

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

September 20, 2011, 7:00 PM, CSLOA Clubhouse

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

Absent: None

CSCD Attorney: Roger Young

Managers: Marty Anderson, John Collins

Managers Absent: Vernon McGaha

Guests: Margaret Bruce, Robert Stoffko, JoAnn Hamilton, Barry Eakle, Lanny Rossman, Dani Korson, Georgene Settles, Herb Benshoof, Cully Kinnick, Shawn Michel, Betsy Edwards

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

B. Agenda Modifications:

MOTION: MR. MOEBBS MADE A MOTION TO MOVE ITEM 6 UNDER “UNFINISHED BUSINESS” TO BE DISCUSSED UNDER ITEM 2 UNDER “UNFINISHED BUSINESS”, SECONDED BY MR. GANTNER- MOTION CARRIED UNANIMOUSLY.

MOTION: MR. NOE MADE A MOTION TO ADD THE FOLLOWING ITEMS UNDER “ROADS”: CORDRY DIP CULVERT REPLACEMENT, DUCK ROAD CULVERT REPLACEMENT, ROAD STRIPING, ROAD GRADER, PATCH AT CHIPMUNK AND CENTERLAKE, SECONDED BY MR. MOEBBS- MOTION CARRIED UNANIMOUSLY.

MOTION: MR. KOLAR MADE A MOTION TO ADD CSLOA MEMBER APPOINTMENTS TO COMMISSIONS UNDER “NEW BUSINESS”, SECONDED BY MR. HETHERINGTON- MOTION CARRIED UNANIMOUSLY.

C. Freeholder Concerns:

1. Margaret Bruce stated the following concerns: the District does not have a purpose for \$250,000 per year in police force and \$70,000 for two police vehicles and the

Interlocal Agreement states that the arrangement should coincide with the purposes of the District (Ms. Bruce stated she has nothing against the police officers and feels they do a great job but she disagrees with the policy), the CSCD should not be putting money into a playground and horseshoe pits and the people that wish to erect them should raise the money for them, the CSCD should not be changing the Building Covenants as they have been in place for fifty years and revision is a long and tedious process due to the way they have to be written.

2. Robert Stofko, who resides at 1690 Flamingo Drive, stated that the erosion from drainage from Sweetwater Drive is filling up his cove and would like more information concerning dredging. He also stated that several dilapidated docks are on the lake that need to be addressed and cited approximately 6100 Flamingo Drive as an example.
3. Georgene Settles stated that the questionnaire distributed by the CSLOA contained a question regarding fun activities offered in the area and that these activities would be offered on the part of the CSLOA not the CSCD. She also stated that she did not have a problem with the deer reduction but with the closing of the nature trails every weekend of the fall season and asked the Board to allow advanced notice of the dates for consideration in the future.

Discussion: Mr. Noe stated that two of the five weekends in October are not allocated to deer reduction and that the Haunted Trail only uses approximately 25 percent of the available trails those weekends which leaves plenty others available. Mr. Kolar stated that he felt the request to publish dates in advance for others to consider next year to be valid.

D. Approval of Minutes:

1. August 16, 2011 CSCD Board Meeting Minutes

MOTION: MRS. BOYLE MADE A MOTION TO APPROVE THE AUGUST 16, 2011 CSCD BOARD MEETING MINUTES, SECONDED BY MR. GANTNER- MOTION CARRIED UNANIMOUSLY.

E. Management Reports:

1. Financial Manager: Marty Anderson
 - a. Mrs. Anderson stated that the State Board of Accounts was in the office auditing financials from 2008, 2009, and 2010.
 - b. The financial report was read aloud by Mrs. Anderson.

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

Discussion: Mr. Gantner asked where the money will come from to pay the bills due for recent road maintenance and repairs as the Roads Fund only shows a balance of \$82,104. Mrs. Anderson explained that the bills will be split between the Roads Fund and the Roads Account in the General Fund. The Roads Fund is generated by the Roads Tax and the Roads Account in the General Fund is generated by Property and Conservancy Taxes. Mr. Collins

explained further by stating that the budget for the Roads Commission is approximately \$260,000 for the year.

