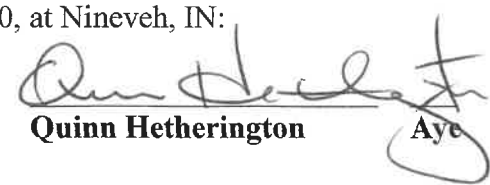
**G. Adjournment:** Mr. Noe made a motion to adjourn at 9:00PM, seconded by Mr. Dziennik -- motion carried unanimously.

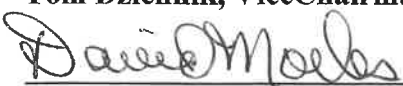
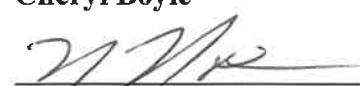
Respectfully submitted by Christine Clark.


(continued)

Continued from page 6 of the July 20, 2010, CSCD Board of Directors Meeting Minutes.

Approved this 16<sup>th</sup> day of November, 2010, at Nineveh, IN:

	<input checked="" type="checkbox"/> <u>    </u> Aye	<input type="checkbox"/> <u>    </u> Nay		<input checked="" type="checkbox"/> <u>    </u> Aye	<input type="checkbox"/> <u>    </u> Nay
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<u>    </u> Tom Dziennik, ViceChairman	<input checked="" type="checkbox"/> <u>    </u> Aye	<input type="checkbox"/> <u>    </u> Nay	<u>    </u> Cheryl Boyle	<input checked="" type="checkbox"/> <u>    </u> Aye	<input type="checkbox"/> <u>    </u> Nay
	<input checked="" type="checkbox"/> <u>    </u> Aye	<input type="checkbox"/> <u>    </u> Nay		<input checked="" type="checkbox"/> <u>    </u> Aye	<input type="checkbox"/> <u>    </u> Nay

	<input checked="" type="checkbox"/> <u>    </u> Aye	<input type="checkbox"/> <u>    </u> Nay
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Attest:

      
David Moebis, Secretary





**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. Moebs 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.

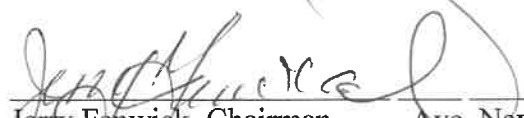
**F. Adjournment:**

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

Attachment: Spreadsheet documenting initial to final preliminary 2011 CSCD budget

Minutes respectfully submitted by Dave Moebs

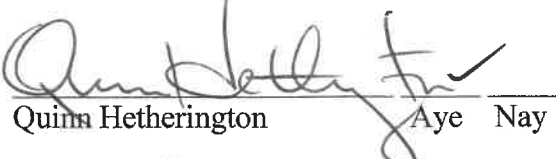
**Approved** this 16<sup>th</sup> day of November, 2010, at Nineveh, IN.

  
\_\_\_\_\_  
Jerry Fenwick, Chairman      Aye    Nay

  
\_\_\_\_\_  
Larry Kolar, Vice Chairman       Aye    Nay

  
\_\_\_\_\_  
David Moebs, Secretary       Aye    Nay

None \_\_\_\_\_  
Open Position      Aye    Nay

  
\_\_\_\_\_  
Quina Hetherington      Aye    Nay

\_\_\_\_\_  
Cheryl Boyle      Aye    Nay

  
\_\_\_\_\_  
Norman Noe      Aye    Nay

Attest:

\_\_\_\_\_  
David Moebs, Secretary