

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

June 15, 2010, 7:00 PM, CSLOA Clubhouse

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

**Board Members Absent:** None

**CSCD Attorney:** Roger Young

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

**Managers Absent:** None

**Guests:** Bill Boyle, Anita Wright, Russ Biegel, Harold Webb, Sandra Stempel, Kay Green, Max Mouser, Katie Moore, Dave Jarrett.

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

Mr. Fenwick called the meeting to order at 7:01 pm and led in the Pledge of Allegiance.

**B. Agenda Modification Motion:**

**Motion:** Mr. Kolar made a motion to amend the agenda to include approval of the mowing of the dams and approval of playground equipment repair at the beach under the Ecology Commission report section of the agenda, seconded by Mrs. Boyle – motion carried unanimously.

**C. Freeholder Concerns:**

1. Katie Moore expressed her concerns about the viciousness of the swans at the north end of Sweetwater Lake. The swans harass her whenever she tries to get to her boat and tries to mow her lawn. She stated that swans can kill people or pull kids out of paddleboats. She asked that something be done to remove the swans before someone gets hurt. She is scared to death of the swans and cannot let her dog out. She suggested that the CSCD get rid of the swans as has been done in Michigan and Ohio. She feels the swans can break a bone. She has information on the removal of the swans.
2. Anita Wright mentioned that there will be a beach concert on Saturday, June 26, at 8:00 pm at the Sweetwater beach shelter. The Brown County Community Band will be performing. Anita also asked that everyone remember Buzz Settles who passed away a week ago Saturday.

#### **D. Minutes:**

##### **1. May 7, 2010 CSCD Board Special Meeting Minutes:**

**Motion:** Mrs. Boyle made a motion to approve the May 7, 2010 CSCD Board Special Meeting Minutes, as written, seconded by Mr. Kolar.

**Motion:** Mr. Noe made a motion to table the motion to approve the May 7, 2010 CSCD Board Special Meeting Minutes so that the minutes can be considered at the next board meeting since the minutes were received by the board members on the morning of this meeting; he feels that there is one statement in the minutes that needs to be researched and, possibly, corrected; and, he feels that the board members need more time to read and review the minutes, seconded by Mr. Moebs – motion carried with 3 votes for and 2 votes against.

##### **2. May 18, 2010 CSCD Board Meeting Minutes: Tabled since Mr. Moebs did not have the minutes for this meeting completed.**

#### **E. Management Reports:**

##### **1. Business Manager, Marty Anderson:**

- a. **Read Financial Report Summarization:** The financial report summary and financial report were not available due to continued problems with the new general ledger software.
- b. **Approval of Claims:**

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

##### **2. Infrastructure Reports, John Collins: Mr. Collins stated that he had two things to discuss:**

- a. Mr. Collins reported that one of the two pumps at the water pump station was down and may need to be replaced at a cost of \$5,000 to \$5,500. A repairman from Bassett and Logan will try to repair the pump but if this is unsuccessful then the pump will have to be replaced. There are two pumps at the station but only one is needed at any given time so the pumps are alternated daily.

**Motion:** Mr. Kolar made a motion to approve either repairing the pump or replacing it with a cost not to exceed \$6,000.00, seconded by Mr. Moebs – motion carried unanimously.

- b. Mr. Collins stated that both the Security Commission and the Ecology Commission have recommended replacing the posts at the Sweetwater beach. The cable has broken that runs between the posts. Both commissions feel that the cable is a hazard due to people being tripped or caught on the cable. The recommendation is to replace the cable and existing posts (well worn) with posts that are placed closer together to eliminate the need for the cable. Mr. Cleefman has offered to loan a posthole digger at no cost that attaches to the CSCD tractor.

**Motion:** Mrs. Boyle made a motion to approve replacing the cable and existing posts with new posts placed closer together at a cost not to exceed \$500., seconded by Mr. Kolar – motion carried unanimously.

**F. Budget Forecast Report, Tom Dziennik:**

1. Mr. Dziennik stated that the 2010 Budget Forecast was not available due to the problems with the office computer software.

