

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

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

November 18, 2008

7:00 PM

Present: Dziennik, Noe, Moebs, Daseler, Kolar, Hetherington, Boyle
Absent: None

A. Call to order: Mr. Dziennik called the meeting to order at 7:00 PM and led in the Pledge of Allegiance.

B. Freeholders Concerns:

Ron McManus on Heather Drive – He lives on a small cove. Weed treatment not effective both last year and this year. There is a heavy, matted green growth in front of his property that he has to rake when people visit. Members of the Ecology Commission mentioned that this type of weed is probably not treated. They also mentioned that raking can spread certain types of weeds. The Chairman suggested that Mr. McManus submit a work order at the CSCD office to make note of the problem for the next weed control that is done for the lakes.

C. Approval of October 21, 2008 Minutes:

Motion: Mrs. Boyle made a motion to approve the October 21, 2008 minutes as written, Seconded by Mr. Noe – motion carried unanimously.

D. Financial Report – Business Manager

Marty Anderson: Gave the financial report.

Motion: Mr. Daseler made a motion to approve Financial Statement, subject to audit, seconded by Mr. Moebs – motion carried unanimously.

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

E. Infrastructure Status – Infrastructure Manager – John Collins:

There was no infrastructure report since Mr. Collins was on vacation.

F. Commission Reports:

1. Building: Mr. Moebs gave the Building Commission Report.

- He mentioned that Mr. Dziennik, Mr. Hicks, and Mr. McTigue had composed a letter regarding what needs to be done by the Janneys regarding

their lot. The letter was given to the CSCD attorney to review and the attorney provided a version of the letter for the commission to review. Since the boat shelter on the Janney lot (WS20) was built with a permit while the rules permitted such a structure on an undeveloped lot, the attorney suggested that references to the boat shelter be removed from the letter.

A lengthy discussion ensued about the letter with opinions on whether or not structures such as retaining walls and steps were covered by the restrictions in covenant 1 of the deed restrictions for all property in the CSCD. The posts placed on the property without a permit should be removed by cutting off the post at ground level rather than removing the posts and concrete base from the ground. Removal of the entire post and concrete could create an erosion problem. The Janneys must submit an erosion control plan and the plan must be approved by both the Building and Ecology commissions. Mr. Moebs is revising the letter from attorney based upon the discussion at the meeting and Mr. Dziennik, Mr. Hicks, and Mr. McTigue will review the revised letter. The revised letter will then be reviewed by the Building Commission.

- Mr. Moebs explained that the "Deed Restricted Community" signs for three locations had been ordered. Mrs. Bruce reported that she is awaiting word of their completion from the supplier.
- Mr. Moebs stated that the Rules Committee met twice since the last commission meeting. Progress continues to be made toward completing the revision of the rules and regulations.
- Mr. Moebs talked about the situation involving the shore station on the Hess property. Mr. Hess, Mr. Hess's attorney, the CSCD attorney and Mr. Moebs met at the CSCD office on October 28, 2008, to review the situation. Mr. Hess thought that his contractor had obtained a permit to install the shore station but the CSCD has no record of such a request or permit being issued. It was agreed that Mr. Hess would contact his contractor to determine if a permit was obtained and, if so, will provide documentation of the permit. If the contractor did not obtain a permit, Mr. Hess will initiate the permit procedure and the variance procedure to request approval of the current location which violates the rule regarding such installation are to take up no more than 25% of the cove. Once the permit and variance requests are received the Building Commission will review them and make a decision.
- Mr. Moebs reported that volunteers are still needed to input data on past permits as part of the computerization of building permit data. Mr. Enderle explained the nature of the work.
- Mr. Moebs mentioned that Mr. Quackenbush had sent letters that included the geothermal requirements and hold harmless letter to the freeholders known to have a geothermal system bales or coils installed in one of the lakes. Mr. Dziennik had commented that the CSCD attorney had mentioned to him that there is a lawsuit concerning a Heritage Lake accident where a person was paralyzed after hitting a structure in the lake. It was re-iterated that the CSCD geothermal requirement that any geothermal bale or coil that

is in the high speed portion of the lake must be moved to the idle zone and marked with a float indicating the location of the bale or coil.

- There was an update on only one of the problem lots. Mr. Collins is going to write a letter to Mr. Herald about the need to remove the remaining construction equipment on his property. The letter will include a deadline and the letter will mention that if the deadline is not met that the situation will be turned over to the CSCD attorney and a lawsuit may be filed.
- A complaint from Mr. McGaha was discussed since his neighbor built a carport which has been converted to living space and the structure is partially on the property of Mr. McGaha. The carport is located at 8046 Elm Drive (lot S55). Mr. McGaha is going to have a stake survey performed to verify the location of the carport with respect to his property line. Mr. Collins is going to investigate the situation.
- The deadline for removal of the two trees that have fallen into Cordry Lake has expired. Mr. Collins is going to write another letter to the freeholder indicating the deadline of the original letter has expired and that a response is required with 10 days or the CSCD attorney will be contacted about filing a lawsuit.

