

June 18, 2013 Minutes  
**Cordry-Sweetwater Conservancy District**  
**Board of Directors Meeting**  
**“Minutes”**

June 18, 2013, 7:00 PM, CSLOA Clubhouse

**Board Members Present:** Larry Kolar, Jim Ray, Anita Wright, Quinn Hetherington, Herbie Benshoof, Francis Gantner

**Board Members Absent:** Cathey Byers

**CSCD Attorney:** Roger Young

**Managers Present:** Rod Blasdel, Nina Latimer, Vernon McGaha, Anthony Haywood

**Managers Absent:** None

**Guests:** Margaret Bruce, Lanny Rossman, Nancy Harrison, Mr. & Mrs. Kuchik, Will Gooden (Kuchik lawyer)

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

**B. Announcements:**

1. None

**C. Agenda Modifications:**

1. Mr. Kolar requested the approval to add Budget 2014 as line item 9D to the agenda.

**MOTION: Mr. Kolar made a motion to add Budget 2014 as line item 9D to the agenda, seconded by Mr. Gantner– motion carried unanimously.**

**D. Freeholder Concerns:**

1. There were no freeholder concerns.

**E. Approval of Minutes:**

1. May 21, 2013 CSCD Board Meeting Minutes

**MOTION: Mr. Gantner made a motion to approve the May 21, 2013 Board meeting minutes as submitted, seconded by Mr. Benshoof— motion carried unanimously.**

2. June 10, 2013 CSCD Special Board Meeting Minutes

**MOTION: Mr. Ray made a motion to approve the June 10, 2013 Special Board meeting minutes as submitted, seconded by Mr. Gantner— motion carried unanimously. Mr. Benshoof and Mr. Kolar abstained.**

**F. Management Reports:**

**1. Conservancy Manager: Mr. Blasdel**

- a. Mr. Blasdel read his manager's report on the various projects in progress within the District.
- b. The old shop building has been vacated and ready for demolition to start on Thursday.
- c. Boat ramps material is on order. It has an 8 week lead time. This will put the project start date somewhere around the end of July to beginning of August. Mr. Gantner stated that if the materials come in at the end of July than to start the work in early August but if the materials don't come in until late August to wait until after Labor Day to start the work.
- d. Started the milling and patching of the roads today. All asphalt work will be completed by the end of the week. Striping of all parameter roads will follow a two week cure time on the new asphalt. Re-graveling should be completed going into the second week of July. We are moving signs as the roads get re-graveled. Mr. Kolar asked for bigger signs and in enough advancement for people to turn around for the asphalt paving on the Cordry Dam.

**2. Financial Clerk: Mrs. Latimer**

- a. Mrs. Latimer read the financial report. Mr. Kolar asked about the status of the taxes. Mrs. Latimer stated that they didn't receive them until late July last year.

**MOTION: Mrs. Wright made a motion to approve the financial report subject to audit, seconded by Mr. Benshoof— motion passed unanimously.**

- b. The Board reviewed the claims for the month. Mr. Kolar stated that item number 470 was because the CSCD had to run temporary wiring to the current office building until the new office building is complete. Mr. Kolar asked about item number 424. Mrs. Latimer stated that was because the employee gave her the wrong routing number so we just wrote her a check to replace the direct deposit until the routing number is corrected.

**MOTION: Mr. Gantner made a motion to approve the claims subject to audit, seconded by Mr. Benshoof— motion passed unanimously.**

### **3. Roads/Water Supervisor: Mr. Haywood**

- a. We have moved out of the old building and are now working out of the updated building.
- b. We are working on the buoys. We are getting a GPS unit for the buoys in order to locate a specific buoy.
- c. We are reading water meters and mowing the grass. Getting ready for the holiday weekend.
- d. Mr. Hetherington asked about the mowing equipment. He asked if we need to purchase new equipment. Mr. Blasdel stated that we have it in the budget for next year.
- e. Mr. Kolar asked if the leaks in the water utility lines have been fixed. Mr. Haywood stated that we are down to 11. All the water leaks that ME Simpson found are underground and are unserviceable. We are trying to get them fixed as quickly as possible.