**G. Commission Reports:**

1. **Building – Mr. Fenwick:** Mr. Fenwick summarized the Building Commission meeting minutes.
  - a. Chet Taylor (7827 Fox Court, OES316) has requested a variance to build a garage with a 10 foot setback from his rear property line instead of the required 25 foot setback. Mr. Taylor has complied with all of the requirements of the CSCD variance procedure. His neighbors have been informed and do not have a problem with the setback difference. The Building Commission passed a motion recommending that the board approve the variance.

**Motion:** Mrs. Boyle made a motion to approve the variance allowing a 10 foot setback from the rear property line for the construction of the garage at 7827 Fox Court (OES316), seconded by Mr. Hetherington – motion carried unanimously.

- b. Mr. Rutkowski (7333 Centerlake Road, L10) has a survey showing that his rear property line is 8 feet into the lake. His question is when he builds a dock is it measured from the shoreline or from the rear property line that is 8 feet into the lake. The Building Commission interprets the rules that the shoreline is used for such measurements. The commission members along with Mr. Lee will meet at the property to assess the situation. If the plan for the dock conforms to the rules and regulations, Mr. Lee can issue a permit.
- c. Mr. Zweig (7887 Elk Drive, OES276) is considering buying the property next to him (7925 Elk Drive, OES272, 273, 274, and 275) and then un-marry one of the purchased lots to add to his current property. Mr. Zweig was advised to consult with the Brown County Health Department on the septic system. He also needs to have the division of the property done through the Brown County Planning and Zoning Department. He will get back to the commission when has all of the suggested information.
- d. Mr. Herald is requesting a permit for a dock for Nate Roberts (7649 Indian Cherry, CC7). The cove appears to be too narrow to accommodate the planned dock but it could be possible given an offset down one side of the property. The Building Commission will meet at the property with Mr. Lee and Mr. Herald to see if the proposed plan will work.

- e. A complaint was made regarding unimproved lot L8 at 7351 Centerlake Road owned by Matthew, Justin, and Mark Kinnick. A swing set has been set in cement and is obstructing the neighbor's view of the lake. Setting the swing set in cement without a permit is a violation of covenant #1. Mr. Kinnick stated that he did not know that he had to have permission to do this. It was pointed out that, if he had not made the swing set a structure by setting it in cement, it would not be a violation. He stated that he would present a request for a permit at the next Building Commission meeting.

**2. Ecology – Mr. Kolar:** Mr. Kolar summarized the Ecology Commission meeting minutes.

- a. The spring in one of the pieces of playground equipment at the beach is broken and needs to be replaced. A bid of \$350 was received and it was recommended by the commission to accept the bid.

**Motion:** Mr. Kolar made a motion to approve the bid of not to exceed \$350 to replace the broken spring on the piece of playground equipment at the beach, seconded by Mr. Hetherington – motion carried unanimously.

- b. Mr. Collins has been contacting engineers for bids to assess the needs at the north end of Sweetwater Lake for repair and prevention of material in the lake from the blow-outs of Sweetwater Drive.
- c. One bid has been received for the repairs to the Cordry Lake spillway where water is getting between the pipe and the concrete. The commission decided that at least one additional bid should be obtained. Mr. Collins will request another bid.
- d. Two bids have been received for the mowing of the two dams. One is from Power Landscaping (have done this work in the past for CSCD) and another from Grass Gurus. The Grass Gurus bid did not include references. The commission recommends that the board approve mowing both dams two times by Power Landscaping at a cost not to exceed \$7300.

**Motion:** Mr. Kolar made a motion to approve the bid of not to exceed \$7300 for Power Landscaping to mow each of the two dams two times, seconded by Mrs. Boyle – motion carried unanimously.

- e. The commission members are not in favor of removing the swans from Sweetwater Lake. DNR protection of the swans has been off and on and is currently off. It was suggested to contact the conservation officers and A&P Wildlife about procedures and cost to remove the swans. There have been a number of complaints from people in canoes, kayaks and boats about being harassed by the aggressiveness of the swans on top of the complaints from Mrs. Moore. One option would be to remove the nest and eggs of the swans since the eggs are no longer viable as long as DNR approval to do so is obtained. CSCD liability for the actions of the swans was discussed and since the CSCD did not put

the swans on the lake, the CSCD has no liability for the actions of the swans.

