

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

November 15, 2011, 7:00 PM, CSLOA Clubhouse

Present: Larry Kolar, Quinn Hetherington, Cheryl Boyle, Norman Noe, David Moebes, Dave Jarrett

Absent: Francis Gantner

CSCD Attorney: Roger Young

Managers: Marty Anderson

Managers Absent: John Collins, Vernon McGaha

Guests: Margaret Bruce, Bill Boyle, Al Taylor, JoAnn Hamilton, Terry West, Shawn Michel,
Georgene Settles, Herbie Benshoof

A. Welcome and Pledge of Allegiance: Mr. Kolar called the meeting to order at 7:01 PM.

B. Agenda Modifications:

MOTION: MR. KOLAR MADE A MOTION TO ADD THE APPROVAL OF RESOLUTION 2011-7 TO THE AGENDA, SECONDED BY MR. MOEBES- MOTION CARRIED UNANIMOUSLY.

C. Freeholder Concerns: None

D. Approval of Minutes:

1. October 18, 2011 CSCD Board Meeting Minutes

MOTION: MRS. BOYLE MADE A MOTION TO APPROVE THE OCTOBER 18, 2011 CSCD BOARD MEETING MINUTES, SECONDED BY MR. JARETT- MOTION CARRIED UNANIMOUSLY.

E. Management Reports:

1. Financial Manager: Marty Anderson

a. The financial report was read aloud by Mrs. Anderson.

Discussion: Mrs. Anderson stated she had added the cd and office cash amounts to the monthly financial report upon recommendation from the Board of Accounts auditor. She also separated funds out for clarification.

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

Discussion: Mrs. Anderson stated she had received a letter from First Bank regarding the investment of funds right now. According to the letter, interest rates are so low that the bank recommends that the district does not invest at this time. The FDIC only insures up to \$250 thousand on an interest earning account but will insure the entire amount on a non-interest earning account. Mrs. Anderson stated that she felt it was not beneficial to invest at this time but that the decision was that of the Board. Mr. Kolar asked the Board to look at the letter and think about the issue for possible discussion next month. Mrs. Anderson also read a brief summary of the results and comments from the recent Board of Accounts examination. She stated that the official report will be released but that it may be a few months before the release date. The following comments were highlighted: (1) Condition of records- Mrs. Anderson added cd's and cash on hand to the financial report as was recommended; (2) Interest on investments - Mrs. Anderson added cd's and interest to the financial reports as was recommended; (3) Bank account reconciliation- Mrs. Anderson has begun ensuring the cash drawers balance with the monthly bank statement; (4)Capital asset records- Mrs. Anderson stated that the Board needs to establish a policy of how much it wants to report on the capital asset report. Mr. Kolar asked Board to think about what limit it wants to set as the threshold for capital asset report as it needs to be updated; (5)Deposits - Mrs. Anderson has begun ensuring that deposits are taken to the bank within 2-3 days and at least twice a week; (6) Receipt issuance - Marina attendants must now issue a receipt for every gas purchase; (7)Official bond - It is the responsibility of the financial manager to take the bond to be recorded each year. Mrs. Anderson stated that the examination was in balance and no problems were found with the balance.

b. The claims were reviewed by the Board members.

Discussion: Mr. Kolar indicated that Claim #868 was the newly ordered police vehicle. Mr. Moebs questioned the retainer fee for Barnes and Thorneberg at \$5,000. Mr. Hetherington questioned if child support payments were deducted from the employee's paychecks, to which Mr. Kolar and Mrs. Anderson confirmed that they are.

MOTION: MRS. BOYLE MADE A MOTION TO APPROVE THE CLAIMS SUBJECT TO AUDIT, SECONDED BY MR. JARRETT- MOTION CARRIED UNANIMOUSLY.

2. Infrastructure Manager: John Collins - Absent
3. Security Manager: As Vernon McGaha was absent, Randy Taggart reported.
 - a. The new vehicle has been ordered and should arrive within 80-90 days.
 - b. The Crime Watch Reports have been initiated.
 - c. The signs for the deer reduction have been amended as directed.