### **4. Security Manager: Mr. McGaha**

- a. The idle light has been set until September's security meeting. It has been set for 8PM.
- b. Rick Normington has been getting quotes from Ted's and Denny's Marina for patrol boats. They are not planning on purchasing a patrol boat this year unless something goes wrong.
- c. We have stepped up speed enforcement again.
- d. If a person needs to get ahold of a patrol boat to call the Sherriff's department instead.
- e. Questions were raised by boat patrol about wake boards on lakes. Bringing it to the Security Commission.
- f. 2002 Ford Explorer needs a new A/C in it. Received quotes from Ford for \$800 and from Parks Garage for \$593. Mr. Blasdel gave approval to get it repaired at Parks Garage.
- g. Have an oil leak between the engine and transmission on the 2012 Ford Explorer. It is still under warranty.

## **g. Commission Reports:**

### **1. Building: Mrs. Wright**

- a. There were eight building permits issued.
- b. The property at 6536 Quail Drive requested a building permit for a dock. The Commission received an incomplete application. There was concern about a stone fireplace within the plans and raised questions about the roof extending out further that allowed. Mr. Kolar received a letter Mr. and Mrs. Kuchik. Mrs. Kuchik spoke to the Board stating most of the discussion during the Building Commission meeting was whether or not they liked or disliked the dock and an imposition of personal preferences. They have married three properties together and gave the recorded deeds to the CSCD office. The stone fireplace was going to be on land and not the dock itself. The fireplace has now been deleted from the plans and Mrs. Kuchik offered to give the Board the revised plans. She stated that many docks on both lakes have covered decks. Mrs. Kuchik introduced her attorney Mr. Gooden with

Baker and Daniels Law. Mrs. Harper who owns a property on Loon Dr. just got a dock with a roof approved by the Building Commission. Mr. Gooden spoke and introduced himself to the Board. He stated that he looked over the rules and didn't see any rules that they would be violating when building the deck. Mr. Kolar asked Mr. Gooden which section of the rules he looked at. Mr. Gooden stated that he looked at the Building rules that were revised in March 2010 and on the website. Mr. Gantner stated that the District owns the lake and the Dams. In the revised rules it adds a number of definitions but none of them have a definition of a party deck. The definition of a dock stated that the only purpose of a dock is to get in and out of a boat. Mrs. Kuchik asked the Board if there is an issue of having an entertainment area on the dock. Mr. Benshoof stated that the 40 foot section is part of the dock. Some homeowners live on steep lots that only have docks in order to lounge down by the lake to enjoy the water. Mrs. Kuchik stated that the 40 foot section is also where guests can park their boats laterally and parallel to the dock. Mr. Kolar stated that the Board needs to research it more before making a decision. He asked to table it until next Board meeting. Mr. Young stated that the Board members need a set of revised plans.

**MOTION: Mr. Gantner made a motion to table the issue of a building permit application until next Board meeting in July, seconded by Mrs. Wright; there was discussion – motion passed with 5 votes for and 1 against. Roll call is as followed:**

**Byers – Absent**  
**Benshoof – No**  
**Hetherington – Yes**  
**Gantner – Yes**  
**Ray – Yes**  
**Wright – Yes**  
**Kolar – Yes**

- c. The property at 7448 Jay Dr. that had a stop order placed on it had REMC put a meter on the garage.

