

Cordry-Sweetwater Conservancy District
Board of Directors Meeting
August 15th, 2023

1. **Board Members Present:** Josh Edwards, Pat Sherman, Herb Benshoof, Aaron Parris, Mark Rasdall, Ted Adolay, and Mike Leavitt
2. **Board Members Absent:** None
3. **Also, Present:**
 - a. **Staff:** Brittany Bay& Nick Johann
 - b. **CSCD Attorney:** Roger Young
 - c. Approximately 20 freeholders in attendance & numerous online viewers
4. **Welcome:** Mr. Edwards called the meeting to order at 7:02 PM.
5. **Agenda Modifications:**
 - a. Mrs. Bay requested to add line items 7.a. Pontoon Horsepower, 8.c. Resolution 2023-9 Conservancy Marshall, and 8.d. Resolution 2023-10 Transfer of Funds within the Budget.

MOTION: Mr. Parris motioned to approve the agenda modifications, seconded by Mr. Sherman. Motion passed unanimously.

6. **Approval of Minutes:**

MOTION: Mr. Benshoof motioned to approve the July 18th, 2023, Special Session Minutes, seconded by Mr. Rasdall. Motion passed unanimously.

MOTION: Mr. Sherman motioned to approve the July 18th, 2023, Board Meeting Minutes, seconded by Mr. Adolay. Motion passed unanimously.

7. **Freeholder Concerns:**

- a. Carrie Vavul asked about the cameras at the boat ramps and if we could see who is leaving the gates down at the ramps. Mrs. Bay answered that we have access to see that information. There was some discussion. Mr. Edwards explained that it would be helpful if freeholders saw someone leave the gate down to call the office so the staff has a time frame to look at. Mr. Johann also noted that the Boat Stewards help with this issue a lot and educate the freeholders.

- b. Shawn Rexroth (OES 260) asked what the purpose is for the cameras at the ramp and asked if anyone was looking at the cameras. Mr. Johann answered when an incident happens, we look at the footage, we don't have someone constantly monitoring the cameras. Mrs. Bay explained the cameras pop up with an alert when there is motion such as a person at the ramp. Mrs. Rexroth then explained she had concerns with how the wake committee survey was set up.
- c. Dan Norman (Greywolf) asked if there was any consideration into putting in speed bumps. Mr. Edwards explained in the past there was discussion about speed bumps and the issues that it could cause with the snowplow. Mr. Edwards also explained that the Board had tried temporary speedbumps in the past. Mr. Leavitt discussed the option of speed humps. There was some discussion about speeding.
- d. Melissa Swineford (Centerlake) asked if she would have to bring up adding a stop sign with the county. There was discussion amongst the Board about the legalities of adding a stop sign and the possibility of speed humps. Mrs. Swineford then asked about putting up signage at the beach letting people know it is a private beach; Mr. Benshoof responded ecology included that in their proposed budget to the Board.
- e. Denise Caudill read her letter that she presented to security (attached) about her concerns with offshore lot owners parking on the beach and an increase in pontoon horsepower. Mrs. Caudill then spoke about the proposed budget and asked Mr. Young if he knew the amount the levy would have to increase or if there is a percentage of increase for the DLGF to come and have a public hearing. Mr. Young suggested she contact the DLGF about that. Mr. Sherman explained to Mrs. Caudill that a freeholder had contacted him about increasing the horsepower and he asked ecology and security to look at the pros and cons of increasing the pontoon horsepower. Mr. Sherman noted this was not a proposal by the Board.
- f. Susie Watson wanted to discuss speeding in this area. Mrs. Williams explained her mailbox is hit at least once a year and asked what the speed limit was because the signs say 25-mph, but the county put 45-mph in her report. Mr. Young discussed the 25-mph county ordinance he had prepared years ago.

8. Management Reports:

a. Director of Finance & Administration:

1. Mrs. Bay summarized the fund report. The current balance is \$3,218,774.89.

MOTION: Mr. Sherman motioned to approve the financial report subject to audit, seconded by Mr. Parris. Motion passed unanimously.

2. Mrs. Bay summarized the appropriation report and monthly claims list. The monthly claims total is \$473,635.09. The unexpended remaining balance is \$1,087,367.50 or 42.91% remaining.

MOTION: Mr. Sherman motioned to approve the monthly claims subject to audit; seconded by Mr. Adolay. Motion passed unanimously.

