

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

October 18, 2011, 7:00 PM, CSLOA Clubhouse

Present: Larry Kolar, Quinn Hetherington, Cheryl Boyle, Francis Gantner, Norman Noe, David Moebis, Dave Jarrett

Absent: None

CSCD Attorney: Roger Young

Managers: Marty Anderson, Vernon McGaha

Managers Absent: John Collins

Guests:

A. Welcome and Pledge of Allegiance: Mr. Kolar called the meeting to order at 7:03 PM.

B. Agenda Modifications: None

C. Freeholder Concerns:

1. Katie Moore stated that she has been unable to maneuver her boat out for three years and would like to see dredging of her area performed this Fall.
2. Karol Ruby stated that she has been unable to maneuver her boat out for four years and the buildup of dirt is strangling the only feeder creek to Cordry Lake, Sady Creek.
3. Chuck Robinson asked for dredging consideration for the cove between Falcon and Fish due to the 3 ½ feet of dirt that has been deposited there in the past years.

D. Approval of Minutes:

1. September 20, 2011 CSCD Board Meeting Minutes

**MOTION: MRS. BOYLE MADE A MOTION TO APPROVE THE SEPTEMBER 20, 2011 CSCD BOARD MEETING MINUTES, SECONDED BY MR. MOEBIS- MOTION CARRIED UNANIMOUSLY.**

E. Management Reports:

1. Financial Manager: Marty Anderson
  - a. The financial report was read aloud by Mrs. Anderson.

Discussion: Mr. Gantner asked if the balances were sweep accounts. Mrs. Anderson responded that they are not. After Mr. Gantner questioned if the operating fund resides in a checking account where it earns no interest, it was the consensus of the Board to direct Mrs. Anderson to investigate investing the excess funds.

**MOTION: MR. GANTNER MADE A MOTION TO APPROVE THE FINANCIAL REPORT, SECONDED BY MR. MOEBS- MOTION CARRIED UNANIMOUSLY.**

- b. The claims were reviewed by the Board members.

Discussion: Mrs. Boyle brought forth an invoice from the CSCD Water Department for the cathodic protection erosion control system on which she asked for Board signatures. When prompted by Mr. Hetherington, Mrs. Anderson provided clarification on Claim 772 for removal of an old fishing boat from walking trails and Claim 780 for freight of signs. Mr. Noe questioned Claim 721 for insurance deductible for Mercer claim. Mr. Young stated that attorney fees, adjuster fees, and office staff fees are charged back against the deductible and he believes the deductible may be now met. Mr. Gantner stated that the odd amount of the claim was probably the remainder of the \$2,500 deductible. Mrs. Anderson stated she would calculate the total amount spent toward deductible at this time.

**MOTION: MR. MOEBS MADE A MOTION TO APPROVE THE CLAIMS, SECONDED BY MR. GANTNER- MOTION CARRIED UNANIMOUSLY.**

2. Infrastructure Manager: John Collins - Absent

3. Security Manager: Vernon McGaha

- a. The security report was read aloud by Mr. McGaha.
- b. The E-ticket equipment will soon be installed in vehicles.
- c. Radar recertification is complete.
- d. The Security Department will begin publishing crime reports for the community again.
- e. Mr. McGaha will be requesting that the wording "from midnight Friday until midnight Sunday" be placed on the walking trail closure signs for clarification.
- f. At this time, several properties outside of CSCD have been burglarized and Mr. McGaha requested that anyone report anything suspicious as a precaution.

F. Commission Reports:

1. Building- Mr. Jarrett

- a. Resolution 2011-6 which addresses the building of decks within 25 feet of the shoreline was presented.

**MOTION: MR. JARRETT MADE A MOTION TO APPROVE RESOLUTION 2011-6, SECONDED BY MRS. BOYLE- MOTION FAILED DUE TO LACK OF VOTE.**

Discussion: Mr. Noe suggested review of this and a vote at the next meeting. Mr. Gantner questioned why action needed to be taken on this issue now as none was taken previously. He felt that this resolution would prohibit replacement of already established deck structures within 25 feet of the shoreline, which is a majority of those on the lakes, and that this resolution would be totally inconsistent with the way the lakefront is developed. He is drafting building regulations that will be finished by Christmas and then will be presented to the Board and the public for comments.

**MOTION: MR. NOE MADE A MOTION TO TABLE THE APPROVAL OF RESOLUTION 2011-6, SECONDED BY MR. GANTNER – MOTION CARRIED UNANIMOUSLY.**

Discussion: Mr. Moebbs stated he felt it was necessary to clarify the definitions and issues regarding deck building within the district and that this was the attempt to do so and to be consistent with county regulations. Mr. Gantner stated that the county ordinance does not clearly address the issue and has not been followed for years. Mr. Moebbs stated he still feels current wording of the regulation is ambiguous and that Resolution 2011-6 clarifies original intent of the rule. Mr. Noe stated that when commissions vote on an issue to be taken to the Board for approval, the vote count should be included in the minutes for reference.

**MOTION: MR. GANTNER MADE A MOTION EFFECTIVE IMMEDIATELY THAT ALL COMMISSION MINUTES SHALL PROVIDE A ROLL CALL IN SPLIT DECISIONS ON ISSUES RECOMMENDED TO GO TO THE BOARD FOR APPROVAL, SECONDED BY MR. HETHERINGTON- MOTION CARRIED UNANIMOUSLY.**

- b. The Building Commission vote was deadlocked concerning Mr. Handrahan's request for permission to bore under Hummingbird Dr. to install a septic line.
- c. Mr. Jarrett is working to form a subcommittee to address the review of the building covenants (as requested by the Board). Current members thus far are Herb Benshoof, Mike Fouch, and possibly Jim Ray and/or Ed Keirn.
- d. Cully Kinnick was recommended to be appointed to the Building Commission by commission vote.

**MOTION: MR. JARRETT MADE A MOTION TO APPOINT CULLY KINNICK TO THE BUILDING COMMISSION, SECONDED BY MR. NOE- MOTION FAILED TO CARRY WITH 2 VOTES FOR AND 5 VOTES AGAINST. ROLL CALL WAS AS FOLLOWS:**

**NOE – YES**

**MOEBS – NO**

**GANTNER – NO**

HETHERINGTON - NO  
KOLAR - NO  
JARRETT - YES  
BOYLE - NO

Discussion: Mr. Hetherington stated that there have been several problems in the past with Mr. Kinnick violating CSCD rules. Several Board members stated concerns about a conflict of interest. Mr. Noe stated that the original intent of the Board was to have a local builder on the Building Commission. Margaret Bruce confirmed that Bob Ellis, a current Building Commission member, is involved in local construction. Mr. Young stated he may need to complete a conflict of interest statement when making decisions regarding projects in which he has financial interest. Mrs. Boyle stated that if he had to abstain from a vote due to conflict of interest, a stalemate could occur. Mr. Jarrett stated that a stalemate could always occur. Mr. Noe also stated that he believed according to Board minutes, that one person from each Commission was to be selected for the Covenants Review Committee. The Board requested that the minutes be examined and this issue be placed on the November meeting agenda for discussion. Mr. Hetherington asked if floating docks with Styrofoam were permitted, to which Mr. Jarrett answered no.

## 2. Ecology-Mr. Kolar

- a. The SCI REMC Raptor program is expected to move forward this winter as decisions are being made.
- b. Aquatic Control conducted plant/weed evaluation for the first time in the fall. There is a public meeting being planned for weeding discussion to take place this winter.
- c. The artificial fish habitat structures are to be completed and installed by October 31, 2011.
- d. A meeting with the USACE yielded the knowledge that a permit is not needed for a one step dredging method, where the material is extracted and directly placed on an approved site, therefore not allowing any material to drain back into the water. Four possible sites had been identified for dredge spoil disposal. Based on the knowledge and experience of the commission members, the Ecology Commission recommended Site Four, which lies across from Sweetwater Beach.

Discussion: Much discussion ensued regarding the dredge spoil disposal site options and factors to consider, mostly surrounding the actual removal process, limiting of future uses of the site (future construction on the site), and safety concerns regarding length of time required for site to dry and become firm. Jim Ray stated that the site needed to be chosen and parameters needed to be established so that contractors can bid and determine methods to employ to move the material to the selected site, etc. Mr. Moebs asked the amount of space the spoil from the north end of Sweetwater Lake will fill, to which Mr. Ray answered 8,135 cubic yards. Mr. Hetherington expressed a desire to receive quotes from

contractors for both Sites Four and Two. He also stated that after the north end of Sweetwater Lake is dredged, the north end of Cordry Lake should be dredged.

