

September 18, 2012 Minutes
Cordry-Sweetwater Conservancy District
Board of Directors Meeting
"Minutes"

September 18, 2012, 7:00 PM, CSLOA Clubhouse

Board Members Present: Larry Kolar, David Moebs, Quinn Hetherington, Dave Jarrett, Anita Wright, Herbie Benshoof, Francis Gantner

Board Members Absent: None

CSCD Attorney: Roger Young

Managers Present: Anthony Haywood, Marty Anderson

Managers Absent: Vernon McGaha

Guests: Bruce Margauf, Shawn Michel, Jim Ray, Dustin Merrell, Bob Sheldon

A. Welcome and Pledge of Allegiance: Mr. Kolar called the meeting to order at 7:00 PM

B. Announcements:

1. Mr. Kolar had a moment of silence for Mr. Moebs wife who passed away. Mr. Moebs said a few words of appreciation.

C. Agenda Modifications:

1. Mr. Gantner had a modification to the Agenda, Mr. Gantner requested that the approval of guardrails be added as line item 6 d-2.

MOTION: MR. GANTNER MADE A MOTION TO APPROVE THE MODIFICATION TO THE AGENDA, SECONDED BY MR. MOEBS – MOTION CARRIED UNANIMOUSLY.

D. Freeholder Concerns:

1. There were no freeholder concerns.

E. Approval of Minutes:

1. Mr. Moebs asked to table the approval of the August meeting minutes until the October meeting to allow him time to make any corrections to them.

MOTION: MR. MOEBS MADE A MOTION TO TABLE THE AUGUST 21, 2012 BOARD MEETING MINUTES, SECONDED BY MR. GANTNER – MOTION CARRIED UNANIMOUSLY.

F. Management Reports: Mrs. Anderson

1. **Financial Manager:** Mrs. Anderson presented the financial report
 - a. Mrs. Anderson read aloud the financial report.

MOTION: MR. GANTNER MADE A MOTION TO APPROVE THE FINANCIAL REPORT SUBJECT TO AUDIT, SECONDED BY MR. BENSHOOF – MOTION CARRIED UNANIMOUSLY.

- b. The Board reviewed and discussed the claims. Mr. Kolar had a question for Mr. Haywood about a line item in which Mr. Haywood addressed his question.

MOTION: MR. BENSHOOF MADE A MOTION TO APPROVE THE CLAIMS SUBJECT TO AUDIT, SECONDED BY MR. MOEBS – MOTION CARRIED UNANIMOUSLY.

2. Infrastructure Manger: Mr. Haywood

- a. Set up the fire hydrant and valves onto the new tablets that were purchased.
- b. Waiting on some parts to finish the fix on the fire hydrant on Lemur Dr.
- c. Trying to find a water leak on Groundhog Dr.
- d. Working on cleaning up tree debris on Grosbeak Dr.
- e. Mr. Jarrett asked Mr. Haywood if the county had a hotline for road repairs. Mr. Haywood will call the county.

3. Security Manager: Mr. Taggart presented in Mr. McGaha's absence.

- a. He brought up a problem with solicitors around the district. Want to know if there is a county ordinance in order to control the problem. Mr. Young will check into a solution with the county.
- b. Looking into developing boater safety requirement for new boaters to the lake. It would be a requirement to have them take the DNR boaters safety course or to have them take the course if they have had 2 or more tickets on the lake.

G. Commission Reports:

1. Building: Mr. Jarrett

- a. There were 5 permits issued during the last meeting.
- b. There is a dock at property WS 259. The Commission instructed Mr. Lee to write a letter about the condition of the dock. The next step, if the Commission does not hear back from the property owners, is to take legal action.
- c. Property lines and setbacks at the waterfront properties. There was discussion at the last CSCD Board meeting about solutions to this issue. The Commission came up with a resolution in which was read aloud. Mr. Jarrett asked for the Board's input on

the resolution. Mr. Kolar asked the question on how the District would enforce the new policy. Mr. Gantner suggested prohibiting boats or structures in the setback where the freeholder would be encroaching. Mr. Young said we need to do something for the District as a whole and not just for the select few freeholders. Mr. Jarrett will go back to the Commission to simplify the wording of the resolution.