3. Mr. Sherman requested Mrs. Bay provide an estimate of what the general fund balance will be at the yearend compared to previous years, because that will show that the security money will go back in the general fund to help reduce the levy.

b. Director of Operations:

1. Mr. Johann summarized his report.
2. Mr. Johann noted the beach septic is being repaired from the roots that have grown inside of it.
3. Mr. Johann noted that there was concern about our marina fuel tanks having water, but they have both been tested by our fuel company and there is zero water in either tank. Mr. Johann explained the process they used to test.
4. Mr. Johann mentioned the Zebra Mussel Committee will be meeting on Thursday.

9. Commission Reports:

a. Building:

1. Mr. Sherman reviewed the variance request at 6586 Magpie.
2. There was discussion amongst the Board.

MOTION: Mr. Sherman motioned to approve the variance request at 6586 Magpie Drive since there was no monstrence with the request, seconded by Mr. Rasdall. Motion passed unanimously.

3. Mr. Sherman reviewed the building applications.

MOTION: Mr. Sherman motioned to approve building applications 23-052, 23-053, and 23-054 for approval from the CSCD Board contingent upon lot owners obtaining all permits required by Brown County and meeting all conditions by the Building Commission, seconded by Mr. Parris. Motion passed unanimously.

4. Mr. Sherman reviewed dredging applications.

MOTION: Mr. Sherman motioned to approve dredging applications D23-005, D23-006, D23-007, and D23-008 for approval from the CSCD Board contingent upon meeting all conditions by the Building Commission, seconded by Mr. Benshoof. Motion passed unanimously.

b. Ecology:

1. Mr. Benshoof summarized the Ecology Minutes.
 - i. Mr. Benshoof discussed the north end of Sweetwater Lake having an abundance of green

silt and possible solutions the ecology commission was coming up with.

c. Roads:

1. Meeting canceled lack of quorum.
2. Mr. Rasdall discussed adding Eric VonHoven as the CSLOA representative to the roads commission.

MOTION: Mr. Rasdall motioned to approve adding Eric VonHoven to the roads commission, seconded by Mr. Benshoof. Motion passed unanimously.

d. Security:

1. Mr. Adolay summarized the Security Minutes.

e. Water:

1. Mr. Parris summarized the Water Minutes.

f. Financial Advisory Committee:

1. Mr. Sherman discussed the first financial advisory meeting of the year.

g. Wake Committee

1. Mr. Parris summarized the Wake Committee Minutes.
 - i. Mr. Parris discussed the wake survey and thanked everybody who participated.

10. Old Business:

a. Pontoon Horsepower

1. Mr. Rasdall mentioned that Mr. Sherman brought this topic up because it was brought to him by a freeholder. Mr. Rasdall noted that there was discussion about if the pontoon horsepower was increased that would count as the freeholder's ski boat, so the freeholder would only have 2 boat classifications on the lake instead of 3. Mr. Sherman explained this was something a freeholder brought to him, and this was an effort to get security and ecology involved for their review because he doesn't like an arbitrary no response, and it would give freeholders a reason why or why not the Board would change the horsepower. Mr. Benshoof noted ecology discussed it and wanted to do more research. Mr. Young explained what rules the Board can and can't make. Mr. Young then explained that he doesn't believe saying that a pontoon boat with a speedboat size engine would classify that as two boats, it would count as a speedboat not a speedboat and pontoon boat, the same as a pontoon boat with a very small engine would not be counted as both a pontoon and fishing boat. Mr. Young explained he didn't believe that a rule stating that a pontoon boat being classified as two boats would stand up under judicial scrutiny. Mr. Young then mentioned if the Board wanted to limit the number of boats on the lakes a solution could be to change the rule to only allow 2 motorized boats.

11. New Business

a. Bond Resolution 2023-8

1. Mrs. Bay presented the Bond Resolution. Mrs. Bay explained this is a bond note to cover the LCRR project until the grant money comes in. Mr. Young explained further this bond anticipation note(BAN) is to borrow money from the Indiana Finance Authority (IFA) with the understanding that as long as the water line project does not exceed \$100,000 that the District will be reimbursed from the grant money; he further explained that if the bids come in over that amount the IFA will work with the District and possibly raise the cap. Mr. Young then noted he was not sure how the payments are going to be made whether the District pays and is reimbursed or if the invoices will be sent to IFA directly. Mrs. Bay explained that we would send those invoices directly to the IFA, and that to pay for the project that way all we would need is a letter from Mr. Young stating that the CSCD water utility followed all proper procedures. Mr. Young explained he has asked bond counsel about the BAN, and the Board may see a change from a 5-year maturity to a 2-year maturity.