**2. Ecology: Mr. Ray**

- a. Mr. Ray went over the fisheries management on the lakes. Many of the lake anglers have the desire for there to be more large bass in the lake. It was discussed imposing a "slot limit" for Largemouth bass. It would prohibit possession of Largemouth bass between 12 and 15 inches in length. There could be a possession limit of 5 Largemouth bass smaller than 12 inches and larger than 15 inches. Currently there are no limitations on the lakes but follow that of the DNR. A homeowner asked if it would be easier to restock the lake with the fish. Mr. Ray stated that it wouldn't. Mr. Young stated that unless that you area DNR officer you

can't ask someone to show what is in there cooler without probable cause under the Fourth Amendment. You can provide in the general rules of the District that the use of both lakes for fishing and recreational purposes is a privilege and by accepting that privilege the person consents CSCD personnel look inside their cooler to see if they are abiding by the rules since the lakes are private. Mr. Young stated that if it was public waters than the DNR personnel need probable cause to search a persons' cooler. Mr. McGaha agreed. There are currently no limits to pan fish in the State of Indiana.

- b. The meeting will be moved from July 4<sup>th</sup> to July 11<sup>th</sup> at 7:00PM due to the holiday.

### 3. **Security: Mr. Hetherington**

- a. The repair to the patrol boat was about \$600 to replace a gear box.
- b. There was a short discussion about the patrol boats checking on the limits of fish being possessed by homeowners.
- c. There was discussion about the amount of wake the patrol boats are producing prior to 10:00AM for skiing. It was offered to loan a mirror for the patrol boats to use.
- d. So far this year we have issued fewer than 10 tickets. Last year we issued 153 tickets all of which 53 of those tickets were issued for expired tags.

### 4. **Roads: Mr. Gantner**

- a. There was no meeting in June due to all the goal established by the Commission has either been completed or are currently being completed. If anyone has an issue or comment to call Mr. Gantner.
- b. Mrs. Harrison requested if there could be a 3-way stop sign at Elm Dr. She was also concerned about people who walk near the intersection of Hackberry and Kingnut because of the tight curves. She was wondering if there could be a sign stating pedestrians walking. Mr. Gantner stated that once the paving is completed that there will be a number of traffic control signs installed yet not sure if the intersections Mrs. Harrison was concerned about were in the scope but will check into it.

### 5. **WATER: Mr. Benshoof**

- a. Still working on the long-term water tower planning.
- b. ME Simpson is coming back in the next couple weeks to re-evaluate the 3 miles of concrete piping. They will pressure test it.
- c. Working with Mr. Haywood on the long-term water loss plan. Received some water loss software.
- d. Continue to have issues with our financial software. It has not been responsive and the tablets have been acting up. We are currently looking at new software.
- e. Mr. Gantner asked about water loss estimate of about 650,000 gallons. He asked over what time frame was this water loss over. Mr. Haywood stated that it is over one month that was fixed. This is for the 15 water leaks that were fixed in May. Mr. Gantner asked if there was a goal for water loss. Mr. Benshoof stated that is it 15-20 percent. Mr. Gantner asked how much water we consume within a year. Mr. Haywood stated that we use about three million gallons per month.

## **H. Other Governmental Interface Meeting Reports:**

### **1. Brown County Solid Waste: Mrs. Byers**

- a. There was no update due to Mrs. Byers's absence.

### **I. Status from CSCD Attorney: Roger Young**

1. The trial over the foundation issue at the property on Kingnut was supposed to go to trial. The previous week Mr. Young and the defendants agreed to the language of an agreed judgment that the defendant's council promised. The agreed judgment states that within 90 days of the entry of the agreed judgment the foundation will be removed according to the plans prepared by Mr. Blasdel. It is understood that the property is supposed to be sold. It was done in a way that it makes it a covenant that runs with the land. If the current owners do not sign the agreed judgment than it will be moved to substitute parties and the new homeowners will become the defendants and will get a new trial date.
2. We have service on WhiteLane. She filed a rambling response in which the court states it as a denial. Mr. Young requested the court set a pre-trial conference. It will go to trial unless the property gets remediated. Mr. Blasdel will look at the property. Mr. Lee has already looked at the property.
3. Mr. Hetherington stated that the property on Centerlake Road between Greywolf and Grouper in which satisfied the agreement on a suit that was previously filed against them seemed to be backtracking. He is not sure if it is enough to file suit against them again. Mr. Ray asked if there is a way to define what is junk and what is not. Mr. Young stated not what is already in the rules.

