

Cordry Sweetwater Conservancy District Board of Directors Meeting “Minutes”

July 19, 2011, 7:00 PM, CSLOA Clubhouse

Present: Larry Kolar, Quinn Hetherington, Cheryl Boyle, Francis Gantner, Norman Noe, David Moebs, Dave Jarrett

Absent: None

CSCD Attorney: Roger Young

Managers: Vernon McGaha, John Collins

Managers Absent: Marty Anderson

Guests: James Serra, Jo Ann Hamilton, Rick Normington, Betsy Serra, Georgene Settles, Herb Benshoof, Margaret Bruce, Billy Moeko, Bill Boyle, Dani Korson, Sandy Bridges, Mike Bridges, Shawn Michel, Howard Gustafson, Dale Rust, Betsy Edwards

A. Welcome and Pledge of Allegiance: Mr. Kolar called the meeting to order at 7:04 PM.

B. Agenda Modifications: None

C. Freeholder Concerns:

1. Georgene Settles brought to the Board two concerns regarding a flier that was mailed out by Searay Boats and the Consumer Confidence Report mailed out with all water utility bills. Ms. Settles was concerned about the dates on that report. Mrs. Boyle confirmed that the report reflects the most recent information received by the water utility.
2. Mrs. Bridges stated a concern and request for more information regarding the possibility of dredging her property. Mr. Kolar stated that at this time the conservancy is only pursuing dredging of the north end of Sweetwater due to the flood in 2008. He also stated that there is a map available for anyone to view at the CSCD office.

D. Approval of Minutes:

1. June 21, 2011 CSCD Board Meeting Minutes

Discussion: Mr. Gantner asked that the statements “July 14, 2011 Draft” and “These minutes are not official until approved by the CSCD Board of Directors” be removed from final versions of minutes for the Board to approve and sign.

MOTION: MRS. BOYLE MADE A MOTION TO APPROVE THE JUNE 21, 2011 CSCD BOARD MEETING MINUTES, SECONDED BY MR. GANTNER- MOTION CARRIED UNANIMOUSLY.

E. Management Reports:

1. Financial Manager: Marty Anderson

- a. The financial report was read aloud by Betsy Edwards as Mrs. Anderson was absent due to illness.

MOTION: MR. GANTNER MADE A MOTION TO APPROVE THE FINANCIAL REPORT, SECONDED BY MRS. BOYLE- MOTION CARRIED UNANIMOUSLY.

- b. The claims were reviewed by the Board members.

Discussion: Much discussion ensued regarding claim #523 – first half of 2011 hydrant rental fees. Mr. Moebis indicated that at the previous meeting, a motion was made for the water utility to comply with recommendations made by CSCD attorney Roger Young to provide documentation demonstrating how the hydrant rental fees were arrived at in order to support the invoice requesting payment for the claim. Mrs. Boyle provided information regarding rate increases. After consulting with Mr. Young, the Board determined that documentation was still needed in order to approve the claim for payment. Mr. Gantner asked Mrs. Boyle to create the documentation, possibly with assistance from Duane Mercer, so that the claim can be approved for payment as the Board has an obligation to back up the validity of the claim.

MOTION: MR. GANTNER MADE A MOTION TO APPROVE THE CLAIMS WITH THE DELETION OF CLAIM #523, SECONDED BY MR. MOEBIS- MOTION CARRIED WITH 6 VOTES FOR AND 1 ABSTENTION.

2. Infrastructure Manager: John Collins

- a. Mr. Collins stated that he would provide his information as each commission representative speaks as his information coincided with theirs.

3. Security Manager: Vernon McGaha

- a. The security report was read aloud by Mr. McGaha.
- b. The weather siren is installed and operational at this time to sound for tornado warnings only.
- c. The 2011 Explorer is in service; Mr. McGaha is investigating prices on 2012 vehicles.
- d. The holidays went well; Mr. McGaha doubled officer coverage on the holiday weekends.
- e. Mr. McGaha is investigating prices for a radar trailer as speed monitoring will be increasing and tickets will be issued due to excessive speed by motorists in the area.
- f. The camper on Owl Drive was removed.
- g. Life rings and ladders for the marinas are being ordered and installed.
- h. The Security Commission voted to purchase ten buoys at a price not to exceed \$1,400.00.

