

Cordry-Sweetwater Conservancy District
Board of Directors Special Meeting
August 5th, 2024

“DRAFT MINUTES UNTIL APPROVED”

1. **Board Members Present:** Mike Leavitt, Aaron Parris, Ted Adolay, Pat Sherman (joined meeting at 6:45), Randy Brumfield, Jim Maulden, and Mark Rasdall
2. **Board Members Absent:** None
3. **Also, Present:**
 - a. **Staff:** Brittany Bay, Nick Johann, and Josh Bryant
 - b. 15 Freeholders in attendance and numerous online viewers
4. **Call to order at 6:03 PM**
5. **Adoption of Bond Resolution 2024-12:**
 - a. Mr. Young noted that a general overview of both the project and the proposed financing should be presented to the freeholders again.
 - i. Mr. Johann went over the Cordry Spillway Repair Project noting that this project would consist of replacing the concrete structure on the side of the dam and the downstream side as well. Mr. Johann noted this project could start as early as September 9th and dropping of the lake by no more than two feet. Mr. Johann noted that could change based on the contractors. Mr. Johann noted that the project completion timeline is for 6 months and that the road by the spillway would be closed for the duration of the project but, noted that freeholders would still have access to every address on the lake there would just not be access where they are working.
 - ii. Mr. Young noted that while this project is something the Board wants to do the District is being compelled by DNR to do this project due to the dam rating. There was discussion about the difficulty of securing insurance coverage because of the dam rating. Mr. Young went over the maximum parameters of the project with a not to exceed \$3.2 million; this would cover the estimate of the project costing \$2.75 million with a 10% contingency. Mr. Young noted this estimated project budget could not go over that amount and would hopefully be less. Mr. Young discussed funding and noted that it is being structured as a 20-year bond with a payback over 20 years. Mr. Young noted that if this is funded through equal assessment that would be about \$166 per freehold per year anticipating a 5% interest rate. Mr. Young then noted that the District has an application in with the Indiana Bond Bank and the Financial Advisors say it is favorable to get approved, if approved by the Bond Bank the interest rate will drop to 4%. Mr. Young then noted that if the project is funded solely through property taxes, then it would be about 4.5 cent per hundred increases on taxes. Mr. Young then noted that whether the bonds would be paid back through equal assessments, ad valorem property taxes or a combination of the two would be at the discretion of the Board, and a decision the Board will make in the coming weeks. Mr. Young noted that the bonds have a 10-year call period.

iii. The Public Hearing of Adoption of Bond Resolution

a. Mr. Leavitt opened the floor to Public Comment:

- i. Skip Ramsey (DF 49) noted that it was said this will be paid either by assessment of property taxes or by equal assessment and that freeholders have gone through this before and if a freeholder has a \$500,000 home, they are paying a lot more if it goes through property tax than if it goes by freehold. Mr. Ramsey noted he believed it's not right that freeholders who have houses have to pay for it.**
- ii. Tim Wozniak (J28) noted his question was about the engineering report and asked if DNR had to sign off on the repair plans. Mr. Leavitt answered yes DNR had to sign off on the project and that review time from the DNR is what delayed the project, and they had originally hoped to start around July 4th. Mr. Johann noted that DNR had had it for 6 months and then permitted it. Mr. Wozniak then asked if DNR approved the designs and if that is what contractors are bidding on. It was answered that it was.**
- iii. Cully Kinnick (CF 8b) asked about using the Rainy-Day Fund to offset some of the project cost. Mr. Leavitt noted that it could be used to offset the cost, but they would also have to look at paying back the Rainy-Day Fund. It was noted this fund does not have enough money to pay the entire project cost. Mr. Kinnick asked why the money would need to be paid back. Mr. Leavitt noted that the Rainy-Day Fund falls under the budget to lower your assessment, and if that money is pulled out then your assessment will increase.**
- iv. Sharon VanKooten (I65/G 50) expressed her concerns of seeing more tax defaults and delinquencies with adding this to the equal assessment as it is already scheduled to increase annually for 4 or 5 years on top of the post covid inflationary environment. Mrs. VanKooten asked the Board to take into consideration are they raising the equal assessment above the ability and willingness of freeholders to pay for the modest offshore homes or empty lots. There was discussion of a cumulative fund.**
- v. Mike Warner (G24) asked if the property tax was raising a lot more than \$166 a year because if you do 4.5 cents does it equal out the same as the \$166 a year. Mr. Leavitt responded that it's 4.5 cents per hundred of assessed value. Mr. Young noted that to see the impact on each individual freehold you would have to look at your tax bill and see what your assessed value is and compute how much that would be on your individual house or freehold; so, you would look at your assessed value and its 4.5 cents per hundred.**