- d. Property owner at 7287 Halibut Dr. has made progress. The Commission would advise our legal to drop the litigation.
- e. Mr. Jarrett met with Dave O'Mara for solutions on the Sweetwater boat ramp issue. They will get two quotes. One would be for Armor flex and one for complete concrete blocks. The Armor flex is similar to that on Cordry Lake.

2. Ecology: Mrs. Wright

- a. The dredging is about 2 weeks until completion or 95% complete.
- b. There are dredging permits out to freeholders which two freeholders have asked for approval.
- c. The Commission met with Christopher B. Burke Engineering and has put together a proposal.
- d. Jim Ray has prioritized dredging needs on both lakes for next year.
- e. The Commission received a bid from a private contractor for the boat ramp. They did not give much description so the board did not act upon.
- f. SRS has proposed to construct a ramp on Sweetwater Lake for contractors to use. It would be little to no cost to CSCD. Mr. Kolar said that the concept was fine but that there would be restrictions to contractors using the public boat ramp besides to put their boat into the water. The contractors' ramp would be used by all contractors and freeholders as a service ramp.

MOTION: MRS. WRIGHT MADE A MOTION TO APPROVE THAT MERRELL BROTHERS CONSTRUCT A CONTRACTORS RAMP PER PLANS RECEIVED AT LITTLE OR NO COST TO CSCD, SECONDED BY MR. HETHERINGTON; THERE WAS DISCUSSION – MOTION CARRIED UNANIMOUSLY.

- g. SRS would like to leave excess materials for future dredging projects on CSCD property. They would put a guardrail in front of it.

MOTION: MRS. WRIGHT MADE A MOTION TO APPROVE THAT MERRELL BROTHERS LEAVE EXCESS MATERIAL FOR FUTURE USE ON CSCD PROPERTY BLOCKED BY A GUARDRAIL, SECONDED BY MR. GANTNER; THERE WAS DISCUSSION – MOTION CARRIED UNANIMOUSLY.

- h. There have been several freeholders asking about the use of the dirt spoils. The Commission recommends that the dirt in the spoils be used by freeholders as long as no heavy equipment is used to haul it away. They would have to get the dirt before Merrell Brothers grades and seeds the area.

MOTION: MRS. WRIGHT MADE A MOTION TO ALLOW FREEHOLDERS THE USE OF DIRT FROM THE DREDGING SPOILS AS LONG AS NO HEAVY EQUIPMENT IS USED TO HAUL IT AWAY, SECONDED BY MR. HETHERINGTON; THERE WAS DISCUSSION – MOTION CARRIED UNANIMOUSLY.

- i. The Commission received a bid from Jerry Cleefman for removing the existing retaining wall at the beach and building a new one with steps in the amount of \$8,503. They will add in railing to the steps at the cost of materials to the bid.

MOTION: MRS. WRIGHT MADE A MOTION TO APPROVE JERRY CLEEFMAN BID FOR A TOTAL OF \$8,700 TO REMOVE THE EXISTING WALL AND BUILDING A BLOCK WALL WITH STEPS, SECONDED BY MR. JARRETT; THERE WAS DISCUSSION – MOTION CARRIED UNANIMOUSLY.

- j. Put signage at boat ramps and enforcing regulations for fishing. Mr. Kolar asked how it would be enforced.

MOTION: MRS. WRIGHT MADE A MOTION TO REQUEST THAT SECURITY ENFORCE FISHING REGULATIONS AND DEVELOP SIGNAGE AT BOAT RAMPS, SECONDED BY MR. MOEBS; THERE WAS DISCUSSION – MOTION FAILED WITH 1 VOTE FOR AND 6 AGAINST. ROLL CALL WAS AS FOLLOVED:

**MOEBS – NO
BENSHOOF – NO
HETHERINGTON – NO
GANTNER – NO
JARRETT – NO
WRIGHT – YES
KOLAR – NO**

- k. The Commission discussed purchasing mowing equipment for the dams. They recommend that CSCD not purchase mowing equipment.
- l. The Commission brought up an issue of mosquitos. Mrs. Wright asked for suggestions on how to control them.