**Motion:** Mr. Moebs made a motion to have Mr. Collins inquire about DNR approval and if approved by the DNR, then remove the nest and eggs of the swans, seconded by Mr. Kolar – motion carried unanimously

- f. A house on Grouper Drive burnt down and the geothermal unit is still present. The question was posed about whether the geothermal unit needs to be removed. Mr. Kolar will pass this issue to the building compliance officer.
- g. Secchi report (last week of May): Sweetwater Lake = 21 feet; Cordry Lake = 18 feet 8 inches.
- h. Hackberry Drive and Cordry Drive triangle to be name “Sam Egger’s Corner”.
- i. There will be a kayak race on Sweetwater Lake on July 3.

**3. Security - Mr. Hetherington:** Mr. Hetherington summarized the Security Commission meeting minutes.

- a. Bernie’s 1999 Explorer lost reverse gear. Three bids were obtained ranging from \$1200 (30 day warranty) to \$1695 (one year warranty). There have been some service questions with the lowest bidder (Edinburgh Transmission) and the CSCD has had superior service from Kenny’s which is the highest bid. The commission recommends that the board approve the high bid from Kenny’s not to exceed \$1700.

**Motion:** Mr. Hetherington made a motion to approve repairing the 1999 Explorer commission transmission problem of the loss of reverse gear by Kenny’s not to exceed \$1700 if the ruling by Judge Stewart in the Klosinski lawsuit is in favor of the CSCD.

After discussion among the board members on the pros and cons of waiting on the decision by Judge Stewart, it was the consensus that the vehicle needed to be repaired as soon as possible since it is used by several of the deputies. Therefore, Mr. Hetherington withdrew the motion above and made the following motion.

**Motion:** Mr. Hetherington made a motion to approve repairing the 1999 Explorer commission transmission problem of the loss of reverse gear by Kenny’s not to exceed \$1700, seconded by Mr. Noe – motion carried unanimously.

- b. The Cordry Lake marina gas pump quit working on Sunday of Memorial Day weekend. Anthony was called in to check on it. He could not get the pump working so the pump was closed all day on Memorial Day. The commission members agreed that the occasional problems and the resulting inconvenience do not warrant the significant expenditure to replace the pump. The repair status due to the age of the pump is difficult. However, the pump works most of the time which

accomplishes the CSCD mission of supporting Cordry Lake boaters. The pump was working the weekend after Memorial Day.

- c. A lot (OES617) with four co-owners has an issue with boat stickers. The owner who usually obtains the speedboat sticker did not get the sticker this year before one of the other owners obtained the speedboat sticker. The owner questioned whether the Conservancy Act allows for the multiple owners to have stickers for more than one boat from one of the classes (e.g., two speedboat stickers for the lot). The consensus of the commission, board and CSCD attorney is that the Conservancy Act does not apply to this situation but the CSCD boating rules allow for only one type of boat from each class per lot. The suggestion is that the multiple owners work this out between themselves.
- d. A freeholder on Sweetwater Lake has now received three boating violations with the past twelve months. The commission believes that the freeholder will attend the July meeting of the Security Commission to appeal one or more of the three violations.

**4. Roads – Mr. Noe:** Mr. Noe stated that there was no quorum so there was no Roads Commission meeting.

**5. Water – Mrs. Boyle:** Mrs. Boyle summarized the Water Commission meeting minutes.

- a. Mr. Brian Mercer (7878 Ebony Drive) discussed an issue that he had with water damage at his property. He has contacted his insurance company and they will not cover the damages since it was not his personal water line that caused the damage. The commission decided to have Mrs. Boyle take this issue to the CSCD board for their recommendation to perhaps have the CSCD insurance company look into the situation to see if the damages would be covered under the CSCD insurance. In the meantime, Mr. Collins contacted Mr. Hawes, the CSCD insurance agent, and Mr. Hawes stated that if the damage was caused to the property by a water leak in the CSCD water system then a claim could be filed on the CSCD insurance. There is an issue with the integrity of the foundation of Mr. Mercer's property. Mrs. Boyle is going to advise Mr. Mercer to file a claim on the CSCD insurance to determine what if anything will be covered by the CSCD insurance.
- b. Mr. Kennard from the Brown County Health Department attended the commission meeting to discuss the septic and water supply issue for the property at 7636 Hornbeam Drive. This property has been denied a hook up to the water utility in the past due to issues with the septic system and with the water connection between the house and the lake. Mr. Kennard stated that from a state and county standpoint there is no need to upgrade the septic system unless the footprint of the house is changed or a second level is added. The commission members reviewed the information provided by Mr. Kennard and passed a motion recommending that the board approve the water hook up with several conditions. Mr. Kennard has since provided Mr. Collins with a letter stating that the owners of the property will comply with the conditions