MOTION: MR. GANTNER MADE A MOTION TO APPROVE THE PURCHASE OF TEN BUOYS AT A PRICE NOT TO EXCEED \$1,400.00, SECONDED BY MR. MOEBIS- MOTION CARRIED UNANIMOUSLY.

Discussion: Mr. Kolar asked if the siren was being tested. Mr. McGaha stated that testing will be conducted on the siren and that any sound from the siren that lasts less than three minutes is a test. There will also be a monthly test conducted which will be advertised in notices, newsletters, newspapers, and the website for freeholders to see. A freeholder asked how the siren activates. Mr. McGaha explained that it is normally activated by the sheriff department dispatch via radio frequency but also can be activated by the EMA and the firehouse staff. Mr. McGaha also stated that CSCD has the only siren in the county right now. The Board then discussed the flier mailed out from Searay Boats declaring that 21 ft. boats are allowed on Cordry and Sweetwater lakes now. Mr. Jarrett stated he would like to amend the Resolution to add a section stating that no boats with titles and specifications stating a boat length over 20 ft. be allowed on the lake(s). He was advised to bring this recommendation to the next Security Commission meeting so that it and other possible amendments can be formally brought to the Board. Mr. Hetherington stated he had been in contact with Searay Boats and is distributing letters to area boat dealers detailing the changes in the boating regulations made last month in order to avoid confusion and error in future advertisement.

F. Commission Reports:

1. Building- Mr. Jarrett

- a. The Building Commission is looking into ways to clarify the failed resolution regarding deck setbacks in order to bring a revised edition to the Board as Mr. Lee is still in need of guidance regarding this issue.
- b. The Commission approved a variance for an 8x12 storage shed located 8 ft. from the shoreline due to limited location availability and letters received from neighbors giving their permission.

MOTION: MR. JARRETT MADE A MOTION TO APPROVE THE VARIANCE FOR AN 8X12 STORAGE SHED LOCATED 8 FT. FROM THE SHORELINE, SECONDED BY MRS. BOYLE- MOTION CARRIED WITH 5 VOTES FOR AND 2 VOTES AGAINST.

- c. A logging situation occurred on Bass Court where Mr. Weddle had several trees removed on a lot not considered CSCD property but adjoined to CSCD property by the lake. The Building Commission asked the Board to approve legal action by Mr. Young.

Discussion: Mr. Young stated that because the trees were not taken from CSCD property there is nothing legally that can be done. Jim Boyle stated that the concern was that the logger did not file a sediment control plan with the Department of Natural Resources as required. Mr. Young asked for the name of the logger and stated that the district can address anything that threatens the lake but a recommendation from an environmentalist would be needed in order to ask Mr. Weddle to restore the property to control erosion. Mr. Collins stated he will investigate and give Mr. Young the name of the logger and will contact the Department of Natural Resources. Freeholders voiced concerns about the sightings of logging trucks and the possibility of security patrols hearing the chainsaws.

- d. Mr. Lee is investigating neglected properties around the conservancy.
- e. The Commission asked for permission for Mr. Young to take legal action against the 55 lot owners who have yet to comply with the septic inspection program.

Discussion: Mr. Young stated that legal action would be delayed at this time pending the outcome of the Klosinski lawsuit. However, he stated he could send letters to those not in compliance asking them to comply.

MOTION: MR. JARRETT MADE A MOTION TO DIRECT ROGER YOUNG TO SEND LETTERS TO THOSE NOT COMPLYING WITH THE SEPTIC INSPECTION PROGRAM STATING THAT THEY NEED TO COMPLY, SECONDED BY MRS. BOYLE- MOTION CARRIED UNANIMOUSLY.

2. Ecology-Mr. Kolar

- a. Mr. Kolar stated that the wetland delineation was completed and dredging priorities along the north end of Sweetwater are being examined at this time.
- b. A second treatment of weeds was administered at the beach. The Commission informed residents that rakes are available for weed removal at the office.
- c. The Sweetwater Dam inspection results were good.
- d. The Commission asked for approval to contribute \$350.00 towards the Kids Fishing Tourney.