3. Security: Mr. Hetherington

- a. Mr. Kolar and Mr. Gantner met with the Davis's on a solution to the boat sticker situation. At the meeting it was agreed by both parties to recommend to the CSCD Board that their stickers for the Mastercraft speedboat would be rescinded effective September 18, 2012 and they would be precluded from seeking or filing an application for any speedboat through and including July 16, 2013.

MOTION: MR. HETHERINGTON MADE A MOTION TO BRING THE DAVIS SITUATION OFF THE TABLE TO ALLOW FOR CONTINUED DISCUSSION, SECONDED BY MR. BENSHOOF – MOTION CARRIED UNANIMOUSLY.

MOTION: MR. GANTNER MADE A MOTION THAT THE BOARD APPROVE THE SETTLEMENT REACHED WITH JOE AND PAM DAVIS, WHO OWN PROPERTY AT WS19, IN WHICH THEIR BOAT STICKERS FOR THE MASTERCRAFT SPEEDBOAT WOULD BE RESCINDED EFFECTIVE SEPTEMBER 18, 2012 AND THEY WOULD BE PRECLUDED FROM SEEKING OR FILING AN APPLICATION FOR ANY SPEEDBOAT THROUGH OR INCLUDING JULY 16, 2013, SECONDED BY MR. BENSHOOF – MOTION PASSED WITH 6 VOTE FOR AND 1 AGAINST. ROLL CALL WAS AS FOLLOWED:

MOEBS – YES

BENSHOOF – YES

HETHERINGTON – YES

GANTNER – YES

JARRETT – NO

WRIGHT – YES

KOLAR – YES

- b. Mr. Hetherington gave a security report for the 2012 year.
- c. There is a proposal within the budget for one new patrol boat. The Commission was to think on what type of patrol boat to purchase.
- d. Had a situation with the Stanton's family on 3 tickets that were issued. They own property at SW348. Two tickets were issued on the same day by two different patrolmen for the same offense. The third was for having an overloaded boat on a later date. Due to miscommunication on the first two tickets the Commission made a motion to give the Stanton's their boat sticker back at no additional cost but put their boat under probation until September 2, 2013. If they receive any additional ticket within the timeframe they would have their boating privileges revoked for one year. Mrs. Stanton spoke up on the 3rd ticket on making it clear on the overloaded boat issue.

MOTION: MR. HETHERINGTON MADE A MOTION THAT THE STANTON'S, SW348, HAVING RECEIVED THREE TICKETS IN THE SUMMER OF 2012 WOULD HAVE THEIR STICKERS REINSTATED BUT WOULD BE PLACED UNDER PROBATION UNTIL SEPTEMBER 2, 2013 AND AN ADDITIONAL TICKET WOULD RESULT IN THE STANTON'S REAPPEARING IN FRONT OF THE SECURITY COMMISSION,

SECONDED BY MRS. WRIGHT; THERE WAS DISCUSSION – MOTION FAILED WITH 2 VOTE FOR AND 5 AGAINST. ROLL CALL WAS AS FOLLOWED:

**MOEBS – NO
BENSHOOF – NO
HETHERINGTON – YES
GANTNER – YES
JARRETT – NO
WRIGHT – NO
KOLAR – NO**

MOTION: MR. JARRETT MADE A MOTION THAT THE STICKERS ISSUED ON JUNE 24, 2012 BE RESCINDED THEREFORE LEAVING THE STANTON’S WITH ONLY TWO TICKETS ON RECORD, SECONDED BY MRS. WRIGHT; THERE WAS DISCUSSION – MOTION PASSED WITH 4 VOTE FOR AND 3 AGAINST. ROLL CALL WAS AS FOLLOWED:

**MOEBS – NO
BENSHOOF – YES
HETHERINGTON – YES
GANTNER –NO
JARRETT – YES
WRIGHT – YES
KOLAR – NO**

- e. There was a freeholder who has a property on Greywolf Dr. who has complained that a contractor who parks their boat on freeholders’ property on Grizzly Dr. We need to reinforce to contractors not to park boats on freeholders’ property.
- f. Need to think about new boat technology specifically with wake enhancing boats. There was a lengthy discussion among the CSCD Board members on how to resolve the possible issue. Mr. Gantner asked that Mr. Hetherington bring the issue back to the Security Commission to think about wording to change the rule book and come back to the CSCD Board with a recommendation.
- g. Mr. Kolar requested a copy of the deer reduction roster on a monthly basis.