- vi. Denise Caudill (I 15) noted that she did a quick calculation and on a \$400,000 home it would be about \$180. Mrs. Caudill noted that she is a member or former member of the recently suspended Financial Advisory Committee and she does not agree with this being the fixed rate. Mrs. Caudill noted that she believes value added tax naturally spreads it to people like herself and her waterfront property that is probably assessed a little higher than her neighbor across the street that is not taking advantage of the lake at all. Mrs. Caudill noted that she was part of the equal assessment calculation and served on the committee to keep it curtailed and keep track of what was going on, but she doesn't necessarily agree with it.
 - vii. At this time Mr. Young noted that while it is important for the Board to hear freeholder comment on ad valorem repayment versus equal assessment repayment, that is not what the Board is deciding tonight. Mr. Young noted that tonight the Board is approving the project, approving the bonds does not approve the way they will be repaid. Mr. Young noted the decision for repayment will be decided as the Board works through the budget and the budget hearing process will give freeholders the opportunity to voice their concerns and position on whether it should be repaid by equal assessment, ad valorem assessment, or a combination of the two.
 - viii. A freeholder asked if the ramps were being replaced and the Board answered yes both ramps will be replaced.
- b. Mr. Leavitt closed the Public Hearing at 6: 27pm.

MOTION: Mr. Parris motioned to adopt drawing specifications, cost estimates, and determination to sell the bonds, seconded by Mr. Adolay.

Discussion: Mr. Leavitt noted that opening is Wednesday morning. Mr. Leavitt noted there has not been much said about cost estimates and that is intentional to get the best bid from contractors.

Motion passed unanimously. (6-0)

MOTION: Mr. Rasdall motioned to approve Resolution 2024-13-Additional Appropriations, seconded by Mr. Brumfield. Motion passed unanimously. (6-0)

6. Resolution 2024-14: Appointing Agents pursuant to I.C.35-43-2-2,

- a. Mr. Leavitt noted that previously there was a board motion regarding who had the authority to trespass individuals from CSCD property but that would not follow the law in terms of the prosecutor being able to prosecute someone if they trespassed CSCD property. Mr. Leavitt noted this Resolution establishes the correct legal process of who is legally authorized to have someone trespassed from CSCD property. Mr. Young noted that this Resolution gives 9 individuals that authority, all 7 Board Members, Brittany, and Nick. Mr. Young noted that the way the law is set up it will require someone with authority to tell a person to leave before they could be arrested for trespassing.

MOTION: Mr. Brumfield motioned to approve Resolution 2024-14- Appointing Agents pursuant to I.C.35-43-2-2, seconded by Mr. Parris. Motion passed unanimously. (6-0)

7. Resolution 2024-15 Clarifying Boundaries of Areas within the CSCD from which Directors are Elected and Specifying the Freeholds Located within in each Electoral Area

