

Cordry Sweetwater Conservancy District
Board of Directors Meeting
“Minutes”

March 16, 2010

7:00 PM

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

CSCD Attorney: Roger Young

Managers: Marty Anderson, John Collins and Vernon McGaha

Guests: Brian Lucas, Pat Dziennik, Randy Taggart, Bill Boyle, Pam Collins, Anita Wright, David Wallace, Rick Normington, Frank Green, Dave Jarrett, Shawn Michel, Debbie Noe, Gregg Gillentine and Stacy Wethington

Minutes prepared by: Stacy Wethington

A. Welcome and Pledge of Allegiance:

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

B. Freeholder Concerns: Anita Wright presented a picture of a sign that will be made by Tom Linn for the walking track and asked for the board to approve the sign.

Motion: Mr. Moebs made a motion to accept the sign that was presented by the Flag Group for the walking track, seconded by Mrs. Boyle – motion carried unanimously.

C. Amendments to the Agenda:

Motion: Mr. Moebs made a motion to add (2) items to the agenda, additional repairs to Cordry Dam and Resolution 2009-5, seconded by Mr. Kolar, motion carried unanimously.

D. Minutes:

1. January 14, 2010 Special Board Meeting Minutes:

Motion: Mr. Dziennik made a motion to approve the January 14, 2010 Special Meeting Minutes, as written, seconded by Mr. Kolar – motion carried, Mr. Noe abstained - he was absent from meeting.

2. February 16, 2010 Executive Board Meeting Minutes:

Motion: Mr. Dziennik made a motion to approve the February 16, 2010 Executive Board Meeting Minutes, as written, seconded by Mr. Moebs, - motion carried unanimously.

3. February 16, 2010 Board Meeting Minutes:

Motion: Mr. Dziennik made a motion to approve the February 16, 2010 Board Meeting Minutes, as written, seconded by Mr. Kolar – motion carried unanimously.

4. March 5, 2010 Executive Board Meeting Minutes:

Motion: Mr. Dziennik made a motion to approve the March 5, 2010 Executive Board Meeting Minutes, as written, seconded by Mrs. Boyle, - motion carried unanimously.

E. Management Reports:

1. Business Manager, Marty Anderson:

A. Mrs. Anderson read the financial report for the district for the month of February.

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

B. Approval of Claims: Mr. Kolar questioned claim #207 to Brown Co. Tire for wrecker charge. Mr. Collins explained it was for a plow truck that was stuck on a side drive and needed to be pulled out. Mr. Noe asked if all claims were verified by the person making purchase. Mrs. Anderson stated that all delivery tickets are signed by person receiving purchase and invoices are checked against delivery receipt or with the department manager.

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

C. Approval of Amended Financial Report:

Motion: Mrs. Boyle made a motion to approve the amended financial reports for 12/31/09 and 1/31/10, seconded by Mr. Dziennik – motion carried unanimously

D. Status of CompuTrain Software: Mrs. Anderson gave an update on the software installation and said she has been training on the new system. This process will take a while to complete.

2. Infrastructure Reports, John Collins: Mr. Collins stated that he would discuss any issues he has during the commission reports.

F. Budget Forecast Report, Tom Dziennik:

1. 2009 Budget Forecast (final) – Mr. Dziennik gave the final 2009 Budget Forecast.
2. 2010 Budget Forecast – Mr. Dziennik gave the March 2010 Budget Forecast, he explained that this will be a recap each month. The only major difference in the March Budget Forecast is the extraction of the Security line item from the CSCD Budget. This will be discussed in new business. Mr. Dziennik stated over all budget wise we were in good shape.

G. Commission Reports:

1. **Building – Mr. Fenwick:** Mr. Fenwick summarized the minutes from the March meeting.

2. **Ecology – Mr. Kolar**

A. **Weed Control:** Aquatic Control was the only company to submit a bid for the lake weeding. Their bid was in the amount of \$25,600. Mr. Dziennik asked what the cost comparison to last year. Mr. Kolar stated it was close to the cost of 2009. They will also do a survey to see what areas are in need of the weed treatment.

Motion: Mr. Kolar made a motion to accept the bid from Aquatic Control in the amount of \$25,600 for the weeding of the lakes, seconded by Mr. Hetherington – motion passed unanimously.