4. Roads: Mr. Gantner

- a. Opened up bids for asphalt patching and re-graveling of drives. The low bid was Robertson Paving with a total cost of \$91,640. They met all requirements by the Indiana State Department of Transportation. They would start immediately. The list of asphalt patching and re-graveling will be available at the CSCD office.

MOTION: MR. GANTNER MADE A MOTION TO APPROVE THE BID SUBMITTED BY ROBERTSON PAVING FOR ASPHALT AND RE-GRAVELING WORK NOT TO EXCEED THE AMOUNT OF \$91,640. SECONDED BY MR. BENSHOOF; THERE WAS DISCUSSION – MOTION CARRIED UNANIMOUSLY.

There was a change in the linear feet of re-graveling of the drives from 15,000 to 24,000. This would make the total cost of the asphalt patching and re-graveling work in the amount of \$118,640. Letters will be sent to those who bid.

MOTION: MR. GANTNER MADE A MOTION TO AMEND THE PREVIOUS MOTION TO INCLUDE THE ADDITIONAL 9,000 LINEAR FEET OF RE-GRAVELING FOR A TOTAL NOT TO EXCEED \$118,640 FOR ASPHALT PATCHING AND RE-GRAVELING WORK. SECONDED BY MR. BENSHOOF – MOTION CARRIED UNANIMOUSLY.

- b. Opened up bids for the guardrail bid. There was only one bid received. James H. Drew Corporation bid the amount of \$45,032. They meet all requirements by the Indiana State Department of Transportation.

MOTION: MR. GANTNER MADE A MOTION TO APPROVE THE BID SUBMITTED BY JAMES H. DREW CORPORATION FOR GUARDRAIL WORK ON BOTH DAMS NOT TO EXCEED THE AMOUNT OF \$45,032. SECONDED BY MR. BENSHOOF; THERE WAS DISCUSSION– MOTION CARRIED UNANIMOUSLY.

- c. Mr. Gantner is looking into stripping the roads. There will be a request for bids from three contractors for this work. Mr. Kolar suggested that there be crack sealing put down on the roads before the painting of the lines.

5. WATER: Mr. Benshoof

- a. They did not have a water meeting for the month of September.
- b. They have a resolution 2012-2, second reading for the water rate increase. This becomes effective immediately.

MOTION: MR. GANTNER MADE A MOTION TO APPROVE RESOLUTION 2012-2 FOR THE WATER RATE INCREASE. SECONDED BY MR. HETHERINGTON– MOTION CARRIED UNANIMOUSLY.

- c. Looking into meeting with water loss control contractors in the 1st or 2nd week in October.

H. Other Governmental Interface Meeting Reports:

1. Brown County Solid Waste: Mr. Moebs

- a. The Senate committee wants the Solid Waste districts to be banned from using property taxes as a source of income.
- b. Gave a report on the results from the recycling days and updated the upcoming dates.
- c. There was a resolution by the state to do payroll electronically.

I. Status from CSCD Attorney: Roger Young

1. There was a lawsuit against a freeholder to bring their property into compliance. Mr. Lee has inspected the properties and believes that they are not in compliance. Asked the Board to dismiss the litigation to the freeholder.

MOTION: MR. GANTNER MADE A MOTION TO DISMISS THE LITIGATION OF A FREEHOLDER, PERRONS. SECONDED BY MR. BENSHOOF– MOTION CARRIED UNANIMOUSLY.

2. The Board has been invited to join a lawsuit on the county wide fire district. The Board would join the side of the county who adopted an ordinance modifying the county wide fire district. There was a suit filed against the county challenging the validity of the ordinance. It will be up to the judge to allow the Board to join the lawsuit on the side of the county. The Board has to allow Mr. Young to pursue joining the lawsuit on behalf of the district.