- d. 170 children attended the Trick-or-Treat Hayride and no problems arose.
- e. Telephone scams have been reported in the area and freeholders are urged to use caution and contact officers immediately if suspicious.

F. Commission Reports:

1. Building- Mr. Jarrett

- a. Mr. Young sent a letter to Mr. Handrahan regarding the specifications necessary to meet in order to drill under Hummingbird Drive.
- b. The Commission is continuing to discuss Resolution 2011-6 which addresses the 25 foot setback rule.
- c. The Commission has asked Mr. Hardin for planning and zoning clarifications in response to possible conflicts with CSCD rules.
- d. Dilapidated docks around the conservancy are a concern. The Commission asked the Board of authorization to ask the attorney to write letters to three individuals to address the condition of their docks.

MOTION: MR. JARRETT MADE A MOTION TO ASK MR. YOUNG TO SEND LETTERS TO THREE FREEHOLDERS ASKING THEM TO ADDRESS THE CONDITION OF THEIR DOCKS, SECONDED BY MRS. BOYLE- MOTION WITHDRAWN.

Discussion: Mr. Moebs asked what action the Board would be asking Mr. Young to indicate to the three freeholders to be taken. Mr. Jarrett stated that all three docks are unsafe and since they are mounted on conservancy property, the indicated action would be to repair or remove the structure. Mr. Young suggested that the Board ask them to prepare a site remediation plan and present it to the Building Commission within a specified period of time. Mr. Noe asked if the freeholders have been contacted about this recently. Mr. Jarrett stated that one had been according to rumor. Mr. Noe suggested that the Board ask Mr. Lee to contact them personally and ask them to address the condition before a letter is sent from the attorney. Mr. Jarrett stated that he was comfortable with this recommendation. Mr. Kolar asked Mrs. Bruce if Mr. Lee had spoken to the freeholders, to which she replied that she did not believe so and that one property looked to be abandoned. Mr. Hetherington stated that two of the three are not full time residents. Mr. Young stated that Mr. Lee could send a letter to those two if he was unable to personally contact them.

MR. JARRETT WITHDREW THE AFOREMENTIONED MOTION TO ASK MR. YOUNG TO SEND LETTERS TO THREE FREEHOLDERS ASKING THEM TO ADDRESS THE CONDITION OF THEIR DOCKS AND MRS. BOYLE WITHDREW HER SECOND.

MOTION: MR. JARRETT MADE A MOTION TO ASK MR. LEE TO PERSONALLY CONTACT THE THREE FREEHOLDERS TO ASK THEM TO ADDRESS THE CONDITION OF THEIR DOCKS, SECONDED BY MRS. BOYLE- MOTION CARRIED UNANIMOUSLY.

- e. Mr. Jarrett presented a list of proposed members for the building covenant review committee.

Discussion: Mr. Kolar stated that the committee would have to conduct public meetings with public notice. Mr. Noe stated that Mr. Fouch was on two commissions and that the committee was supposed to have been composed of members from each commission.

MOTION: MR. JARRETT MADE A MOTION TO APPOINT THE LIST OF MEMBERS TO THE BUILDING COVENANT REVIEW COMMITTEE, SECONDED BY MR.

HETHERINGTON- MOTION CARRIED WITH 5 VOTES FOR AND 1 VOTE AGAINST. ROLL CALL WAS AS FOLLOWS:

NOE - NO

MOEBS - YES

HETHERINGTON - YES

KOLAR - YES

JARRETT - YES

BOYLE - YES

2. Ecology-Mr. Kolar

- a. The dredging specifications have been drawn up but nothing can be done until next year due to the county ordinance of road weight limits. The current intent is to take advantage of the extra time and conduct some pre-bid meetings in February and perhaps commence in March. The Board needs to discuss later about cost sharing with freeholders who benefit.
- b. The playground equipment has been delivered and some work was attempted but delayed due to re-drilling of holes.
- c. American pondweed has been identified as a "nuisance". The Commission is looking at a vegetation management plan to discuss at the next meeting.
- d. Concerning the REMC raptor program, a map of structures REMC wishes to place was provided. The Commission intends to give a recommendation in December to the Board. Mr. Taylor also commented that these were the recommendations of REMC and were based from experience and knowledge of their experts but were not set in stone. One intent is to attract young eagles.
- e. Mr. Smith is being contacted due to trapping concerns from freeholders.
- f. The next Commission meeting will be held December 7, 2011 at 7:00 pm due to a scheduling conflict and this will be posted.