2. Ecology: Mr. Kolar gave the Ecology Commission Report.

- Mr. Kolar mentioned that there were no minutes available from the last Ecology Commission meeting.
- Mr. Kolar mentioned that the commission will make no recommendation of action about the concerns of Bob Arnold and Dawn Smith about the flooding of homes on lake fronts possibly caused by changes to the Sweetwater spillway when the pipe was replaced. Engineering data appears to be adequate that the changes to spillway and weir do not reduce the capacity of the spillway and weir to drain excess water from the lake.
- Mr. Kolar also mentioned that dredging committee report will be reviewed with the Building Commission.
- Mr. Kolar stated that letters will be sent to several vendors requesting bids for weed treatment of the lakes for 2009. The bids must be submitted by February 1.
- Mr. Hetherington asked if it might be possible to update the realtor map of the lakes to include numbering of all of the coves in order to make it easier to identify locations needing weeding, etc.

3. Security: Mr. Noe gave the Security Commission Report.

- Mr. Noe mentioned that an open meeting was held on October 28, 2008, to discuss the deer heard management program. The meeting was called to answer any questions from freeholders about the program. About 70 people attended with 5 people being negative about the program and 65 people being positive about the program. Some people in favor of the proposed program wanted a more extensive program in areas other than the planned area near the firehouse.

- Mr. Noe reported the CSCD attorney, Roger Young, said that Brian Lucas should appear in court concerning the law suit filed by James Vandygriff concerning the loss of his fishing equipment when Brian Lucas inadvertently pulled the equipment into the lake when he pulled his patrol boat beside the Vandygriff boat due to a violation of lake rules by Mr. Vandygriff. The CSCD Attorney explained that Mr. Lucas should state that he was an employee of the CSCD and was working as a security officer at the time of the incident and that there was no tort claim filed against the CSCD in this matter. The case should be thrown out since the proper process was not being followed. Mr. McGaha and Mr. Noe will accompany Mr. Lucas to the hearing.
- Mr. Noe reported that the county commissioners had approved an ordinance that supports the current CSCD speed limits. This allows for the enforcement of these speed limits by the deputies. All officers have been informed to enforce the current speed limits with the CSCD.
- Mr. Noe stated that after lengthy discussion it was decided that the idle lights would be set to yellow 1 hour before sunset and will be set once each month to the average sunset time for that month.
- Mr. Noe mentioned that Mr. McGaha brought up that the minimum bid for the 1994 and 1995 Crown Victorias will be \$500.00 for each car and the commission agreed to the bid amount minimums.
- Mr. Noe stated that Mr. Jarrett gave a short report on the status of the cell phone tower committee. There is a new cell phone tower in Camp Atterbury. Mr. Jarrett has scheduled a committee meeting for December 8 at 6:00 PM which will be publicized on the web site.
- Mr. Noe reported that first two days of the deer management program resulted in harvesting 5 does. The total number of hunters for both days was 25. There were no problems reported. The next program is scheduled for November 22 and 23 at the firehouse.

4. Roads: Mr. Hetherington gave the Roads Commission Report.

- Mr. Hetherington stated that the final repairs of flood damage had been completed except for the paving of the repairs at Falcon Drive and Bluebird Drive which will be completed tomorrow. Some money has been received from FEMA for the flood damage.
- Mr. Hetherington reported the new Ford truck has been delivered and is in service.
- Mr. Hetherington reported that white line painting has been completed throughout the CSCD.
- Mr. Hetherington mentioned that crack sealing and patching would continue as long as temperatures remained above 55 degrees F.
- Mr. Hetherington mentioned that the commission is recommending that the board approve the purchase of studded snow tires for two of the three trucks used to plow snow. It was questioned if the studded tires would damage roads. Little damage is done to roads by studded tires. The sheriff deputy cars have uses the studded tire for a couple of years. The studded tires can

be installed on November 15 and must be removed by April 15. It was commented that remounting the tires each year is less expensive than buying rims for each set of tires.

Motion: Mr. Hetherington made a motion to approve the purchase of 10 studded tires for the two trucks used for snow plowing with a not exceed amount of \$1800.00, seconded by Mrs. Boyle – motion carried unanimously.