Discussion: Mrs. Boyle voiced a concern regarding a contribution of \$350.00 while the CSLOA contribution was \$100.00.

MOTION: MR. KOLAR MADE A MOTION TO CONTRIBUTE \$350.00 TOWARDS THE KIDS FISHING TOURNEY, SECONDED BY MR. GANTNER- MOTION PASSED WITH 6 VOTES FOR AND 1 VOTE AGAINST.

- e. The Commission is still investigating bids for the boat ramps.
- f. 25 geese were trapped on Cordry while none were trapped on Sweetwater due to inclement weather during the molting season.
- g. Eagle Scout Austin Settles led a project to improve the entrance to the nature trails including the installation of a new map stand, gates, and pylons. The Commission asked for approval to contribute \$400 (\$100 of which was donated by the Angler's Club) to commend the efforts of Mr. Settles.

MOTION: MR. KOLAR MADE A MOTION TO REIMBURSE \$400.00 TO AUSTIN SETTLES FOR HIS EFFORTS AT THE NATURE TRAILS, SECONDED BY MR. GANTNER- MOTION CARRIED UNANIMOUSLY.

- h. The Ecology Commission asked for approval to begin work on a new park area at a cost not to exceed \$15,000.00 this year.

Discussion: Much discussion ensued regarding the implementation of the park area. Mr. Noe stated he was concerned that the park implementation did not agree with the CSCD Final Plan where it states that the CSCD may provide parks where feasible in connection with beneficial water management. He also stated that he felt it may not be legally defensible to use tax money for this purpose. Mrs. Boyle stated she felt it was unnecessary to have two playgrounds within the district, especially so close together. Mr. Kolar stated that the purpose of the park is to provide for children and families who do not spend much of their time with water activities and

that this would be a safe alternative place for them to enjoy while staying away from roads, etc. He also explained that the Commission is recommending three improvements this year in playground equipment, a 20 car gravel parking area, and horseshoe pits at a cost not to exceed \$15,000.00. The CSLOA provided the architect and plan and will possibly contribute some funds in the future. Mr. Gantner suggested taking a vote of freeholders before deciding on this issue. A freeholder questioned why the boat length ruling was not voted upon by freeholders. Mrs. Boyle stated that she would like to know the total amount that would be spent on this park in order to tell others where this tax money is going. Mr. Moebis questioned whether the Board would be approving proposed costs for each item or simply giving the Ecology Commission authority to spend up to \$15,000.00 on their choices. Mr. Kolar stated that if the Board approved and is in support of the \$15,000.00 spending, the Commission will report prices for each improvement separately. Mr. Jarrett commented that this is likely a 20 year project and that, in the future, it could be a center for philanthropy where certain things are donated such as equipment, etc.

MOTION: MR. HETHERINGTON MADE A MOTION TO APPROVE THE START OF WORK ON THE PARK AREA WITH THE THREE IMPROVEMENTS PROPOSED AT A COST NOT TO EXCEED \$15,000.00, SECONDED BY MR. KOLAR- MOTION FAILED DUE TO LACK OF VOTE.

MOTION: MR. GANTNER MOVED TO AMEND THE MOTION DIRECTLY ABOVE TO STATE THAT THE WORK MUST BE CONSISTENT WITH THE PARK DRAWING (APPENDIX A), SECONDED BY MR. KOLAR- MOTION CARRIED WITH 4 VOTES FOR AND 3 VOTES AGAINST. ROLL CALL AS FOLLOWS:

MR. NOE – NO

MR. MOEBIS – NO

MR. GANTNER – YES

MR. HETHERINGTON – YES

MR. KOLAR – YES

MR. JARRETT – YES

MRS. BOYLE – NO

- ∴ The Commission has invited REMC to inspect the conservancy for potential involvement in the Raptor Enrichment Program at no cost.
- j. St. Agnes Church as a program where youth help needy individuals and information is available at the CSCD office.
- k. Mr. Collins is investigating a rip-rap give away program.

Discussion: Mr. Hetherington questioned the water testing results at the beach and Mr. Collins reported that they were good. A freeholder questioned what Secchi readings are and Mr. Hetherington responded that they are a testing of the lake clarity.