MOTION: MR. GANTNER MADE A MOTION TO ALLOW MR. YOUNG TO PURSUE JOINING THE LAWSUIT ON THE COUNTY WIDE FIRE DISTRICT ON THE SIDE OF THE COUNTY. SECONDED BY MR. BENSHOOF– MOTION CARRIED UNANIMOUSLY.

J. Unfinished Business:

1. Mr. Kolar updated on the insurance broker. Mr. Kolar stated that the broker received one quote the Board is interested in.
2. Mr. Kolar updated on the Interlocal Agreement. We are waiting for the county to respond.
3. Mr. Kolar stated that the floor plans for the new CSCD office/maintenance building are 70% completed. Miller Architect has asked for partial payment of \$20,046.80 for the services provided to date. We are looking into securing an \$800,000 loan for the new building. The goal is to start construction in the spring of 2013.

MOTION: MR. KOLAR MADE A MOTION TO APPROVE THE PARTIAL PAYMENT OF \$20,046.80 TO MILLER ARCHITECT FOR SERVICES PROVIDED. SECONDED BY MR. MOEBS – MOTION CARRIED UNANIMOUSLY.

4. Mr. Kolar, Mr. Gantner, and CSCD Attorney Mr. Young will meet with Debbie Shutta on the capital asset policy.
5. Mr. Kolar went over the 2013 budget. Mr. Hetherington asked how it compares to this year's rates in which Mr. Kolar answered his question. Mr. Kolar entertained the idea of having a rainy day fund.

MOTION: MR. GANTNER MADE A MOTION TO APPROVE THE 2013 BUDGET. SECONDED BY MR. BENSHOOF – MOTION CARRIED UNANIMOUSLY.

6. There are no changes to the 2012 and 2013 goals.
7. Mr. Kolar created an ad for the Conservancy Manager position to be released to the public.

K. New Business:

1. Mr. Kolar asked the board for approval of an engineering study by Christopher B. Burke Engineering for \$11,000. The engineering firm would notify the board when they reached 80% of the total cost of the study.

MOTION: MR. JARRETT MADE A MOTION TO APPROVE CHRISTOPHER B. BURKE ENGINEERING TO CONDUCT AN ENGINEERING STUDY FOR \$11,000, THERE WAS DISCUSSION. SECONDED BY MR. MOEBS – MOTION CARRIED UNANIMOUSLY.

L. Board Member Concerns:



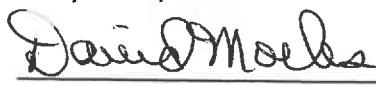
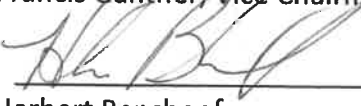


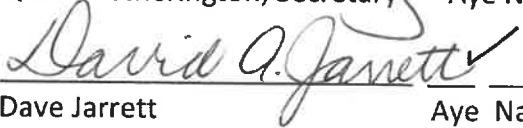
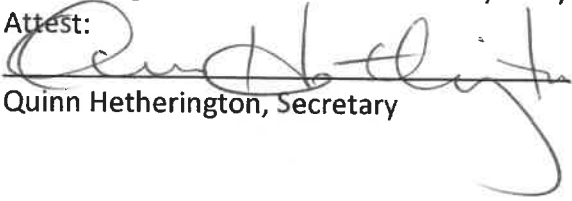
1. Mr. Jarrett asked about the new CSCD office/maintenance building.
2. Mr. Kolar stated that a newsletter will be sent out in October and that there are two board members up for elections this year.

M. Adjourn

MOTION: MR. GANTNER MOVED TO ADJOURN, SECONDED BY MR. MOEBS – MOTION CARRIED UNANIMOUSLY.

Respectfully submitted by Kristi Putnam.

Approved this 20th day of November, 2012, at Nineveh, IN

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Larry Kolar, Chairman	Aye Nay	Francis Gantner, Vice Chairman	Aye Nay
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David Moebis	Aye Nay	Herbert Benshoof	Aye Nay
	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Quinn Hetherington, Secretary	Aye Nay	Anita Wright	Aye Nay
	<input checked="" type="checkbox"/>	Attest:	
Dave Jarrett	Aye Nay	Quinn Hetherington, Secretary	