B. Mr. Kolar wanted to remind everyone to use phosphorous free fertilizers when fertilizing your lawn.

C. **Fish Structure Proposal:** The commission is requesting the purchase of (60) porcupine fish structures to be placed in the lakes total cost not to exceed \$3,500.

Discussion: Mr. Fenwick asked how large are the structures? Mr. Normington explained that they are 5.5 feet on each side. These are permanent structures. Mr. Moebs asked who would be installing the structures. Mr. Kolar stated that the Ecology Commission members and Angler's Club will be doing installation. Mr. Noe asked if we should be spending money on items that aren't a necessity with the money/budget situation that the District is in. There was a discussion on the amount that was removed from the CSCD Budget by the Department of Local Government Finance. Mr. Hetherington stated that if the Ecology Commission had the money in their budget, then it shouldn't be an issue.

Motion: Mr. Kolar made a motion to approve the purchase of (60) porcupine fish structures at a cost not to exceed \$3,500 – seconded by Mr. Hetherington, motion carried vote 5-1, Mr. Noe voted against.

D. **Parks Update:** A five year plan for improving the parks area has been approved. The first stage is to remove the fencing, leveling and seeding the retention pond area. The CSLOA is going to help defray the cost of the improvements.

Motion: Mr. Kolar made a motion to accept the bid from Jerry Cleefman to remove fencing, level and seed the retention pond at a cost of \$ 9,500, seconded by Mrs. Boyle, motion carried vote 4-2, Dziennik, Hetherington, Kolar and Boyle – yes; Noe and Moebs – no

E. **Cordry Dam Repair:** The area at the north end between the first and second terrace area of repair where there was a previous slide, the area has slid again. Mr. Kolar and Mr. Collins both believe that an expert engineer needs to be called in to look at area and examine problem area.

Motion: Mr. Kolar made a motion to pay Ed Boards Engineering a fee of \$1,000 to examine the Cordry Dam, seconded by Mrs. Boyle – motion approved unanimously

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

A. 2010 Kayak Race

Motion: Mr. Hetherington made a motion to approve a kayak race on July 3, 2010 at 8:00 pm, seconded by Mr. Noe, motion carried unanimously.

B. Buoys

Motion: Mr. Hetherington made a motion to purchase five new buoys at a cost of \$ 623.75, seconded by Mrs. Boyle – motion approved unanimously

- 4. Roads – Mr. Noe:** Mr. Noe summarized the roads meeting minutes. There was a discussion on lot owners putting salt on gravel drives. This causes major problems with the roads. This should not be done. A notice will be put in a future newsletter reminding freeholders that you should not put salt on gravel roads. The roads commission has also approved Mike Fouch as the CSLOA representative on the commission.

Motion: Mr. Noe made a motion to approve Mike Fouch as the CSLOA representative on the Roads Commission, seconded by Mrs. Boyle – motion approved unanimously

- 5. Water – Mrs. Boyle:** Mrs. Boyle summarized the water commission meeting minutes.

H. Brown County Solid Waste: Mr. Moebis summarized the minutes from the Brown County Solid Waste Management meeting

I. Unfinished Business:

- 1. Resolution 2009-5:** for docks, boat shelters and boat lifts

Motion: Mr. Moebis made a motion to accept the 2009-5 resolution as written, seconded by Mrs. Boyle – motion approved unanimously

- 2. CSCD Board Goals and Plans for 2010:** Mr. Moebis has collated a spreadsheet outlining the goals and plans for 2010. There was a discussion on the proposed new maintenance building and the options of “pay as we go” –vs- long term financing. The board members need to go over the list of goals and plans and these items will be discussed at future meetings.
- 3. Part-time Building Compliance Officer –** Mr. Fenwick stated that we have received twenty-five resumes for this position. Mr. Kolar, Mr. Dziennik and Mr. Collins will review the resumes and decide on whom to interview.
- 4. Liability Insurance Coverage:** Have not heard back from insurance agent. The information agent requested was provided to him.
- 5. Resolution 2010-5:** Motion was not made at previous meeting to approve resolution.

Motion: Mr. Moebis made a motion to approve Resolution 2010-5 retroactive to January 14, 2010, seconded by Mrs. Boyle – motion carried unanimously.

I. New Business:

1. Premier Ag – 2010 gas price lock-in: Mr. Jim Begley presented a bid to lock in the price for marina gas and regular gasoline. Marina (90+ octane) gas price would be \$ 3.34 per gallon May 1-Aug 31, regular gasoline (87 octane) price would be \$ 2.85 per gallon May 1-Aug 31.