Discussion: Mr. Noe asked who had said a permit was not needed with one step dredging. Mr. Kolar stated that representatives from the USACE stated this. Mr. Noe asked for written confirmation from the USACE of this fact and Mr. Kolar stated that he may have an email stating this. Mr. Noe stated that he felt it would be prudent to have this in writing. Mr. Kolar stated that the Commission will be sending information to the USACE regarding the site and plan for dredging and then they will send a letter in return to confirm that no permit is needed. Mr. Young confirmed that the Johnson County Drainage Commission also first submits a plan to the USACE and then they send a letter in return with confirmation. Mr. Noe stated that Mr. McKay of the USACE told him exactly the opposite regarding the need for a permit in that he stated that the only one way to do a one step method without a permit is to use a backhoe. He stated that ninety-nine percent of time the use of a suction

will cause a need for permit. Mr. Moebs commended Mr. Taylor for his efforts with the REMC raptor program to benefit our area.

3. Security-Mr. Hetherington

- a. It was reported that 12 deer had been taken as a result of the deer reduction as of 11/8/2011 and that the current number was now 16.
- b. Two gentlemen were scheduled to appear to appeal suspension of boating privileges; however, they could not attend at the last minute and requested to be placed on the agenda for next month's meeting.

4. Roads-Mr. Noe

- a. Mr. Collins ordered a hose for the crack seal machine and, as a result of the length of time it took the first to arrive, he ordered a second one to keep in the event that an extra was needed.

MOTION: MR. NOE MADE A MOTION TO KEEP THE SECOND HOSE AS AN EXTRA HOSE, SECONDED BY MR. MOEBS- MOTION CARRIED UNANIMOUSLY.

- b. The Roads Department is ready for winter in that it has sand and the trucks have been serviced in preparation for inclement weather and resulting road conditions. Extra salt has been reserved and the county department is prepared to bring more material when room is made available.

5. Water-Mrs. Boyle

- a. Mrs. Boyle stated that a meeting was not held due to lack of quorum but that Commission members had attended a special meeting previous to the regular meeting date concerning the automatic meter reads. She stated that the meeting was very enlightening and that the Commission is continuing to pursue this.

G. Brown County Solid Waste: Mr. Moebs

1. Mr. Moebs stated that he will report on the Commission activities at the next meeting due to a schedule conflict.

Discussion: Mr. Kolar asked if there will be another electronics recycling day, to which Mr. Moebs responded he would ask the Commission and report back to the Board.

H. Status from CSCD Attorney: Mr. Young

1. The Mercer case was settled at no additional cost to district. Mrs. Anderson and Mr. Young confirmed that the deductible was \$2,500 and that \$2,500 had been exactly what was paid.
2. Mr. Young is still waiting on the Supreme Court for a decision regarding the Klosinski case.
3. Mr. Young stated that he felt optimistic regarding a positive outcome for this year's legislature after a conference call with Barnes & Thorneberg, Mr. Kolar, and Mr. Gantner.

Discussion: Mrs. Boyle stated that she thought the Klosinski case would be finished by now. Mr. Young stated that the Supreme Court works under no deadlines and that the fact that a decision has not been made yet means nothing in terms of outcome.

I. Unfinished Business:

1. More information is being gathered regarding a new insurance broker after meeting with one.
2. The Interlocal Agreement has been revised due to comments from Board Members. Mr. Kolar stated he wishes to move forward by taking it to the county and negotiating from that point.