placed upon granting the water hookup for their property. Mr. Young provided an opinion that approving the water connection with the stated conditions improves the CSCD control over possible septic problems at this property since it is within the authority of the CSCD water utility to shutoff water supply should a septic system be found to be failing.

**Motion:** Mrs. Boyle made a motion to approve the request from Mike and Reva Carlson at 7636 Hornbeam Drive for a hookup to the CSCD water utility subject to the following conditions being fulfilled prior to the water system hookup being made: (1) new utility hookup fee is paid; (2) disconnect the water source from the lake; and, (3) complete a septic system evaluation procedure and submit documentation on the completion of the septic system evaluation to the CSCD office, seconded by Mr. Kolar – motion carried with 5 votes for, zero votes against and one abstention.

- c. Mrs. Boyle stated the motion passed at a previous meeting that eliminated the hydrant rent payments from the board to the Water Commission was an illegal motion. The letter from Mr. Young on this matter stated that there was a statute that provided for hydrant rent payments for fire protection purposes. Mr. Young stated that his letter did not address the legality of the motion to suspend the hydrant rent payments until such time as the budget and tax levy cuts by the DLGF were restored. Mr. Fenwick, Mr. Noe, and Mr. Moebs all pointed out to Mrs. Boyle that the subject motion did not deny any future hydrant rent payments but just suspended the hydrant rent payments until the tax levy reduction by the DLGF was restored and paid to the CSCD.
- d. Mrs. Boyle stated that the commission is in need of one additional member. She asked the audience if there was anyone among the audience that would be interested in serving on the Water Commission.

#### **H. Brown County Solid Waste:**

- a. Mr. Moebs stated that the CSCD board meeting and the Solid Waste board meeting are out of sync this month. The Solid Waste meeting is usually on the Monday prior to the CSCD board meeting but this month the Solid Waste meeting is on the Monday following the CSCD board meeting. Mr. Moebs will report on both the June and July Solid Waste meetings at the July CSCD board meeting.

#### **I. Unfinished Business:**

1. **Status of appeal of DLGF budget and tax levy decision:** Mr. Young and Mr. Fenwick stated that this can be postponed to a future meeting since there is nothing happening at this point on the appeal.

2. **Verizon Cell Tower Lease:**

- a. Mr. Collins reported that he had talked with Elizabeth Williams who is the attorney for the Brown County Planning and Zoning Board. She stated that the reason that the approval of the Verizon cell tower plan for CSCD was not on the agenda at the May meeting of the zoning and planning board was that Verizon had not submitted an FAA study and

had not submitted an environmental study both of which are required documents for zoning and planning board approval. She now has the environmental study and should have the FAA study tomorrow. Once she has both documents, the Verizon proposal can be put on the agenda for the June 23 meeting of the zoning and planning board. She will let John know if the Verizon proposal will or will not be on the June meeting agenda.

**Motion:** Mr. Noe made a motion to approve the funds to have the CSCD attorney attend the Brown County Planning and Zoning Board meeting on June 23 to present the reasons that the cell tower is needed in the CSCD as part of the Verizon proposal and to document that the CSCD Board of Directors is completely in favor of the installation of the Verizon cell tower, seconded by Mr. Moebs – motion carried unanimously.

Roger Young stated that he would be available to attend the June 23 meeting of the planning and zoning board. Mr. Young suggested that as many board members as possible attend the June 23 meeting along with the chairpersons or representatives from the Ecology, Building, and Security commissions.