MOTION: Mr. Parris motioned to approve Resolution 2023-8 Bond Resolution subject to BAN maturity being clarified to Mr. Young, seconded by Mr. Benshoof. Motion passed unanimously.

b. Ratify Employee Bonuses

1. Mr. Bay explained that she and Mr. Johann had completed employee reviews and went over bonus amounts for the CSCD staff.
2. There was discussion amongst the Board.
 - i. Mr. Leavitt mentioned he didn't believe it was good personnel management, giving even bonuses amongst all different employees. Mr. Leavitt explained he believed there should be a practice or policy for employee bonuses. Mr. Leavitt noted he believed giving equal bonuses could have an inverse effect and it could negatively affect employee morale and performance.
 - ii. Mr. Rasdall mentioned he didn't believe full-time and part-time employees should receive the same bonus amounts.

MOTION: Mr. Sherman motioned to approve ratifying employee bonuses, seconded by Mr. Adolay.

**Mr. Parris: Aye
Mr. Sherman: Aye
Mr. Edwards: Aye
Mr. Benshoof: Aye
Mr. Leavitt: Nay
Mr. Rasdall: abstained
Mr. Adolay: Aye**

Motion Passed: 5-1-1

c. Resolution 2023-9 Conservancy Marshall

1. Mr. Sherman went over Resolution 2023-9 Conservancy Marshall. Mr. Sherman explained this resolution was establishing the position of the Conservancy Marshall, this will allow us to work on the policies and procedures of the Conservancy Marshall. Mr. Sherman explained that if something were to happen in the future with the local agencies that are currently working part time, then to provide the security the freeholders are accustomed to it will be faster to implement the Marshall process if we already have the Marshall office in place even if its not populated. There was some discussion amongst the Board.

MOTION: Mr. Sherman motioned to approve Resolution 2023-9 Conservancy Marshall, seconded by Mr. Rasdall. Motion passed unanimously.

d. Resolution 2023-10 Transfer of Funds within the Budget

1. Mr. Sherman went over Resolution 2023-10 Transfer of Funds within the Budget. Mr. Sherman explained the two different ways we are paying for part time security; one way is funding through part time employees and paid out of a 100 account (personal services) and the other is by a contract and paid out of a 300 account (other services). Mr. Sherman explained that this resolution is doing is moving money from the contingencies to reimburse the accounts that have been used to pay for security officers.

MOTION: Mr. Sherman motioned to approve Resolution 2023-10 Transfer of Funds within the Budget, seconded by Mr. Benshoof. Motion passed unanimously.

12. Freeholder Concerns

1. Melissa Swineford asked what the bounds were for line striping. Mr. Johann explained the line striping.
2. Shawn Rexroth asked about the Cordry ramp. Mr. Johann explained everything that would be replaced involving the Cordry dam. Mrs. Rexroth told Mr. Parris she appreciated the wake survey; she was just upset with the first question. Mr. Parris explained the first preference on the first question of the wake survey. Mrs. Rexroth asked about the dams and why we are having issues with the dam, Mr. Johann noted he would ask the engineers about her question. Mrs. Rexroth asked what could the community do to have a board member removed? Mr. Edwards explained that an elected official can be removed from their duties if they commit an egregious act as a board member or committed a felony.
3. Tom Quill explained his thoughts and concerns on the wake boat survey.
4. Jeff Tow asked about speeding/ safety and with Marshalls will they have the authority to write speeding tickets and are the part time deputies writing speeding tickets. Mr. Young explained Marshalls would be fully powered police officers. Mr. Young

then explained that whether someone receives a ticket or not would depend on the officer's discretion, and then went on to mention that just because a ticket is written doesn't necessarily mean the prosecutor is going to enforce that. Mr. Tow mentioned the earlier approved resolution and asked if misappropriations were made. Mr. Sherman explained there was no misappropriation happening and the Board approved all previous payments. Mr. Sherman then explained the different budget classifications and moving money from one budget line item to reimburse another budget line item.

5. Rebecca Norman mentions the agenda modification regarding pontoon horsepower, and she didn't believe the Board discussed that agenda item. Mrs. Norman then wanted it to be noted that she believes employee bonuses should be based on the time of employment at the very least and a raise would be more beneficial to employees. Mr. Edwards explained that when you give stipends or bonuses it is more fiscally responsible for the whole because it doesn't add on to the base and continues to do that year after year. Mr. Edwards then mentioned that pontoon horsepower was discussed and led by Mr. Rasdall. Mr. Rasdall then mentioned it was not meant to be a motion at all just table talk amongst the Board.
6. Cathie Brown mentioned she was a member of the security commission along with Mr. Adolay and that personally she would love to see the pontoon horsepower increased but from a safety perspective the commission did not want to increase the horsepower.
7. Mike Gaither asked what the top horsepower allowed on any boat is. Mr. Johann explained a fishing boat is 40 horsepower maximum, a pontoon boat is 100 horsepower maximum, and a speedboat has no maximum. Mr. Gaither then asked is that not an issue with unlimited. Mr. Johann explained that the speed limit (40 mph) would be the only thing that would limit you.