Status from CSCD Attorney: Roger Young – Due to illness, Mr. Young moved his report earlier in the meeting than scheduled so that he may excuse himself from the meeting.

1. The Klosinskis have filed petition to transfer to the Indiana Supreme Court. The district has 15 days to respond and Mr. Young affirmed that he will. Mr. Young is hoping for a

favorable decision from the Supreme Court and, if this happens, the district can proceed with the suit to enforce the septic inspection ordinance.

2. As previously noted, the septic inspection case is still on hold pending the outcome of the Klosinski case.
 3. The Mercer case is still in the discovery phase and is being litigated by the insurance company which yields no further financial exposure to the district.
 4. Mr. Young apologized for the inconvenience and excused himself from the meeting.
3. **Security-Mr. Hetherington**
 - a. 50 tickets have been issued from the boat patrol this year at this time.
 - b. The Security Commission is investigating ropes and floats placed in front of houses.
 - c. The Indiana Department of Natural Resources has determined dates for the fall 2011 hunting season and the determination of dates for the CSCD hunts will be examined at the next Commission meeting.

Discussion: A freeholder asked what the main reasons for ticketing have been and Mr. Hetherington answered that most have been due to multiple persons on a tube, speeding, and lack of current decals or lot numbers. A freeholder asked how buoy placement is determined. Mr. Collins stated that the buoys were mapped by the Board and are 50 ft. from the shoreline and 100 ft. from the dam. Mr. McGaha stated that flotation devices and platforms cannot extend beyond the dock.

4. Roads-Mr. Noe

- a. Mr. Collins was instructed by Mr. Kolar to bid all of Sweetwater Drive for paving instead of breaking it down into two segments. Two bids were received for the paving of Firebush, Hackberry, and Sweetwater Drive: Milestone Contractors at \$163,924.50 and Wallace Construction at \$199,688.00.

Discussion: Mr. Noe expressed the Roads Commission members' concern that Mr. Kolar had decided to bid the project in this manner without the input of the Commission. Mr. Kolar responded that the Commission had not had a meeting and was not moving forward with the project and he felt it needed to be done. Mr. Hetherington stated he would encourage the Commission to look at repairing or replacing the guardrails at the Cordry dip.

MOTION: MR. GANTNER MADE A MOTION TO APPROVE THE PROPOSAL FROM MILESTONE CONTRACTORS FOR THE SCOPE OF WORK CONTAINED WITHIN FOR A PRICE NOT TO EXCEED \$163,924.50, SECONDED BY MRS. BOYLE- MOTION CARRIED WITH 6 VOTES FOR AND 1 VOTE AGAINST. ROLL CALL WAS AS FOLLOWS:

MR. NOE – NO

MR. MOEBS – YES

MR. GANTNER – YES

MR. HETHERINGTON – YES

MR. KOLAR – YES

MR. JARRETT – YES

MRS. BOYLE - YES

5. Water-Mrs. Boyle

- a. Mrs. Boyle commended Stacy Wethington and John Collins in their recent phone calls to notify Commission members of large water leaks.
- b. The Commission, Mr. Collins, and Mr. Noe have had discussions regarding having a company come out and inspect for possible water leak locations.

Discussion: Mr. Noe stated that the district needs to be proactive in order to decrease water loss by inspecting and finding the leaks one phase at a time with the assistance of a professional possibly. Mrs. Boyle commended the work of the water utility employees and stated that they are being proactive. Mr. Gantner stated that Mr. Noe is not stating that the employees are not working hard and being proactive. Mr. Moebis stated that Mr. Noe is simply suggesting that they need help in locating these significant leaks.

- c. The Commission is investigating new technology in the automatic meter reads and monitoring the success of such program at Princes Lakes Water Utility.
- d. Mr. Collins verified that the dates and figures contained within the Consumer Confidence Report mailed out to lot owners are correct.

G. Brown County Solid Waste: Mr. Moebis

1. The Commission is developing a plan to address violations of the county open burn/dump ordinances.
2. Approximately 11,513 vehicles with 322 tons of recyclables participated in the drive-thru recycling.
3. Solid Waste employees are not county employees but the Board and Directors work hard to make sure they are equivalent in terms of benefits and compensation.