Discussion: Mr. Moebs stated that he had concerns that this document was one-sided extremely in favor of the Brown County Sheriff in terms of the following : (1) The Sheriff can assign CSCD vehicles however he or she pleases and (2) also assign deputies - Mr. Moebs would like to see "only in emergency" inserted here; (3) The document is unclear as to what deputies' responsibilities are for area north of CSCD. Mr. Young stated that this document is essentially the same document the district has been working off of for a number of years. He stated that this is more or less an attempt to restate the status quo in a way he thinks is more acceptable if challenged in court. He stated that one big difference is the leasing of vehicle piece which is required so that Brown County can insure vehicles when outside of contract service area and so that they can be truly equipped as police vehicles. He stated that CSCD does not have the authority to own specially equipped police vehicle; therefore, they have to be leased over to the Sheriff. He further explained that the service area is within the boundaries of the CSCD. Paragraph 8 is an acknowledgement that deputies may patrol and respond to calls up to and including areas bounded by Beech Tree Road and Nineveh Road and to Johnson/Brown County line and that this would not be a breach of this contract. He stated that the language was stated verbatim from the existing contract but can be described differently if wished. Mr. Noe asked, in accordance with the way it's written, whether this would give the Sheriff power to unilaterally assign who the district has as deputies and when. Mr. Young stated that paragraph 4.2 states that the district will have concurrent authority to exercise day to day supervision over individuals such as schedules, areas, and reporting requirements. Mr. Noe asked if this paragraph gives the CSCD no more or less authority than it has now. Mr. Young concurred and further explained that deputies don't need a call from the Sheriff to drive down to Nineveh but going further outside of the district would require a call. Mr. Hetherington asked if the county has sent deputies into CSCD before. Mr. Taggart responded affirmatively, in the case that assistance is needed. Mr. Jarrett asked if this was in effect for a year. Mr. Young responded that it's a perpetual agreement in that it's automatically renewed each year unless modified or rescinded by either party before December 31. Mr. Young stated that he would like to have this done by end of year but that the existing contract will continue to renew and will be rescinded once new one is signed if approved. He stated that he needs authorization by Board to propose this to the county.

MOTION: MRS. BOYLE MADE A MOTION TO GRANT AUTHORITY TO MR. YOUNG TO PROPOSE THIS INTERLOCAL AGREEMENT TO THE COUNTY, SECONDED BY MR. MOEBS- MOTION CARRIED UNANIMOUSLY.

3. Mr. Kolar stated that Jerry Cleefman indicated possible location sites for the septic system for the proposed new office and maintenance building(s). He asked the Board to look at the maps and the rough plans distributed a few months ago so that in December a site can be selected and a building design can be established and sent to an architect for plans to begin negotiations with the bank regarding loans. The bid process could also then begin and ground could be broken in the spring.

Discussion: Mrs. Boyle stated that the site on the pond is considered disturbed land. Mr. Kolar stated that someone would come out to look at it. Mr. Noe stated that he felt architectural firms should be contacted now as their assistance is needed now. Mr. Kolar stated he thought sites may need to be identified before an architect is contacted. Mr. Moebs stated that perhaps a compromise would be to engage an architect to drive around and look at some sites to consider.

4. Mr. Hetherington asked Board Members to look at Resolution 2009-6, which was passed for legal reasons, and consider changing the rate of pay for Board Members to \$100 per month. He stated that Board Members are in charge of a \$2 million budget and the rate of pay is extremely low in comparison to the responsibility. He also stated that some Board Members spend a lot of time on Board matters. He felt that the best people should be on the Board and the pay should make it worth the gas and time. He stated that the state of Indiana thinks board members should be paid a certain amount and that should have influence.

Discussion: Mrs. Boyle stated that when this resolution was approved in 2009, Mr. Hetherington was the only one marking "no". Mr. Noe stated that he thought Board Members were underpaid and at that time, he poled the surrounding cities and although at that time the resolution has to be passed because of legal reasons, he was not in 100% agreement with it. Mr. Moebs suggested setting the pay for officers at \$100 per month and for the rest at \$75 per month. Mr. Noe stated that he felt increasing the pay may encourage others to apply. Mr. Young stated that the state law allows reimbursement for mileage and if the Board decides to change compensation rates, he would like to include in the resolution that members may be reimbursed for mileage so that it will be legal if chosen. Mr. Kolar asked Board Members to email him with opinions and then he will submit to Mr. Young to prepare a draft.