### **J. Unfinished Business:**

1. Mr. Young updated on the Interlocal Agreement. Barnes and Thornburg have looked at the agreement and will probably suggest some changes. The issue is to make sure that our local law enforcement has the authority to site for CSCD violations. Another issue is how we remove a deputy that is assigned here by the sheriff but is not acceptable to the Conservancy District keeping in mind that the sheriff has ultimate authority over the deputies. The District does not have the authority to fire a deputy. There needs to be language in the agreement stating that at the request by the District the sheriff would reassign a CSCD deputy to another area within the County and replace them with someone else. Mr. Gantner asked Mr. McGaha who he considers himself an employer of. Mr. McGaha stated that is depends on who looks at it. He has always considered himself an employee of the Conservancy but the sheriff has the ultimate say so.
2. Mr. Kolar gave an update on the new Maintenance/Office Building. We signed loan papers today.
3. There are no updates to the Goals for 2013.
4. Mr. Kolar went over the budget for 2014. Mr. Hetherington sent some information to add \$20,000 for a new boat and \$2,500 for seasonal equipment. Mr. Kolar asked what is meant by seasonal equipment. It was stated by both Mr. Hetherington and Mr. McGaha that is would include buoys and stuff for the boat house. Mr. Gantner stated that they have repaired the past patrol boats. There needs to be justification in order for approval for a

new patrol boat. Mr. Young stated that we need a separate line for debt service for 2014. It was stated that Mrs. Latimer consult with DLGF. It was stated that the first public hearing will be in August and the second public hearing will be in September. Mr. Gantner asked for clarification on the code columns on both the financial statement and the budget report. Mrs. Latimer stated that the financial statement has fund numbers and the budget has account codes.

**K. New Business:**

1. There is no new business.

**L. Board Member Concerns:**



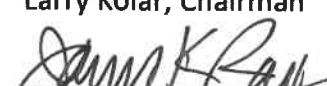

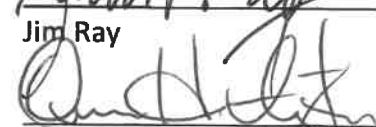
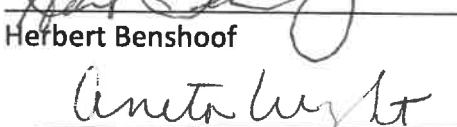
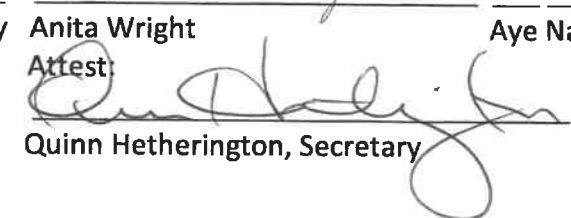
1. Mr. Hetherington stated that he noticed that there was a new dish on the cell tower and was wondering if Verizon Wireless was paying us for the additional dish. Mr. McGaha is looking into it.
2. Mr. Kolar asked if there could be a "No Dumping" sign at the Cordry Dam parking lot.

**M. Adjourn**

**MOTION: Mr. Gantner moved to adjourn, seconded by Mr. Ray— motion carried unanimously.**

Respectfully submitted by Kristi Putnam.

Approved this 16th day of July, 2013, at Nineveh, IN

	✓		✓
Larry Kolar, Chairman	Aye Nay	Francis Gantner, Vice Chairman	Aye Nay
	✓		<del>✗</del>
Jim Ray	Aye Nay	Herbert Benshoof	Aye Nay
	✓		—
Quinn Hetherington, Secretary	Aye Nay	Anita Wright	Aye Nay
<b>ABSENT</b>		Attest:	
Cathey Byers	Aye Nay		Quinn Hetherington, Secretary