- Mr. Hetherington mentioned that John Collins had contacted three companies about doing chip and seal on paved roads. This appears to be an alternative to re-paving of paved roads to save those roads from further deterioration. The commission intends to further investigate this process and perhaps chip and seal will be applied to some roads as an experiment next year.
- Mr. Hetherington gave a reminder that snow plowing on main roads is the first priority. Snow is plowed on other paved roads as needed. Snow plowing on gravel roads is done when snow measures 3 inches or more due to the need to install “shoes” on the snowblades to plow gravel roads.

5. Water: Mrs. Boyle gave the Water Commission report.

- Mrs. Boyle stated that the commission had reviewed and discussed the tragic fire on Bunting Drive that resulted in a loss of life. The commission commends the fire department and water department for their excellent response to the fire to both extinguish the fire and control the amount of damage to adjacent homes and assure that water pressure was maintained for the fire fighters.
- Mrs. Boyle mentioned that water loss for October was 39.25%. The total water loss percentage year to date is lower than 2007.
- Mrs. Boyle reported that a new electrical panel has been installed at the pumping station and that all flood damage has now been repaired.
- Mrs. Boyle mentioned that there were 5 disconnects of service in October.
- Mrs. Boyle reported that the removal of a tree at the blue water tower is not completed due to problems in getting the original contractor to complete the job. John Collins is going to contact the contractor again and, if the tree is not completed, will contact other contractors to do the job. It was suggested that contractor such as Brown Tree Service which has bucket trucks might be better equipped to do the work.
- Mrs. Boyle mentioned that there is a new lot owner who purchased two vacant lots. He wants water service installed at his property. The commission advised the office staff to return his check and inform him of the rules and regulations. Water service will not be installed on any property until all CSCD Building Requirements have been met.

G. Other Governmental Interface Meeting Reports:

- 1. Brown County Solid Waste - Daseler:** Mr. Daseler stated that the Solid Waste Commission
 - Bids for loans will be opened on December 2. It is hoped that the loans will not be needed.
 - The Brown County IGA in Nashville distributed canvas shopping bags on one weekend. The IGA is has also begun a recycling program for plastic grocery bags.

H. Unfinished Business:

1. Septic System Evaluation Committee Update:

No one was available to report.

2. Resolution 2008-8: 2007 Salary Adjustment

Motion: Mrs. Boyle made a motion to approve the 2007 salary adjustment as recommended by the auditors during the recent CSCD audit, seconded by Mr. Noe – motion carried unanimously.

3. Resolution 2008-9: Weight Limit Change

Motion: Mrs. Boyle made a motion to approve the change to the dates of winter weight limits for roads in the CSCD, seconded by Mr. Moebs – motion carried unanimously.

4. Resolution 2008-10: \$500,000 LOC

Motion: Mrs. Boyle made a motion to approve, as recommended by the auditors during the recent CSCD audit, the acquisition of the \$500,000 line of credit from Irwin Union Bank to finance 2008 CSCD operations until Brown County can collect property taxes, seconded by Mr. Daseler – motion carried unanimously.

5. Resolution 2008-11: \$400,000 LOC

Motion: Mrs. Boyle made a motion to approve, as recommended by the auditors during the recent CSCD audit, the acquisition of the \$400,000 line of credit from Irwin Union Bank to finance the 2008 repairs to damage to CSCD infrastructure resulting from the June 7 flood, seconded by Mr. Moebs – motion carried unanimously.

6. Complete \$2,500 Land Purchase - Approval

Mrs. Boyle reported that the purchase of the land from Mr. ~~Katz~~ by the CSCD pumping station was close to be finalized by the CSCD attorney. The board needs to approve the purchase of 1/10th acre from Mr. ~~Katz~~ for \$2500 plus an additional amount of \$250 for the title policy. Mr. ~~Katz~~ will pay the 2006 and 2007 taxes and the 2008 taxes will be prorated between Mr. Katz and the CSCD. A request needs to be files with the Brown County Treasure to remove the

property from the tax rolls. The closing on the transaction will take place at the office of the CSCD attorney.

Motion: Mr. Daseler made a motion to approve the purchase of 1/10th acre from Mr. ~~Catt~~ for \$2,500.00 along with an additional amount of \$250.00 for the title policy, seconded by Mrs. Boyle – motion carried unanimously.

I. New Business:

Resolution 2008-12: Dates of CSCD Board of Directors Elections, Annual Meeting, and Regular Meetings for 2009

Mr. Daseler explained that the Indiana Conservancy Act requires notice of the CSCD elections and annual meeting be given not less than 14 days and not more than 31 days prior to the date of the election and annual meeting. This resolution sets the times and dates for the election of board of directors, annual meeting and regular meetings of the CSCD Board of Directors.

Motion: Mrs. Daseler made a motion to approve Resolution 2008-12 to set the dates of the CSCD Board of Directors Elections, CSCD Annual Meeting, and the Regular Meetings of the CSCD Board of, seconded by Mrs. Boyle – motion carried by a vote of 5 for, 1 against, no abstentions.