13. Board Members Concerns

1. Mr. Rasdall brought up an issue a freeholder brought to him about personal buoys. Mr. Young mentioned that the District can control activities on the lake above the lake bed that is owned by the District. Mr. Young is unaware of any freeholder's lot that would extend 25 feet into the water, and that a freeholder could put a buoy on their land but the District can regulate buoys placed on land owned by the District that is under water. Mr. Young explained this is why the building commission requires surveys. Mr. Rasdall then asked about a rule on personal buoys. There was some discussion. Mr. Young mentioned that it doesn't hurt to have a rule it gives people notice of what the District expects from them, he doesn't believe that you need a rule to remove unauthorized objects from the lake that the District owns. Mr. Rasdall then thanked

everyone for coming tonight and showing their interest in the community.

2. Mr. Leavitt agreed with Mr. Rasdall, and he appreciated everyone being here and participating. Mr. Leavitt wanted to reiterate his opposition to bonuses wasn't anything to do with employee performance, it has to do with the process, and it may have a negative impact on some employees.
3. Mr. Benshoof thanked Nick and Brittany for their leadership, their management, and their take charge attitude; they believed the employees deserve bonuses, they thought through it, and he talked to them about it, and they were confident in their decision. Mr. Benshoof noted they treat people like family, they are a great conservancy group, and he is proud of them.
4. Mr. Edwards mentioned that a few meetings ago it was mentioned that there was an Attorney General claim made against the CSCD. Mr. Rasdall explained that he had received a letter from someone with the name blacked out going to the attorney general saying they wanted to make a claim, and the attorney general had sent them a form back to make their claim on. Mr. Rasdall then mentioned that he does not know if they followed up. Mr. Rasdall then noted that if it was an actual complaint that he could have shared the complaint with the Board. Mr. Edwards wanted to clarify that someone had written the attorney general and given Mr. Rasdall a copy of the letter but upon further investigation Mr. Young hadn't come across anything and Mr. Rasdall just confirmed that it doesn't appear this person followed up with making a claim. Mr. Edwards then mentioned that with that being in public meetings minutes he wanted to follow up and get that clarified there was not a formal complaint filed against the CSCD. Mr. Edwards then mentioned that he appreciated Mr. Leavitt's input in saying it isn't necessarily employees and he knows that is a tough one. Mr. Edwards mentioned talking about morale and how it might affect people by giving stipends and bonuses and he believes it is a morale killer to vote no as a Board member for giving people raises or to abstain. Mr. Edwards noted he believed it was a not good for morale when you go to the Board, and you get no's but that is why there is a Board and the Board votes, and the members express their opinions. There was some discussion amongst the Board.
5. Mr. Sherman thanked everyone for their input and mentioned the budget is important to the freeholders. Mr. Sherman noted he believes the ability to have the option of Conservancy Marshall is really important to the District. Mr. Sherman also noted that if anyone has any questions for him, he is available after the meeting. Mr. Sherman then thanked Brittany and Nick and explained he had been here quite a while not only as a Board Member but as a freeholder, he purchased land here back in the 70's and he believes this administrative team, as well as


the back office is probably the best the District has had. Mr. Sherman noted that they are great, they keep employees engaged, we have great employees, and he believes they all do a great job.

6. Mr. Parris echoed the thoughts regarding Brittany, Nick, and the rest of the employees. Mr. Parris noted that Board Members, freeholders, and the general public can create hassle for the CSCD staff, he then went on to thank them for their tolerance of everyone and their leadership that they display daily. Mr. Parris then mentioned he was glad that the Board was able to approve employee bonuses and the reason he voted for bonuses is because that is the way the current year's budget is set up. Mr. Parris then explained that in his position as a Board Member, wake committee member, and water commission member his job is to do what is in the best interests of the majority of freeholders. Mr. Parris then gave the example that he personally would like to use all wake enhancing devices but that is not the way he intends to vote or make recommendations to the Board because that is not in the best interest of all freeholders. Mr. Parris also noted that he plans to recuse himself when there is a direct conflict of interest. Mr. Parris then gave his word that every decision that he makes will be with the vast majority of freeholders. Mr. Parris mentioned he appreciated everyone's thoughts and concerns and he appreciates that there is a difference of opinion.

14. Adjourn (9:12 PM)

MOTION: Mr. Sherman moved to adjourn, seconded by Mr. Adolay. Motion passed unanimously.

Respectfully submitted,


_____, Board Secretary

Date Submitted:

09/19/2020