Motion: Mr. Noe made a motion to approve the accept the bid from Premier Ag for marina gas 90+ octane cost of \$ 3.34 per gallon and regular gasoline 87 octane at a cost of \$ 2.85 per gallon (8,000 gallon maximum at this price), seconded by Mr. Moebs – motion carried unanimously

2. DLGF Adjustment to budget and tax levy: A decision to engage a law firm to file an appeal with the DLGF. Mr. Young explained the DLGF's decision to reverse a position it has held for at least 12 years that the CSCD does not have the right to provide security for the district. Mr. Young stated that the district has two options: 1. To do nothing, and this could mean that even if the Brown Circuit Court rules that the district does have the right to provide security, the DLGF could still deny any future budgets that have any security items in it. 2. Hire Tony Overholt (freeholder of the district) works for the law firm Frost, Brown and Todd to represent the district at a cost not to exceed \$20,000 to appeal the decision of the DLGF. Mrs. Anderson asked the question if it was legal for the district to pay for security out of non-tax revenues. Mr. Young replied by referring to a December 2, 2008 ruling by Judge Stewart of Brown County Circuit Court that the request for preliminary injunction was denied and stating the public interest would be disserved by the grant of an injunction given the nature of some of the actions sought to be enjoined including actions of dealing with regulations of septic systems and payment of law enforcement protection of the conservancy district, the court finds that the preliminary injunction be denied. Mrs. Anderson asked for an explanation in simple terms, Mr. Young stated that at this time it was not illegal to pay for the security officers so long as it is paid out of revenues other than revenues generated through property tax issues. Mr. Young further stated that he might be telling something different in June, once Judge Stewart revisits this issue.

Motion: Mrs. Boyle made a motion to appeal the DLGF ruling and to employ Frost, Brown and Todd at a cost not to exceed \$ 20,000, seconded by Mr. Moebs – motion carried unanimously

3. 2010 Security Budget: Mr. Dziennik summarized the 2010 budget and stated that Mr. McGaha has found ways to reduce the security budget. \$39,000 was reduced by the deferral of a vehicle until next year and some other items; the remaining budget is \$168,000 for the remainder of the year. Mr. Dziennik suggested that if \$40,000 is taken from Road Tax, \$80,000 from Boat Decals and \$48,000 from the Water Utility, this would take care of the 2010 budget.
4. Security Budget Solution - 2011 and beyond: There was a suggestion by Mr. Dziennik to raise the Road Tax fee from \$24 to \$72. Mr. Moebs stated that the Road Tax fee is fixed in the covenants and that there is a process that would need to be reviewed. Mr. Noe stated that we need to tighten our belt on spending. Mr. Fenwick agreed and stated that this will have to be a lean year. Mr. Young suggested a new security assessment. Mr. Dave Jarrett asked if the public was encouraged to attend the pending court hearing. Mr. Young

stated it was an open court and he would encourage the freeholders to attend the April 6th court hearing at Brown County Circuit Court, the case is Kloszinski -vs- Cordry Sweetwater Conservancy District.

J. Specific Lake or Dam Issues/Board Member Concerns:



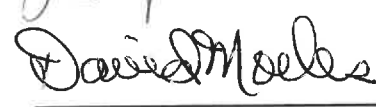



1. Mr. Hetherington stated that the bill has been signed by the Governor to allow the district to enter into an agreement with the cell tower company. Mr. Young will begin the negotiation phase with the cell company. Mrs. Bruce asked if there would be a public meeting regarding the cell tower installation.
2. Mr. Collins encourages the board to hire a civil engineer to be placed on a retainer basis to be called in on specific issues within the district.

K. Adjournment:

Motion: Mrs. Boyle made a motion to adjourn at 10:30 pm, seconded by Mr. Noe – motion carried unanimously.

Continued from page 5 of the March 16, 2010 CSCD Board of Director Meeting Minutes

Approved this 20th day of April 2010, at Nineveh, IN.

 Jerry Fenwick, Chairman	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	 Tom Dziennik, Vice Chairman	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
 David Moebs, Secretary	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	 Larry Kolar	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
 Quinn Hetherington	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	Cheryl Boyle	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay
 Norman Noe	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay			

Attest:

David Moebs, Secretary