J. Specific Lake or Dam Issues:

- Mr. Hetherington mentioned that several people had commented to him that they felt that the lake boat patrol was operating when not needed. He also pointed out that the lake patrol budget had been exceeded by \$5000.00 in 2008. The Security Commission will look into this situation for 2009.

K. Board Member Concerns: None

L. Wrap-up – anyone:

- Mr. McManus recommended checking with Brown County for a recommendation on standardizing the winter road weight limits for both Brown County and the CSCD. Brown County currently used a per axle limit while the CSCD used a gross vehicle weight limit. If the Brown County and the CSCD limits were standardized, enforcement might be simplified.
- Mr. Michel questioned how the winter weight limits are enforced. Mr. McGaha explained that trucks must display a tag with their weight information. He also explained that dump truck had load ticket for stone, etc. that specifies the weight of the load. Trucks carrying lumber are difficult since their load information does not specify weight.

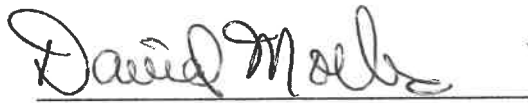
M. Adjourn:

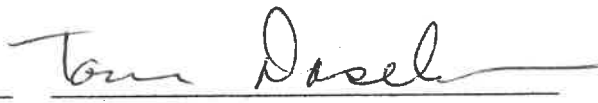
Motion: Mr. Noe made a motion to adjourn at 8:27 PM, seconded by Mr. Kolar -- motion carried unanimously.

Approved this 16th day of December, 2008, at Nineveh, Indiana:

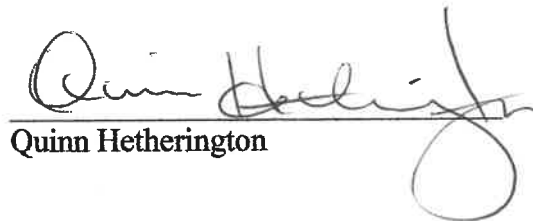

Tom Dziennik, Chairman

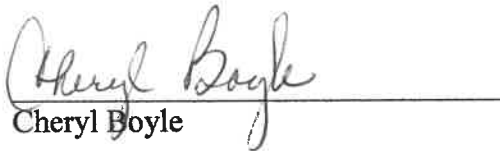

Norman Noe, Vice Chairman


David Moebis, Secretary


Tom Daseler


Larry Kolar


Quinn Hetherington


Cheryl Boyle

Respectfully submitted by Mr. Moebis on 12/13/2008

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

November 24, 2008
7:00 PM

Present: Dziennik, Noe, Moebs, Daseler, Kolar, Hetherington, Boyle
Absent: None

A. Call to order: Mr. Dziennik called the meeting to order at 7:00 PM.

B. Freeholders Concerns: None

C. Approval of Minutes: None

D. Financial Report – Business Manager
None

E. Infrastructure Status – Infrastructure Manager – John Collins: None

F. Commission Reports: None

G. Other Governmental Interface Meeting Reports: None

H. Unfinished Business:

Reconsider 2008-12 passed at November 18, 2008, Meeting To Change Date of Election and Annual Meeting Back to the Standard 1st Saturday of January to Allow All Member of the Board of Directors to Attend.

The resolution passed on November 18, 2008, had the elections and annual meeting scheduled for January 10, 2009, due to the New Years holidays being so close to the first weekend of January. However, several board members had scheduled vacations including the January 10 weekend assuming that the elections and annual meeting would be held at the standard date of the first weekend of January. It seemed advisable to change the date of the elections and annual meeting to the standard first Saturday of January of 2009.

Motion: Mr. Moebs made a motion to modify Resolution 2008-12 to change the date of the elections and annual meeting from January 10, 2009, to January 3, 2009, seconded by Mr. Noe – motion carried unanimously.

I. New Business: None

J. Specific Lake or Dam Issues: None

K. Board Member Concerns: None

L. Wrap-up – anyone: None

M. Adjourn:

Motion: Mr. Noe made a motion to adjourn at approximately 6:45 PM, seconded by Mrs. Boyle – motion carried unanimously.

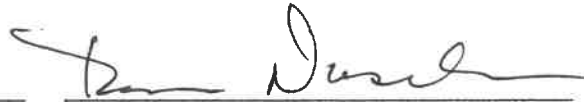
Approved this 16th day of December, 2008, at Nineveh, Indiana:



Tom Dziennik, Chairman

Norman Noe, Vice Chairman

David Moebs, Secretary




Tom Daseler

Larry Kolar



Quinn Hetherington



Cheryl Boyle

Respectfully submitted by Mr. Dziennik on 11/25/2008.