**3. Discussion and decision on converting Mary Johantgen from part-time to full-time employee:**

- a. Mr. Moebs said that the financial details of the conversion are not available and Mr. Kolar said a job description should be available. Mr. Fenwick said that this discussion would be postponed to a future meeting when the financial information and job description would be available.

**J. New Business:**

**1. Discussion of Rules and Regulations as well as Grandfathering requested by Billy Coapstick:**

- a. Mr. Coapstick was not present to present his issues for consideration by the board. Mr. Moebs had contacted Mr. Coapstick and Mr. Coapstick said that it might not be possible for him to attend this meeting. Mr. Moebs told Mr. Coapstick that the topic would be put on the agenda for the July board meeting.

**2. Reminder that 2011 Commission Budgets are due by July 16.**

**3. Need for Tornado Warning System in the CSCD.**

- a. Mr. Noe stated that the need for a tornado warning system in the CSCD has been discussed before. He said that the best systems measure static electricity but are very expensive. Mr. Noe felt that the proceeds from the land lease for the Verizon cell tower could be used to fund a tornado warning system. Mr. Noe said that he does not expect a decision on this at this time but thinks that the board should seriously consider using the funds from the cell tower contract to begin the installation of a tornado warning system. Such a system could provide early warning to boaters on our lakes of an impending thunderstorm and/or tornado. Mr. Noe suggested that Mr. Young mention at the planning and zoning board



meeting on June 23 that the board is considering using the cell town contract funds for such a public service. Mr. Noe felt 4 systems would probably be necessary to cover the CSCD. Mr. Kolar supported Mr. Noe's suggestion especially since he had proposed the same thing several months ago but it went nowhere at that time. Mr. McGaha stated that the county emergency management agency submitted a grant for five tornado warning systems and one of those is planned for the CSCD. Mr. McGaha will get prices on the system and will get advice from a professional on how many systems are needed to properly cover the CSCD. The board approved having Mr. McGaha take the action that he proposed.

**K. Specific Lake or Dam Issues/Board Member Concerns:**

1. Mr. Hetherington commented that several incidents at the meeting last month were unacceptable. He said that freeholders should come to the meeting and, if they have concerns, issues or questions, they should be heard. However, at some point once a freeholder has made a point, the meeting should move on. Mr. Hetherington said that he would encourage the chairman to take control of the situation when the freeholder does not seem to understand when it is time for the meeting to continue on with its scheduled business. Taking control by chairman might even require requesting that the freeholder leave the meeting. Mr. Fenwick promised that what Mr. Hetherington proposed would happen the next time such a situation gets out of control. Mr. Fenwick has discussed such situations with Mr. Young and Mr. McGaha and they have agreed to guidelines for how such situations must be handled.
2. Mr. Collins reported that he had forwarded emails to the board members received from Mr. Richard Hawes about the details of setting up insurance on the two dams. Mr. Hawes has told Mr. Collins that he will be providing the CSCD with a quote at high risk on both dams. The Sweetwater dam is high risk since there are two homes below the dam that will be imperiled with possible loss of life by any dam failure. It is possible that the Cordry dam would be categorized as low risk since a dam failure would empty into uninhabited areas of Camp Atterbury. Mr. Noe clarified that the high and low risk differences has nothing to do with the integrity of either dam but is dependent on possible damage and loss of life downstream from the dams.

**L. Wrap-up:** None

**K. Adjournment:**

**Motion:** Mr. Noe made a motion to adjourn at 8:33 pm, seconded by Mr. Kolar – motion carried unanimously.

Minutes respectfully submitted by Dave Moebes

**Approved** this 8<sup>th</sup> day of January, 2011, at Nineveh, IN.

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

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

  
\_\_\_\_\_  
David Moebis, Secretary      Aye    Nay

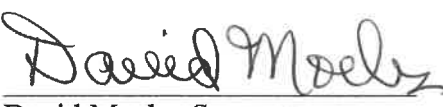
None \_\_\_\_\_  
Open \_\_\_\_\_      Aye    Nay

Absent \_\_\_\_\_  
Quinn Hetherington      Aye    Nay

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

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

Attest:

  
\_\_\_\_\_  
David Moebis, Secretary