5. Mr. Kolar presented Resolution 2011-7 regarding the location of the annual election for approval.

Discussion: Mr. Kolar thanked Mr. Moebs for reminding the Board of the need for this resolution. He stated that the election for seats for Areas 1, 4, and 5 will take place on January 14, 2012 at the CSLOA clubhouse but that times need to be decided. He suggested that the election take place from 10:00 am - 12:00 pm. Mr. Moebs suggested that the annual meeting take place at 3:00 pm. Mr. Noe expressed a desire to have the election and annual meeting earlier than the second Saturday of the month. Mr. Moebs stated that a court order was responsible for the date change.

MOTION: MR. MOEBS MADE A MOTION TO APPROVE RESOLUTION 2011-7, SECONDED BY MRS. BOYLE- MOTION CARRIED WITH 5 VOTES FOR AND 1 VOTE AGAINST. ROLL CALL WAS A FOLLOWS:

NOE - NO
 MOEBS - YES
 HETHERINGTON - YES
 KOLAR - YES
 JARRETT - YES
 BOYLE - YES

J. Board Member Concerns:


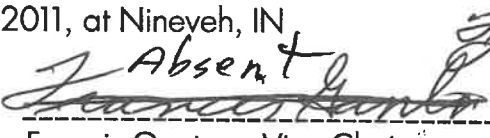
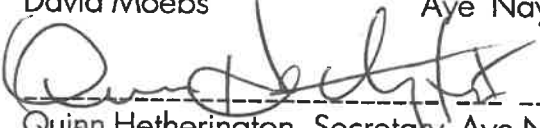
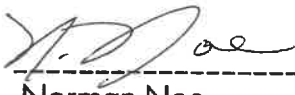
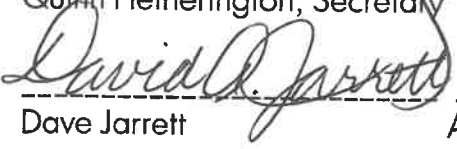
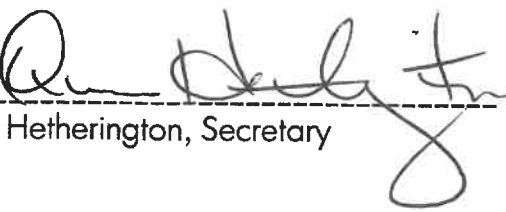
1. Mr. Moebs asked Dave Jarrett and Betsy to make sure Resolution 2011-6 is placed on the agenda for the December meeting as it was tabled. Mr. Hetherington asked if when a motion is tabled should it automatically appear back on the agenda. Mr. Moebs replied that technically it should be motioned to bring it back on the agenda. Mr. Noe suggested using "postpone" instead of "table."
2. Mr. Kolar stated that he wanted to remind all commissions that annual reports will be needed for the January meeting.
3. Mr. Hetherington stated he wanted to remind everyone that the deadline for election nominations is November 30, 2011, at 4:00 pm and that the nominee has to be a resident of the area for which he or she is applying. Mr. Moebs stated that he felt there was an exception in the Act. Mr. Kolar responded that "resident" is referring to full time status.

K. Adjourn:

MOTION: MR. NOE MADE A MOTION TO ADJOURN THE MEETING AT 9:02 PM,
 SECONDED BY MR. MOEBS-MOTION CARRIED UNANIMOUSLY.

Respectfully submitted by Betsy Edwards.

Approved this 20th day of December, 2011, at Nineveh, IN

 ----- Larry Kolar, Chairman	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Nay	<i>Absent</i>  ----- Francis Gantner, Vice Chairman	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Nay
<i>Abstain</i> ----- David Moebs	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Nay	<i>absent 12-20-11</i> ----- Cheryl Boyle	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Nay
 ----- Quinn Hetherington, Secretary	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Nay	 ----- Norman Noe	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Nay
 ----- Dave Jarrett	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Nay	Attest:  ----- Quinn Hetherington, Secretary	