H. Unfinished Business:

1. Regarding liability insurance for the dam, Mr. Kolar suggested searching for another insurance broker as Richard Hawes, the current insurance broker, is not responding to inquiries.

MOTION: MR. GANTNER MADE A MOTION TO SEARCH FOR A NEW INSURANCE BROKER, SECONDED BY MR. MOEBIS- MOTION CARRIED UNANIMOUSLY.

2. Regarding boat sticker revisions proposed by Mr. Young, the Board decided to wait until the next meeting, when Mr. Young can be present, to discuss.
3. Mr. Kolar and Mrs. Anderson attended the DGLF workshop on Friday, July 15, 2011.
 - a. The district has asked for a \$750,000 raise in taxes for 2012.
 - b. Per the DGLF, roads should not be indicated as income.
 - c. The non-binding review of the budget with the county will be held on August 19, 2011 at 6:30 P.M.
 - d. The first public hearing regarding the budget will be August 16, 2011, and the hearing with adoption will be August 20, 2011.

Discussion: Mr. Noe asked Mr. Kolar what his opinion was regarding spending the entire budget or saving a portion to carry over to the next year. Mr. Kolar responded that his opinion is not to spend 100 percent of the budget but carry over \$200,000-250,000 from one year to the next. He also stated he felt that the budget should not drive the plan but the plan should drive the budget. He felt that the district should do a better job providing services. Mr. Noe stated that the past three or four chairmen have advocated constructing a new maintenance and office building. Mr. Kolar responded that drawings and plans are being created to bring to the Board regarding a new building. Mr. Noe stated that possibly the space designated for a possible new park would be appropriate for the new maintenance/office building.

I. New Business: None

J. Board Member Concerns:


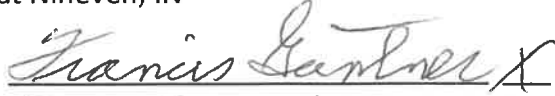


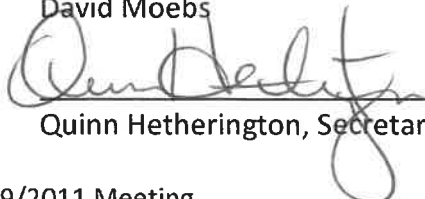
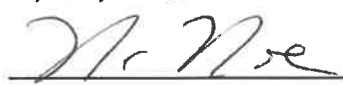
1. Mr. Hetherington asked if the compost area was ready for the fall. Mr. Collins responded affirmatively.
2. Mr. Jarrett asked if the area around the cell phone tower had been landscaped. Mr. Kolar responded that it had been seeded and cleaned.
3. Mr. Moebs requested that an explanation be brought to the next meeting regarding differences in pay rate increases and why the office staff was switched from the comp time program to the flex time program. He also asked that the draft agenda be provided to the Board the Tuesday prior to the meeting with a deadline for changes at noon on Fridays. He stated he has some reasons to reconsider putting resolutions in the minutes. He suggested that both the measured length of the boat and the length listed on the title be recorded.
4. Mr. Noe stated that within the past seven years the Board has always decided pay rates and asked if this would continue to be the case. Mr. Kolar responded affirmatively.
5. Mr. Kolar stated that some Board members have been harassing and acted in a hostile manner toward CSCD employees. He stated that as the Board Chairman, he oversees the employees by default and that any issues with employees should be handled through him. If warranted, an executive session will then be conducted to discuss. Mr. Gantner voiced his agreement.

K. Adjourn:

Mr. Gantner made a motion to adjourn the meeting at 9:54 pm, seconded by Mr. Moebs-motion carried unanimously.

Respectfully submitted by Betsy Edwards.

Approved this 16th day of August, 2011, at Nineveh, IN

	_____		_____
Larry Kolar, Chairman	Aye Nay	Francis Gantner, Vice Chairman	Aye Nay
	✓ _____		○ _____
David Moebs	Aye Nay	Cheryl Boyle	Aye Nay
	✓ _____		✓ _____
Quinn Hetherington, Secretary	Aye Nay	Norman Noe	Aye Nay

David Jarrett ✓
Dave Jarrett Aye Nay

Attest:
Quinn Hetherington
Quinn Hetherington, Secretary