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

Discussion: Mr. Hetherington asked if the fuel placed in the marina tanks is different from the fuel used in the Conservancy trucks. Mrs. Anderson responded affirmatively. Mr. Hetherington asked what the amount of gasoline sold at the marinas was for the 2011 season. Mrs. Anderson stated that she would investigate and get that amount so that the Board could compare what was sold and the prices charged. Mr. Jarrett asked, regarding the annual appropriation for lake conservation and dredging, what would happen to the money if the permits and other necessary steps are not in place this year. Mrs. Anderson responded that it would remain in the budget. Mr. Jarrett asked how long the State Board of Accounts would be auditing. Mrs. Anderson responded that they would be auditing for at least three weeks. Mr. Kolar asked, regarding Claim #669, if the District had a Bobcat. Mr. Collins responded that the claim was for Bobcat tires placed on a Kubota tractor owned by the District.

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

2. Infrastructure Manager: John Collins

- a. Mr. Collins stated that Dan Lee had discovered an incidence of clear cutting and logging at 6202 Grouse Dr. and he placed a Stop Work Order at the location. Mr. Collins spoke with the freeholder who owns the lot and he was upset and explained that he had cut the trees due to damage he received from limbs previously. He expressed a desire to take the matter to the Building Commission and the Board of Directors.

Discussion: Mr. Noe and Mr. Moebs stated that they did not believe one had to have permission to cut trees on a lot with a dwelling. Mr. Collins stated he and Mr. Lee were going to attempt to resolve the issue the following day.

3. Security Manager: Vernon McGaha

- a. The security report was read aloud by Mr. Hetherington, with commentary added by Randy Taggart, as Mr. McGaha was absent.
- b. The E-ticket equipment is in.
- c. The Marina is now closed.
- d. The Labor Day holiday weekend went well in terms of security issues.
- e. Gun qualification training took place on September 13, 2011.
- f. By the end of the month, the camera installation should be complete.

F. Commission Reports:

1. Building- Mr. Jarrett
 - a. Resolution 2011-TBD-1 will be discussed at the next Board Meeting.
 - b. Mr. Lee is continuing to work with Roger Young to resolve unkept properties.
 - c. The Commission is currently researching a septic issue on 7471 Hummingbird Dr.
 - d. The extension granted to the Janneys for a port-a-pot has expired. They were asked to remove it.

Discussion: Mr. Hetherington stated that the work is complete at that site. Mr. Collins stated that the Janneys were supposed to have the port-a-pot removed by Monday. Mr. Jarrett stated it is still there. Mr. Collins stated he would address the situation the following day.

- e. Several dilapidated docks exist on the lakes that present several safety hazards.

Discussion: Mr. Hetherington stated that if the dock in the lake is unsafe, the District should be able to remove it. Mr. Young advised the District to give notice to the owner(s) and allow him/her/them the opportunity to comply first. Mr. Jarrett stated he would note the applicable properties and bring to the next meeting.

- f. A property line dispute exists between Ms. Eakle and Mr. McKean regarding the issue of whether or not property lines extend into the lake. A surveyor visited the Eakle property and found the property line stakes. Mr. Collins measured the stakes and found that five feet eleven inches lies between the McKean dock and Eakle property line. Mr. McKean still maintains that the water is CSCD property.

Discussion: The Board discussed several aspects of the issue and questioned the District's legal authority to disband lake privileges in this situation. Mr. Young stated that the District has the authority to develop fair and reasonable rules to apply equally to freeholders. He felt that to disband a privilege to the lake(s) without a rule in place to support such a decision would be risky. He advised the District to adopt a specific rule applicable to this sort of situation and then the District would have enforcement authority. Mr. Gantner stated that the District owns the lake and that the District gives privilege to use the lake(s) to adjacent lot holders. He felt that the right to one's own property line extending into the lake(s) is inherent. Mr. Young stated that it is not illegal to send a letter.

MOTION: MR. GANTNER MADE A MOTION TO SEND A LETTER TO MR. MCKEAN ASKING HIM TO MOVE HIS BOAT WITH THE THREAT TO REMOVE HIS LAKE PRIVILEGES IF HE DOES NOT COMPLY, SECONDED BY MRS. BOYLE- MOTION CARRIED UNANIMOUSLY.