- a. Mr. Young noted this Resolution describes which freeholds are in which electoral areas. Mr. Young gave the history of in 1954 there were 3 electoral areas, and then in 1974 the Brown County Circuit Court increased that number to 7 electoral areas from 5. Mr. Young noted that the Resolution increasing the areas from 3 to 5 could not be found but he would assume there was one. Mr. Young noted that from 1974 to present time there were 7 directors and according to the Court's order the area boundaries were set forth on exhibit A to a District Resolution, which was a map. Mr. Young noted that during the 2024 election there was an issue with which electoral area a property was in, and the court clerk could not find the map attached to the Courts order. Mr. Young noted that the District Office had a map that everyone believed to be Exhibit A but there was no way to confirm that. It was noted this map just had lines drawn around the areas and it put some lots in two different areas which became an issue in the last election. Mr. Young noted at that time the Board tasked the office to identify freeholds in particular areas by lot number, street address, and parcel ID. Mr. Young noted that this was a big job for the office taking approximately 1900 freeholds and assigning each one to one of the 7 electoral areas and the Board should congratulate their staff for doing such a good job. Mr. Young noted that he prepared a resolution that says the freeholds listed on that file according to area are the freeholds within that electoral area. Mr. Young noted that if the Board adopts this resolution, he will file a request with the court with a copy of the resolution to get the court to issue an order clarifying the 1954 order establishing the District to show that the District is composed of 7 areas. Mr. Young noted that the office also prepared maps and those can give you a good idea of what area your lot is in, then you would not have to look through all seven lists you can go straight to the list you think your lot is in. Mr. Rasdall noted there were not new lines drawn, the lines were defined, and the cloudy lines disappeared, meaning if you were on the edge between two areas that is now defined.

MOTION: Mr. Rasdall motioned to approve Resolution 2024-15 Clarifying Boundaries of Areas within the CSCD from which Directors are Elected and Specifying the Freeholds Located within in each Electoral Area, seconded by Mr. Maulden.

Discussion: Mr. Leavitt noted this was just a procedural step, and it clears up some other issues in our Circuit Court file that are a little cloudy.

Motion passed unanimously. (6-0)

8. Wake Study Approval

- a. Mr. Brumfield went over the lake study, he noted that Dr. Sweeten came to the last meeting and answered questions, to help clarify things. Mr. Brumfield noted he wanted to put this study to rest and take a vote pass or fail.
 - i. A freeholder in the audience noted he thought the wake study was to determine what boats were making the wakes and asked how the study was going to do that because at the last meeting it was said there won't be cameras on the actual buoys. Mr. Brumfield noted they do not have cameras on the actual buoys what they are going to do is similar to what Scott and the wake committee did and run different types of boats at different distances from the actual buoy and that would be a calculated definite with the wave energy, the height, the duration, and everything that buoy would get on that type of boat. There was discussion over cost.
 - ii. A freeholder asked if wake boats never existed, would this study still happen. Mr. Brumfield noted that there is other stuff this study is going to determine. Mr. Brumfield noted that anybody who has been out on Sweetwater Lake during the weekend can agree we have a lot of waves, no matter where they come from wake boats, pontoons, whatever kind of boat it is, and a lot of rules have been changed. Mr. Brumfield noted that they are the Board of Director's, he is an arborist by trade, and he doesn't know this topic and explained that they are reaching out to somebody that knows that type of stuff and taking a path to get actual data to see what the Board needs to do because without the lakes we have nothing. Mr. Brumfield noted the lakes are worth protecting and there are things in the study like suspended phosphorus that would be tested and is stirred up by wave actions. Mr. Brumfield noted the study includes doing a lidar across the whole lake and seeing where the actual erosion is and comparing it over three years. Mr. Brumfield noted this could open the District up to grant money and discussed during 2008 when the flood. Mr. Leavitt discussed FEMA not giving any grant money because at that time there wasn't a survey or anything to quantify it.
 - iii. Mrs. Maulden read a letter from a freeholder, Shawn Rexroth (OES 260) who was unable to be at the meeting. The letter stated that at the last meeting Mr. Parris said to put the wake boat sensors by the dam because that is the major concern, but he also said no damage is being done to the dam by the inspector. Mrs. Rexroth per her letter asked the Board to be cautious with this

advice because this is not the only issue that was pointed out with the wake committee survey on wake boats and how they are detrimental to the community. Mrs. Rexroth noted in her later the dam is the deepest part of the lake and will show less effect than other areas, less sediment uptake and less wave force. Mrs. Rexroth noted in the letter she believed the sensors needed to reflect other areas of the lake not just the deepest parts. Mr. Rexroth noted in her letter she did not believe the study will end the cries for more wake boats on the Districts small lakes.