**MOTION: MR. KOLAR MADE A MOTION TO DESIGNATE SITE FOUR, THE AREA ACROSS FROM SWEETWATER BEACH, AS THE SITE FOR DREDGE SPOILS FROM THE NORTH END OF SWEETWATER LAKE, SECONDED BY MRS. BOYLE- MOTION CARRIED WITH 6 VOTES FOR AND 1 VOTE AGAINST. ROLL CALL WAS AS FOLLOWS:**

**NOE - NO**

**MOEBS - YES**

**GANTNER - YES**

**HETHERINGTON - YES**

**KOLAR - YES**

**JARRETT - YES**

**BOYLE - YES**

**Discussion:** Mr. Noe asked how the artificial fish structures will be anchored as problems with past structures' anchoring have risen. Rick Normington stated that in the past they were anchored with nylon rope, which decayed, and now they are constructed of PVC pipe and anchored with bricks, which are not conducive to surfacing.

**3. Security-Mr. Hetherington**

- a. The Security Commission voted to ask the Board for approval to purchase a patrol boat in 2011 for a price not to exceed \$15,000 and a patrol boat in 2012 for a price not to exceed \$14,500 with extended warranty and trade in at Ted's Aqua Marine. Payment for the second boat would be made no later than February 2012. The costs to repair current patrol boats are as follows: Boat 1 \$3,391 and Boat 2 \$3,449.

**MOTION: MR. HETHERINGTON MADE A MOTION TO APPROVE THE PURCHASE OF A NEW PATROL BOAT IN 2011 FOR A PRICE NOT TO EXCEED \$15,000 AND A NEW PATROL BOAT IN 2012 FOR A PRICE NOT TO EXCEED \$14,500 WITH EXTENDED WARRANTIES, SECONDED BY MR. NOE- MOTION FAILED TO CARRY WITH 2 VOTES FOR AND 5 VOTES AGAINST. ROLL CALL WAS AS FOLLOWS:**

**BOYLE - NO**

**JARRETT - NO**

**KOLAR - NO**

**HETHERINGTON - NO**

**GANTNER - NO**

**MOEBS - YES**

**NOE - YES**

Discussion: Much discussion ensued regarding the feasibility of repairing the boats instead of purchasing new ones, the address of cause of disrepair of the boats in four years, and the fact that this expenditure was not in the budget for 2011 or 2012. Mr. Kolar suggested the use of pontoon boats for the patrol instead of speedboats. Mr. Noe stated that the pontoon boats are not fast enough and that the cost for motor replacement is more than the boats. He also stated that Kyle Risley, the manager of the Boat Patrol, is against using pontoon boats. There were suggestions to use the contingency fund or the boat decal money for the expenditure. Mr. Gantner stated that the issue needing to be addressed is what environmental factors are present that are causing the need for new boats every three to four years. He feels the first issue to address is the manner in which the patrol boats are being used. Mr. Noe stated that he felt a program to monitor use was needed but that it would be easier to track with new boats. Mr. Moebis suggested the creation of a "turnover checklist" between shifts to manage boat care.

**MOTION: MR. GANTNER MADE A MOTION TO AUTHORIZE THE REPAIR THE CURRENT PATROL BOATS IN CONJUNCTION WITH THE LIST PROVIDED BY TED'S AQUA MARINE TO PROCEED AS SOON AS POSSIBLE AND TO INSTRUCT THE SECURITY COMMISSION TO BRING A DETAILED PLAN TO ENSURE THE PROPER CARE OF BOATS NO LATER THAN THE JANUARY MEETING, SECONDED BY MRS. BOYLE- MOTION CARRIED WITH 5 VOTES FOR AND 2 VOTES AGAINST. ROLL CALL WAS AS FOLLOWS:**

**NOE - NO**

**MOEBS - NO**

**GANTNER - YES**

**HETHERINGTON - YES**

**KOLAR - YES**

**JARRETT - YES**

**BOYLE - YES**

- b. The Security Commission voted to request the Board approve the allowance of CSCD employees who meet the eligible criteria to participate in the CSCD deer reduction events when not at capacity.

**MOTION: MR. HETHERINGTON MADE A MOTION THAT CSCD EMPLOYEES WHO MEET ALL OTHER ELIGIBILITY CRITERIA BE ALLOWED TO HUNT IN THE CSCD DEER REDUCTION WHEN NOT AT CAPACITY, SECONDED BY MRS. BOYLE- MOTION CARRIED WITH 6 VOTES FOR AND 1 VOTE AGAINST. ROLL CALL WAS AS FOLLOWS:**

**NOE - YES**

**MOEBS - NO**

**GANTNER - YES**

**HETHERINGTON - YES**

**KOLAR - YES**

JARRETT - YES

BOYLE - YES

Discussion: Mr. Moebs voiced a concern that this is inconsistent with the decision made by the Board to not allow CSCD Employees the privilege to purchase boat decals. Mrs. Boyle stated that the privilege to hunt is limited to certain times and days whereas the privilege to boat is not. Mr. Hetherington also added that there is not a capacity for boats whereas there is for hunters. Mr. Gantner stated that on the surface, there appears to be a consistency but it can be explained. Mr. Jarrett asked for the number of deer harvested this Fall thus far, to which Mr. Noe replied 41 hunters have participated and six deer have been harvested. Mr. Noe stated that there is not a goal.

c. The Security Commission is investigating the installation of shelters for the gas pumps and will make recommendations in the Spring.

4. Roads-Mr. Noe

a. The Roads Commission voted to request the Board approve the purchase of a used road grader at \$5,500.

**MOTION: MR. NOE MADE A MOTION THAT THE BOARD APPROVE THE PURCHASE OF A USED ROAD GRADER AT A PRICE NOT TO EXCEED \$5,500, SECONDED BY MR. MOEBS- MOTION FAILED TO CARRY WITH 1 VOTE FOR AND 6 VOTES AGAINST. ROLL CALL WAS AS FOLLOWS:**

NOE - YES

MOEBS - NO

GANTNER - NO

HETHERINGTON - NO

KOLAR - NO

JARRETT - NO

BOYLE - NO

Discussion: Mr. Jarrett discussed the rental and contractor options as alternatives. Mr. Gantner stated he had reservations about purchasing a road grader that is over 50 years old. Mr. Noe agreed.

b. The Roads Commission voted to request the Board approve the purchase of a pallet of crack seal for a price of \$1,400.

**MOTION: MR. GANTNER MADE A MOTION THAT THE BOARD APPROVE THE PURCHASE OF A PALLET OF CRACK SEAL FOR A PRICE NOT TO EXCEED \$1,400, SECONDED BY MR. HETHERINGTON- MOTION CARRIED UNANIMOUSLY.**

- c. Mr. Handerhan has requested permission to bore under Hummingbird Dr. to install a sewer line. The Brown County Health Department has been to the site and stated that this is a frequent occurrence and sent a letter stating the criteria to be met in order to perform this. The Roads Commission requested approval from the Board to allow this.

**Discussion:** Much discussion ensued concerning this topic. Mr. Noe stated that Mr. Handerhan does not own the property across Hummingbird Dr. from his property but has obtained promise of an easement from the owner. Mr. Young stated that the Board will need to grant him an easement as well and was not sure if the Board wanted to set that precedent. Mr. Noe and Mr. Jarrett explained that the precedent has already been set as four other properties have been allowed to bore under the road to install sewer lines. Mr. Young also stated that Mr. Handerhan would need to know he is responsible for all district costs if repair or excavation of the line was ever needed and that the District would have no liability if the line is disturbed. Mr. Gantner commented that this all can be written into the easement. Mr. Noe suggested drafting a letter to Mr. Handerhan with the requirements he needs to fulfill in order for the Board to grant him an easement. It was agreed that some conditional commitment needed to be made to Mr. Handerhan.

**MR. GANTNER MADE A MOTION THAT THE BOARD AUTHORIZE ROGER YOUNG TO DRAFT A LETTER TO THIS GENTLEMAN IN WHICH HE LAYS OUT ALL OF THE CONDITIONS THAT HAVE TO BE SATISFIED AND, IN THE EVENT THE CONDITIONS ARE SATISFIED, THE BOARD WILL ENTER INTO AN EASEMENT TO ALLOW HIM TO PLACE A SEWER LINE UNDER HUMMINGBIRD DRIVE AND THAT PART OF THE CONDITIONS WOULD BE COMPLIANCE WITH BROWN COUNTY DEPARTMENT OF HEALTH RULES AND REGULATIONS, SECONDED BY MR. NOE- MOTION APPROVED UNANIMOUSLY.**

- d. Mr. Noe stated that Georgene Settles had asked why striping of the roads was not being performed and he explained that the Board had delayed it to 2012. He also stated that he had spoken to an engineer about striping and reflectivity legislation that may need to be considered by the Board.

**Discussion:** Mr. Kolar agreed that the issue needs to be investigated but that he believed the legislation had been rescinded.

#### **5. Water-Mrs. Boyle**

- a. Mrs. Boyle stated that the Commission is continuing to search for ways to reduce water loss.

**Discussion:** Mr. Moebs stated that the average water loss of 17% on the spreadsheet and information distributed by Mr. Noe was both known and unknown water loss. He then stated that the known and unknown water loss for CSCD was 40% and that the District is looking at



\$50,000 in water loss this year. Mr. Noe stated that the Board needs to consider the amount of water the District pays for and the amount then billed. He stated that between February 2011 and the present, the District has experienced \$33,876 in water loss. He distributed information regarding how other towns are reducing water loss and also stated that a highly trained professional had been found to come out and assess the situation but the Commission had decided not to hire him. Mrs. Boyle stated that the Commission did not hire him because of his BBB rating and cost and that a new professional is being sought. Mr. Gantner suggested finding a reputable consultant who will audit according to the guidelines set forth in the AWWA M36 Manual. Mr. Hetherington asked if the water towers were paid for, to which Mrs. Boyle responded that one will be this year and one will be next year.

**G. Brown County Solid Waste: Mr. Moebis**

1. Mr. Moebis accompanied the Director to a meeting regarding solid waste district legislation with funding as the main topic.
2. The Indiana Manufacturer Group is against property tax funding.
3. Mr. Moebis and the Brown County Solid Waste District will continue to follow the proposed legislative changes.

**Status from CSCD Attorney: Mr. Young**

1. There has been no change in the Klosinski or septic inspection lawsuits.
2. Mr. Young is waiting on a quote from Steve Mollo and promised to call him the following day.
3. Mr. Young suggested that the Board authorize Mr. Kolar to settle the Mercer case at no further cost to the district.

**MOTION: MR. GANTNER MADE A MOTION THAT THE BOARD AUTHORIZE MR. KOLAR TO SETTLE THE MERCER CASE AT NO FURTHER COST TO THE DISTRICT, SECONDED BY MR. HETHERINGTON- MOTION CARRIED UNANIMOUSLY.**

Discussion: Mr. Hetherington asked if the District had received payment from Verizon yet, to which Mrs. Anderson responded affirmatively and that it was retroactive. Mr. Young stated that no one is permitted to hang equipment on the tower without paying additional lease rental to the District.

**H. Unfinished Business:**

1. Resolution 2011-5 was presented to the Board.

**MOTION: MR. HETHERINGTON MADE A MOTION THAT THE BOARD APPROVE RESOLUTION 2011-5, SECONDED BY MRS. BOYLE- MOTION CARRIED UNANIMOUSLY.**

**MOTION: MR. GANTNER MADE A MOTION TO AMEND RESOLUTION 2011-5 AS FOLLOWS: (1) "WHEREAS, IT HAS BECOME APPARENT THAT A FURTHER REFINEMENT OF THE DEFINITION OF LENGTH IS NECESSARY FOR THE TYPES OF SPEED BOATS**

AUTHORIZED TO BE USED ON THE LAKES; AND,” (2) “IT IS NOW RESOLVED, THAT CORDRY SWEETWATER CONSERVANCY DISTRICT BOARD OF DIRECTORS RESOLUTION NO. 2011-4 IS HEREBY ~~AMENDED AS FOLLOWS~~ RESCINDED AND REPLACED WITH THE FOLLOWING:” AND (3) “~~AND, THEREFORE, BE IT FURTHER RESOLVED, THAT THIS RESOLUTION NO. 2011-5 SHALL REPLACE RESOLUTION NO. 2011-4 IN ITS ENTIRETY;~~”, SECONDED BY MR. MOEBS- MOTION CARRIED UNANIMOUSLY.

Discussion: Mr. Noe stated that this had not been discussed at the most recent Security Commission meeting as indicated in the September 2011 CSCD Board Meeting Minutes. Mr. Gantner stated that substantively there were no changes made and the Board can make a decision.

2. Mrs. Anderson and Mr. Kolar are meeting with an insurance broker the upcoming week.
3. Mr. Young had circulated a copy of the revised Interlocal Agreement and will revisit the topic at the November 2011 meeting.
4. Mr. Collins had a survey performed on the possible site of the new office/maintenance building but it was performed on the incorrect site. The surveyor returned to correct and more information will be available at the November 2011 meeting.
5. Mr. Moebs stated that the employee handbook does not include any information about an adjusted work week schedule and the decision to change this policy should be that of the Board.

**MOTION: MR. MOEBS MADE A MOTION TO RETURN TO THE DOCUMENTED COMP TIME PROCEDURE FOR SATURDAY HOURS FOR OFFICE STAFF FOR 2012 AND CONDUCT FURTHER RESEARCH TO POSSIBLY MAKE A BOARD DECISION TO CHANGE THE EMPLOYEE HANDBOOK, SECONDED BY MR. NOE- MOTION CARRIED WITH 4 VOTES FOR, 2 VOTES AGAINST, AND 1 ABSTENTION. ROLL CALL WAS AS FOLLOWS:**

**NOE - YES**

**MOEBS - YES**

**GANTNER - YES**

**HETHERINGTON - NO**

**KOLAR - NO**

**JARRETT - ABSTAIN**

**BOYLE - YES**

Discussion: Mr. Kolar stated that \$28,025 was paid in overtime wages for 2010 and the adjusted work week was an attempt to control overtime costs. Mr. Moebs stated that the \$28,025 overtime wages were paid to all three groups of employees of security, maintenance, and office, and the only group affected by the adjusted work week change was the office staff.

6. Mr. Noe stated that the pay rates for CSCD Board Members are one half to one third as much as other area town councils and that this is discouraging people who might be interested in running for Board positions.

Discussion: Mrs. Boyle stated that Board Members' time is valuable but that they work for the community and are very aware of the legitimate expenses that must come out of the budget. Mr. Hetherington stated that Board Members' time is valuable and that many put several hours into preparation and research for both Board meetings and Commission meetings. Mr. Young explained that the statute allows for \$100 per meeting at the maximum of two meetings per month and \$50 per day at the maximum of five days per month in addition to the Board meetings. Mr. Kolar instructed Mrs. Anderson to distribute Resolution 2009-6 to all Board Members for review and research. Mrs. Boyle stated that CSCD is not a town and has paid employees.

I. New Business:

1. Mr. Gantner stated that he felt the only way to move forward with assurance from actions such as the Klosinski suit and the DLGF actions regarding use of property taxes to arrange for security is to attempt to get the Conservancy Act legislation changed to allow the Conservancy to arrange for security. This is accomplished most often by RRETAINING A lobbyist to CHAMPION THE CAUSE AT the legislative assembly. He has met with Barnes and Thornburg, who have agreed to pursue this for the Conservancy at a cost of \$25,000.

**MOTION: MR. GANTNER MADE A MOTION THAT THE BOARD AGREE TO ENTER INTO A RETAINAGE AGREEMENT WITH BARNES AND THORNBURG TO FUNCTION AS OUR LOBBYIST WITH RESPECT TO SEEKING AN APPROPRIATE LEGISLATIVE CLARIFICATION THAT WILL ADDRESS AND MAKE CLEAR THAT THE CONSERVANCY HAS THE AUTHORITY TO ENTER INTO APPROPRIATE ARRANGEMENTS FOR SECURITY SERVICES AND HAS THE AUTHORITY TO ASSESS AND COLLECT REAL ESTATE TAXES TO PAY FOR THOSE SERVICES, SECONDED BY MR. HETHERINGTON- MOTION CARRIED WITH 6 VOTES FOR AND 1 VOTE AGAINST. ROLL CALL WAS AS FOLLOWS:**

**NOE -NO**

**MOEBS - YES**

**GANTNER - YES**

**HETHERINGTON - YES**

**KOLAR - YES**

**JARRETT - YES**

**BOYLE - YES**

Discussion: Much discussion ensued on this topic. Mr. Noe stated he felt that this was a large move for the Board to make and he was concerned with the cost.

MOTION: MR. NOE MADE A MOTION TO TABLE THE RETAINAGE AGREEMENT ISSUE, SECONDED BY MRS. BOYLE- MOTION FAILED TO CARRY WITH 3 VOTES FOR AND 4 VOTES AGAINST. ROLL CALL WAS AS FOLLOWS:

NOE -YES

MOEBS - YES

GANTNER - NO

HETHERINGTON - NO

KOLAR - NO

JARRETT - NO

BOYLE - YES

Discussion: Much discussion ensued on this topic. Mr. Gantner stated that the most this would cost the District would be \$25,000 assuming it continues through the entire assembly. He also stated that in order to get before the 2012 assembly, the Board must act now and that current legislation has no effect on the pursuance of this change. Mr. Moebs asked if the \$25,000 was in the budget, to which Mr. Kolar responded that it was in the legal fees section of the budget. Mr. Young stated he felt it would be positive for the Board if the law is clarified in its favor and that the cost of \$25,000 is pretty competitive. Mr. Gantner stated that the lobbyist is contacting other conservancies to see if they would like to join the cause. Mr. Noe and Mr. Moebs expressed great concern regarding the process taken for this. Both agree on the possible benefits gained but felt the Board should have been consulted prior to meeting with Barnes and Thornburg. Mr. Gantner stated that this was not an attempt to conceal or "spring" anything on anyone.

2. Mr. Moebs expressed concern and asked if letters sent by the CSCD attorney that state "at the Direction of the CSCD Board of Directors" could be reviewed and commented on prior to sending out.

Discussion: Mr. Noe agreed with Mr. Moebs. Mr. Kolar stated that Board Members are copied on all letters Mr. Young sends to Dan Lee. Mr. Gantner stated that every letter sent by Mr. Young on behalf of the Board is authorized and directed by the Board and Mr. Young is given that authority by the Board. He stated that he felt no other approval was needed. Mr. Moebs stated he did not agree with the wording on a recent letter he viewed.

J. Board Member Concerns:


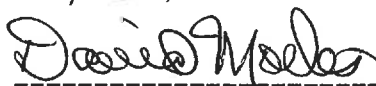
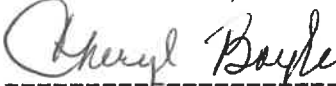
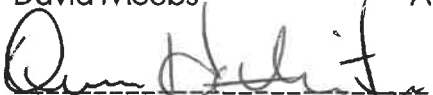
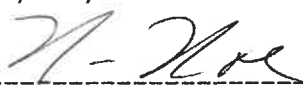
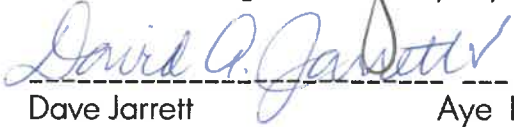
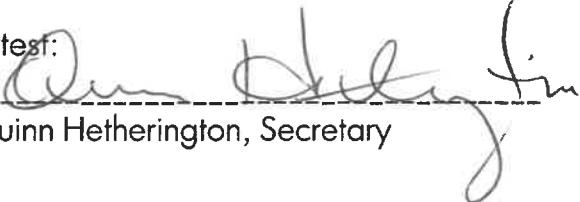
1. Mr. Noe stated he was concerned about the ad placed in the newsletter that stated trails were closed during weekends from October 1, 2011 thru December 18, 2011. He felt that because the trails are not closed every weekend, the ad was erroneous.

K. Adjourn:

MOTION: MR. GANTNER MADE A MOTION TO ADJOURN THE MEETING AT 11:11 PM,  
 SECONDED BY MRS. BOYLE-MOTION CARRIED WITH 6 VOTES FOR AND 1 VOTE  
 AGAINST.

Respectfully submitted by Betsy Edwards.

Approved this 15<sup>th</sup> day of November, 2011, at Nineveh, IN

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