Discussion: Mr. Hetherington stated that if this were to go to court and the judge rules that the District had no authority to remove the privileges, this may open a situation where freeholders assume they can park boats anywhere.

- g. Each Commission will be asked to select a representative for the Covenants Steering Committee.

2. Ecology-Mr. Kolar

- a. A meeting with the USACE will be conducted September 21, 2011, in order to discuss the wetland delineation. The Commission is also meeting with consultants.
- b. The quote received for the boat ramp repair was considered to be too costly. The Commission is investigating other methods and firms.
- c. Playground equipment is being ordered for the park near the walking track.
- d. After several calls regarding weeds in the lakes, it was determined that American Pond Weed is the problem and that this weed is not targeted for treatment. The Commission plans to meet with Aquatic Control and request suggestions while looking at the weeds late summer/fall. There will also be a winter meeting open to the public regarding the weeding.

Discussion: Mr. Noe stated that several fish structures are floating up in the lake(s), which are dangerous. Mr. Collins stated that the structures are from the 1990's and that he is pulling two to three out each week. Mr. Hetherington stated that the SICCE test yielded a result of 24 feet 4 inches, which is the deepest he has seen. A freeholder residing at 6090 Flamingo Dr. requested that Mr. Collins evaluate a tree on his property that he wishes to cut down. Mr. Collins stated he would come and evaluate it. Mr. Noe questioned if there was a rule proclaiming a freeholder must have permission to cut down a tree on a developed lot. Mr. Kolar stated that there is not one and that the rule applies only to undeveloped lots.

3. Security-Mr. Hetherington

- a. Regarding the removal of decals from Mr. Neil and Mr. Forth, the Commission proposed that the decals be removed until July 16, 2012, at which point decals can be purchased at regular price with the exception of the pontoon decals which will be twice the regular price.

MOTION: MR. HETHERINGTON MADE A MOTION THAT THE DECALS FOR MR. NEIL AND MR. FORTH REMAIN SUSPENDED UNTIL JULY 16, 2012, AT WHICH POINT THE DECALS CAN BE PURCHASED AT REGULAR PRICE WITH THE EXCEPTION OF THE PONTOON DECALS WHICH WILL BE TWICE THE REGULAR PRICE, SECONDED BY MRS. BOYLE- MOTION CARRIED WITH 6 VOTES FOR AND 1 VOTE AGAINST. ROLL CALL WAS AS FOLLOWS:

NOE - YES

MOEBS - YES

GANTNER - YES

HETHERINGTON - YES

KOLAR - YES

JARRETT - NO
BOYLE - YES

- b. Teak surfing, which is the practice of hanging onto the swim platform while the boat is in motion and body surfing the wake, is illegal in Indiana. The Commission is investigating possible issues and enforcements concerning wake surfing, which is the practice of riding a board to surf the wake behind a boat, due to the concerns of safety and shoreline effects.

Discussion: Mr. Noe stated that wake surfing is illegal behind outboard and inboard/outboard motors, but is legal behind inboard motors. He stated that CSCD has had a standing rule against excessive wake for several years and that a wake sufficient enough to wake surf in is excessive and in violation. A freeholder stated that these boats are also the ones creating lower wakes when skiing. Mr. Noe stated that a ski boat driven normally does not put out large wake but can be driven in a certain manner to do so.

- c. The Commission is investigating an issue regarding the grandfathering of pontoon horsepower. A new home owner received a pontoon with horsepower higher than 100 when he/she bought the home and it is not clear whether this should be grandfathered or not.

Discussion: Mrs. Boyle questioned the speed limit on the lake(s). Several answered that the speed limit is only on the weekends according to the rule book. Mr. Young stated that a rule he is proposing would remedy this as it is not usual practice to grandfather something that has been prohibited. A freeholder questioned the 100 horsepower rule and its origin. Mr. Noe stated that the concern was with pontoons with inboard/outboard motors. Mr. Kolar stated that this will most likely be examined by the committee that reviews the rule book.

- d. Mr. Hetherington proposed Resolution 2011-5 as an attempt to tighten eligibility of boats permitted on the lake(s).

Discussion: A freeholder stated he agreed with the new rule as Denny's Marina is stating they can get a 22 feet long boat on the lake under the current rule. Mr. Moebs questioned the outcome if the certificate of origin, manufacturer specifications, or title disagree. Mr. Young stated that due to the word "or", any one of the documents can disqualify it irrespective of the others. Mr. Moebs suggested adding the title length of the boat to F iii. Mr. Gantner stated that the resolution needs to state that it repeals Resolution 2011-4 and that F iii. needs to be added. Mr. Young agreed.

MOTION: MR. HETHERINGTON MADE A MOTION TO ACCEPT RESOLUTION 2011-5, SECONDED BY MRS. BOYLE- MOTION FAILED DUE TO LACK OF VOTE.

MOTION: MR. MOEBBS MADE A MOTION TO TABLE THE ACCEPTANCE OF RESOLUTION 2011-5 FOR FURTHER DELIBERATION BY THE SECURITY COMMISSION, SECONDED BY MR. GANTNER- MOTION CARRIED UNANIMOUSLY.

4. Roads-Mr. Noe

- a. Mr. Noe stated that there was not a meeting held this month due to lack of quorum.
- b. Mr. Collins collected quotes for culvert replacements at the Cordry Dip and at Duck Dr. from Central Engineering & Construction Associates, Inc. (\$46,911 for open cut alternate at Cordry Dip and \$22,634 for open cut at Duck Dr., less a \$2,034 discount if both done concurrently), and Sub-Surface of Indiana, Inc. (\$34,500 for directional bore at Cordry Dip and \$24,500 for directional bore at Duck Dr.). Both will close roads for three days and both will repaved. Mr. Collins will notify the fire department of the closures.

Discussion: Mr. Gantner requested that Central Engineering & Construction Associates, Inc., produce a written document explaining that their work is warrantied and that the pipe is strong enough to bear the load.

MOTION: MR. GANTNER MADE A MOTION TO ACCEPT THE QUOTE FROM CENTRAL ENGINEERING & CONSTRUCTION ASSOCIATES, INC., FOR THE CORDRY DIP REPAIR AT \$46,911 AND THE DUCK DR. REPAIR AT \$22,634 LESS DISCOUNT AND DEPENDENT UPON RECEIPT OF THE REQUESTED DOCUMENTATION, SECONDED BY MRS. BOYLE - MOTION CARRIED UNANIMOUSLY.

- c. Mr. Collins collected quotes for a patch at Centerlake Rd. and Chipmunk Dr. Jack Todd Paving, Inc., responded with a quote of \$4,100 for Centerlake Rd. and \$11,225 for Chipmunk Dr.

Discussion: Mr. Gantner asked if Chipmunk Dr. can last until spring without the patch. Mr. Collins responded affirmatively but it would continue to break up over the winter. He also stated that the rest of the road is in good condition. Mr. Gantner asked if it could be graveled instead or if the Roads Department could do this on its own. Mr. Collins responded affirmatively to both but cautioned that it could be rough.

MOTION: MR. NOE MADE A MOTION TO ACCEPT THE QUOTE FRM JACK TODD PAVING, INC., FOR THE PATCH AT CENTERLAKE RD. AT \$4,100, SECONDED BY MR. GANTNER- MOTION CARRIED UNANIMOUSLY.

Discussion: Mr. Noe stated that the Roads Department has limited manpower and all are needed for the crack and seal process over the next two months. Mr. Hetherington also stated that the wear and tear on the department's equipment should be considered.

MOTION: MRS. BOYLE MADE A MOTION TO GRANT AUTHORITY TO MR. KOLAR AND MR. COLLINS TO MAKE A DECISION REGARDING THE PATCH ON CHIPMUNK AT A PRICE NOT TO EXCEED \$11,225, SECONDED BY MR. MOEBS- MOTION CARRIED UNANIMOUSLY.

- d. Mr. Collins collected quotes for roads striping of white and double yellow lines. The Roads Department can complete the striping for a cost of \$21,047 and the paint would last one year. AAA Striping Company can complete the striping for a cost of \$24,394 and the paint will last several years.

Discussion: Mr. Kolar stated that crack and seal will need to be completed. Mr. Gantner asked if the striping could wait until spring.

MOTION: MR. GANTNER MADE A MOTION TO ADOPT THE AAA STRIPING COMPANY PROPOSAL ON THE CONDITION THAT THEY WILL HOLD THE PRICE TO WORK IN 2012 AND THE DISTRICT WILL ENCUMBER FUNDS AND THAT THEY PROVIDE WRITTEN DOCUMENTATION THAT THE PAINT WILL LAST AT LEAST TWO YEARS, SECONDED BY MR. MOEBS- MOTION CARRIED UNANIMOUSLY.

- e. The Roads Department would like to purchase a 1960 Gallion Road Grader at a price of \$5,500. The department employees could repair and maintain most of the parts on it and the tires are in good condition for two more years.

Discussion: Mr. Hetherington inquired about the difference between this grader and the previous one. Mr. Collins responded that it is a lot smaller and more appropriate for the District's use. He also stated that all parts could be replaced on it with the exception of the transmission. Mr. Gantner asked what the price would be to rent one. Mr. Collins responded he would investigate prices for rental but he was not sure how long this grader would stay for sale.

5. Water-Mrs. Boyle

- a. Mrs. Boyle presented the invoice for hydrant rental fees.
- b. There is an opening on the Commission.
- c. Lanny Rossman expressed concerns at the Commission meeting regarding how customers were notified of leaks.

Discussion: A freeholder stated his bill was \$169 for the month due to a leak and asked if the department could keep attempting to get ahold of a customer until someone is reached instead of leaving a message. Mr. Collins stated he would investigate this. Mr. Kolar stated that there was a leak at Nineveh Road resulting in large water loss. Mr. Collins stated that it was approximately 600,000-700,000 gallons of water lost and was not immediately discovered

due to waist high grass in the area. Mrs. Boyle stated that the water loss 12 month rolling average was approximately 24 percent.

MOTION: MR. GANTNER MADE A MOTION TO ACCEPT THE HYDRANT RENTAL INVOICE, SECONDED BY MR. JARRETT- MOTION CARRIED UNANIMOUSLY.

G. Brown County Solid Waste: Mr. Moebs

1. During the Scrap Metal Drop Off Day on September 11, 2011, seven Freon units and seven small truckloads were dropped off.
2. Kyle of Designscape is applying for a grant to allow citizens to drop off yard waste.
3. There is currently a struggle over loss of funding that allows recycling to be free of charge.
4. November 15th is America Recycles Day. Brown County Solid Waste is attempting to move this to October 29th to combine Drug Drop Off, E-waste, Shredding, and Recycling Days into one day.
5. Sharps pick-up is being investigated.
6. Two illegal dumping issues were discussed.
7. On October 7th the fire department will host a program regarding the burning ordinance for the Nashville community.

Status from CSCD Attorney: Mr. Young

1. There has been no change in the Klosinski case.
2. The Mercer case has been scheduled for mediation in November and Mr. Young requested a non-majority Board presence.
3. Mr. Young has not received much response from the letters sent out regarding noncompliance with the septic inspections.
4. Mr. Young is continuing to work with Mr. Lee regarding the unkept properties.

H. Unfinished Business:

1. Regarding liability insurance for the dam, Mr. Kolar stated that a new carrier is currently being sought.
2. Mr. Kolar stated that this was to be the second hearing reading/adoption of the 2012 budget.

MOTION: MR. GANTNER MADE A MOTION TO ADOPT THE 2012 BUDGET, 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

3. Mr. Kolar stated that the Budget Committee compared actual wages, inflation rates, and county employee pay rates to devise the proposed employee pay rates for 2012.

Discussion: Mr. Moebs requested that in the future more than a single sample of local employee pay rates be used for comparison. Mr. Noe also voiced the same concerns. Mr. Kolar stated that the entire compensation package should be considered as CSCD employees do not pay as much for their portion of the employee insurance premiums as county employees do. Mrs. Anderson stated that the job tasks should be compared instead of the job titles only but wanted to express she was not complaining.

4. Mr. Kolar explained that comp time is overtime and that a flex time system was not instituted but rather an adjusted work week in order to control overtime.

Discussion: Mr. Moebs stated that he understood the need to avoid overtime but the employee's time needs to be considered as well and that Saturdays are time spent away from family and are outside of the normal work week. He felt Saturdays may be appropriate for overtime rates. Mr. Kolar stated that other companies use adjusted work week schedules. Mr. Noe asked what the rate and amount of weekly hours were for the Building Compliance Officer. Mr. Kolar responded that the rate is \$18 per hour and the hours are 20-24 hours per week.

5. Mr. Kolar stated that Mr. Young is continuing to revise the interlocal agreement. Mr. Young stated that it will be approved before January 1, 2012 and that the two main concerns are the security contract and the Board's control of staffing.
6. The district had not had underinsured/uninsured motorist coverage in several years so this change was not made to the insurance coverage.
7. CKW is to survey the proposed site for the new office building. There was an issue with locating the deed that is being resolved currently.

MOTION: MR. KOLAR MADE A MOTION TO HAVE A STAKED SURVEY PERFORMED ON THE PROPERTY WHERE THE OFFICE/MAINTENANCE BUILDING IS NOW AT A PRICE NOT TO EXCEED \$1,000, SECONDED BY MRS. BOYLE- MOTION CARRIED UNANIMOUSLY.

I. New Business:

1. The Board decided to wait to discuss the pay rate adjustments for Board Members.
2. The CSLOA proposed to have the following members be appointed to the corresponding Commissions:
 - a. Al Taylor - Ecology
 - b. Mike Fouch - Roads and Security

- c. Lanny Rossman – Building
- d. Sharon Grimm – Water

MOTION: MR. GANTNER MADE A MOTION TO APPROVE THE APPOINTMENTS OF THE CSLOA MEMBERS TO THE COMMISSIONS, SECONDED BY MR. NOE- MOTION CARRIED WITH 6 VOTES FOR AND 1 VOTE AGAINST. ROLL CALL WAS AS FOLLOWS:

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

Discussion: Mr. Hetherington expressed he thought it might be a conflict of interest for Mike Fouch to be on the Security Commission as he is a deputy.

J. Board Member Concerns:


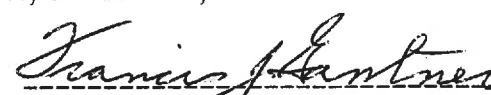
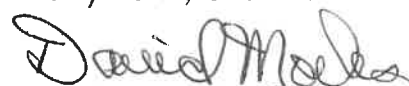

1. Mr. Hetherington asked if the Fire Department has ever asked permission to use the walking trails and who assumes the legal responsibility. Mr. Young answered that both the District and the Fire Department have insurance coverage.
2. Mr. Noe stated that the patrol boats are not in good condition and that Ted's Aqua Marine agreed to trade these boats for new ones at the same price but that the Security Commission could discuss this. A freeholder expressed a concern with trading boats in every three to four years instead of repairing the leaks and keeping them longer.
3. Mr. Hetherington also stated that he would ask that there not be any snide comments made about the Board Members' pay from the Board.

K. Adjourn:

Mr. Gantner made a motion to adjourn the meeting at 10:26 pm, seconded by Mr. Hetherington-motion carried unanimously.

Respectfully submitted by Betsy Edwards.

Approved this 18th day of October, 2011, at Nineveh, IN

	X		X
Larry Kolar, Chairman	Aye Nay	Francis Gantner, Vice Chairman	Aye Nay
	✓		X
David Moebes	Aye Nay	Cheryl Boyle	Aye Nay

Quinn Hetherington

Quinn Hetherington, Secretary Aye Nay

N. Noe

Norman Noe

Aye Nay

David A. Jarrett

Dave Jarrett

Aye Nay

Attest:

Quinn Hetherington

Quinn Hetherington, Secretary