- iv. Mr. Maulden noted at the last Board meeting Dr. Sweeten was present and he asked him about the cost and task not lining up and he has not received any updated information on that. Mr. Maulden noted there were things that he both liked and did not like about the study. Mr. Maulden noted that he had no idea of the cost for the task and how to strike it, so he does not know how he votes on this.
- v. Mr. Leavitt noted this document still did not represent the actual contract that the Board would be entering.
- vi. Mr. Rasdall noted he agreed with Mr. Maulden there are parts of this he likes and parts he does not like. Mr. Rasdall noted before the Board decides and enters a contract, they should have total clarity on what they are getting for each dollar spent.
- vii. A freeholder apologized and introduced himself as Mike Lawson. Mr. Lawson noted that the Board was talking about deleting items from the study that they don't like but he believes that doesn't make sense since if this is a scientific study, unless the Board is qualified to say what needs to be done. Mr. Lawson noted this would negate the entire study. Mr. Lawson noted that Dr. Sweeten was placing instruments in specific positions to take specific measurements. Mr. Lawson noted that if this is a scientific study and this guy is an expert he should be the one to design the experiment. Mr. Brumfield noted that tasks 1-6 were in correlation with questions the Board wanted answered from the doing this study. Mr. Brumfield read through the questions.
- viii. Mr. Rasdall asked if he was correct in thinking the shoreline study with lidar would qualify the District for FEMA assistance in the future, but the wave motion would not play into FEMA funds available. Mr. Brumfield noted that was not one of the questions that the Board decided to ask Dr. Sweeten. Mr. Parris noted he believed what Mr. Rasdall mentioned was accurate.
- ix. Mr. Sherman arrived and apologized for being late. Mr. Sherman noted that looking at questions 1-4 every one of those has to do with wake surfing. Mr. Sherman noted it was determined at the last meeting these do not have cameras on them and there is no way to determine if it is a wake boat that is surfing or if it is someone tubing. Mr. Sherman noted his issue with that. Mr. Sherman noted he understood the need for the study to help with grants but the initial premise for this study was to determine the difference between a wake board boat when somebody is surfing

and a ski boat pulling tubers. Mr. Sherman noted he did not know how they could afford to spend that kind of money when the first initial premise of the study was to determine if wake boats are a detriment to the lakes and the dissipation of wakes with the current wake course. Mr. Sherman noted that this was his issue; he did not think the study was going to answer that question. Mr. Brumfield noted that at the last meeting Dr. Sweeten answered this question and no they do not have cameras on them, but the study would entail running several boats at various sizes doing different activities certain meters from the buoy that is collecting data and that is the way they are going to identify this. Mr. Sherman noted that that data will be collected continuously and there is no way to know from that data whether the actual damage that is being considered is being done by wake boats; Mr. Sherman noted he believed this is a lot of money to spend when the initial premise is not being answered.

- x. Mr. Maulden noted that when the study first came out, he believed there would be cameras on the buoys and that they would know the strength of the wake and which boats were causing it. Mr. Maulden noted he believed it would be basically useless data because they still wouldn't know which boats are causing the large wakes, all it will tell them is that the lakes are busy 5 months out of the year on Saturday. Mr. Maulden noted that he would still like some of the tasks in the study done like the lidar, but the Board doesn't know what that would cost.

MOTION: Mr. Sherman motioned to table the approval of the study until the next meeting and get more specific information that the Board will need, seconded by Mr. Adolay. Roll Call:

Pat Sherman: Aye
Mark Rasdall: Aye
Jim Maulden: Aye
Ted Adolay: Aye
Aaron Parris: Aye
Randy Brumfield: Nay
Michael Leavitt: Aye

Motion Passes 6-1.

9. Board Member Concerns

- a. Mr. Sherman mentioned that he had a conversation with Kevin, who was looking at policies and procedures for Marshalls and was wondering if the Board could have an executive session before the next Board Meeting, so that Kevin could discuss with the Board what he would propose. There was discussion. The Board decided to hold an Executive Session on August 20th prior to the Board meeting.

10. Adjourn (7:08 PM)

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

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ted Adolay", is written over a horizontal line.

Ted Adolay, Board Secretary
Date Submitted: