

Cordry-Sweetwater Conservancy District
Board of Directors Meeting
December 17th, 2024
“DRAFT MINUTES UNTIL APPROVED”

1. **Board Members Present:** Pat Sherman, Randy Brumfield, Ted Adolay, Jim Maulden, Mark Rasdall, Aaron Parris, and Mike Leavitt
2. **Board Member Present Virtually:** None
3. **Board Members Absent:** None
4. **Also, Present:**
 - a. **Staff:** Nick Johann
 - b. **CSCD Attorney:** Roger Young
 - c. Estimated 20 freeholders in attendance & numerous online viewers.
5. **Welcome:** Mr. Leavitt called the meeting to order at 7:01 PM
6. **Agenda Modifications:**
 - a. No Modifications.
7. **Approval of Minutes:**

MOTION: Mr. Parris motioned to approve November 17th, Executive Session Board Minutes as submitted, seconded by Mr. Brumfield.

Motion passed unanimously.

MOTION: Mr. Adolay motioned to approve November 17th Board Minutes as submitted, seconded by Mr. Brumfield.

Motion passed unanimously.

8. **Freeholder Concerns:**
 - a. Marcia Harper (WS 387) discussed opinions versus facts. Mrs. Harper discussed one boat patrol member being against wake surfing and providing documentation and referenced the August 16th CSCD Board meeting. Mrs. Harper noted this boat patrol member and freeholder discussed plowing at the August 9th 2022 security commission meeting. Mrs. Harper discussed that Mr. Parris had a financial interest in this activity staying on the lakes and discussed conflict of interest. Mrs. Harper noted a boat patrol member clarified after 10 years of wake boats being allowed on the lakes there had finally been a training session in September. Mrs. Harper noted she believed this could be why only 3 tickets have been issued. Mrs. Harper noted that there are documents and research regarding wake surfing and why the

lakes are too small for the activity available on the CSCD website and asked people to reference those versus people pushing a self-serving agenda when voting on the referendum.

- b. Greg Harper introduced himself as Area 6 and noted he had been a freeholder since 2012 as both a part time and now full-time resident for the last 8 years. Mr. Harper noted he served 7 years on the security commission and currently serves on the roads commission, has attended many other commission and Board meetings over the years and has heard many sides of the issues that are worked on together to enjoy the wonderful community. Mr. Harper noted he and his wife are becoming more involved in CSLOA activities in recent years, and it has given them the opportunity to meet even more wonderful members. Mr. Harper noted that he would be running for the Board in January and would love to have their votes.
- c. Melissa Swineford (OES 261) noted she came to the meeting because the equal assessment was on the agenda. Mrs. Swineford asked the Board to please not pass another equal assessment to raise them up even more. Mrs. Swineford discussed all of the people showing up for the meetings when the equal assessment was previously brought up. Mrs. Swineford asked the Board to consider everyone who lives on the lakes, not just the on-shore people but the off shore as well.
- d. Sharon VanKooten (G 58A) noted she worked in pension services for over a decade, and when the equal assessment first came out, she was immediately concerned about the impact it would have on retirees with modest means. Mrs. VanKooten noted that property tax rates are a major issue in state elections and state/local tax review. Mrs. VanKooten noted tax force, recently released a 2 year review of real estate and with home values rapidly increasing property taxes have gone up on average 18%. Mrs. VanKooten noted that Governor elect Braun promised to provide property tax relief and since if the key people they want to relieve are seniors. Mrs. VanKooten noted that thankfully for Brown County residents tax rates are low in comparison to many other counties. Mrs. VanKooten noted that freeholders who received a homestead exemption, their conservancy tax was higher than the county's. Mrs. VanKooten noted that in her opinion the equal assessment presents an unfair burden for freeholders whose properties assess at \$200,000 or less. Mrs. VanKooten noted she believed they do not enjoy the same market appreciation that lake homes do. Mrs. VanKooten discussed that Ben Davis Conservancy enacted a flat user fee they petitioned the Marion Circuit Court for approval and in contrast when the Conservancy implemented the equal assessment and informed Brown County Circuit Court of the change on its annual report after the fact. Mrs. VanKooten noted that she believes if equal assessment is increased beyond a certain amount, it may exceed the willingness of recreational lot owners to pay. Mrs. VanKooten noted Resolution 2024-5 was executed earlier this year because multiple houses held by one freeholder were charged one assessment and that the purpose of this resolution was to drive that each house should be assessed an equal assessment. Mrs. VanKooten noted that there are still problems with properties being properly assessed and mentioned a freeholder on Elk Drive being charged two equal assessments even though both lots are in the same name.

9. Management Reports:

a. Director of Finance & Administrative:

1. Mr. Johann reviewed the financial reports for Mrs. Bay.

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

Motion passed unanimously.

MOTION: Mr. Sherman motioned to approve the monthly claims subject to audit; seconded by Mr. Brumfield.

Discussion: Mr. Johann noted that the Rainy-day fund and General Fund were reimbursed for the dam expenditures. Mr. Sherman discussed the spillway bond and the interest received on the cash account.

Motion passed unanimously.

b. Director of Operations

1. Mr. Johann summarized his report.
2. Mr. Johann noted that road restrictions were in effect from December 15th through March 15th. Mr. Johann noted that anything for the Conservancy, including trucks for the spillway repairs were exempt.
3. Mr. Johann noted that the newsletters were completed in-house this year, and the ladies did a great job of getting them together, and thanked Rebecca, Mary, Judy and Heather for all their hard work.
4. Mr. Johann gave updates on the spillway repairs.
 - i. Mr. Parris asked if there was an ETA for the road closure. Mr. Johann noted that it would be a little while and estimated around a month before closure, but did not have an official date yet.
 - ii. Mr. Johann noted that the lake will not be lowered.

10. Commission Reports:

a. Building:

1. Mr. Sherman noted that when they had variance requests sent out, the petitioner had to mail them out 10 days before, but mail has come into the Office many days past the 10 days. Mr. Sherman noted that their mail can be slow and mentioned that anyone who would be mailing in their ballot for the election should keep note of that so they can get their ballot in the mail in time. Mr. Johann noted that the mail had been better but there was someone in the past who received a variance 3 weeks after the meeting.
2. Mr. Sherman reviewed the variance requests for Wood at 7934 Falcon. Mr. Johann noted there were no remonstrators.

MOTION: Mr. Sherman motioned to approve the variance requests at 7934 Falcon (Wood) 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. Rasdall.

Discussion: There was discussion over two freeholders owning a lot in that cove. There was discussion over if any of lots sold whether the view would be obstructed for the purchaser. Mr. Johann noted the document would be recorded with the property and it goes with the land so purchasers would be aware. Mr.

Sherman noted that it could not be undone because it is part of the land deed. Mr. Maulden asked if someone were to build a house on one of the other lots in the cove in the future, would they be blocked by this building. Mr. Parris noted that they could theoretically build on the lots, but they would be informed of this encroachment. There was discussion that based on the drawing it would not appear to block.

Motion passed unanimously.

3. Mr. Sherman reviewed the building applications.

MOTION: Mr. Sherman motioned to approve building applications 24-095, 24-096, 24-097, 24-099, and 24-084 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 for Wood at 7934 Falcon and Sheets at 7030 Opossum contingent on meeting all conditions by the Building Commission, seconded by Mr. Rasdall.

Motion passed unanimously.

b. Ecology:

- 1. Mr. Brumfield summarized the ecology minutes.**
- 2. Mr. Brumfield noted 20 deer have been taken out. Mr. Brumfield noted that 55 muskrats have been taken off of Sweetwater and Cordry will begin roundup in January.**
- 3. Mr. Brumfield discussed the pollinator habitat, and that Steve Herald has offered to donate time and equipment to bring the pollinator habitat to fruition. Mr. Brumfield sent a special thanks to Steve Herald.**
- 4. Mr. Brumfield gave an update from Niel Crum on the fledglings that have been out this year.**

c. Roads:

- 1. Mr. Rasdall summarized the roads minutes.**
- 2. Mr. Rasdall noted that Mr. Johann gave an update on plowing and road maintenance and mentioned that he believes they do the best in the county with road maintenance.**
- 3. Mr. Rasdall discussed temporary speed bumps.**
- 4. Mr. Rasdall noted the commission was going to start to develop a new 5-year plan.**

d. Security:

- 1. Mr. Maulden summarized the security minutes.**

2. Mr. Maulden noted that in February they are going to start audio recording their meetings and getting them posted to the website within a few days.
3. Mr. Maulden discussed violations and noted anyone who had 2 would receive a complimentary reminder they had 2 violations in the spring.
4. Mr. Maulden discussed temporary speed bumps and noted security was still looking at this topic too and that they were thinking 6 on Cordry and 6 on Sweetwater. Mr. Maulden noted that the commission was looking at roads on both lakes to give recommendations to the roads commission.
5. Mr. Maulden noted they had one opening on the commission and that as long as the Board approves it Brian Clancy and Steve Burke would like to remain on the commission.
 - i. Mr. Maulden noted that Harry Sherman resigned last month and wanted to thank him for his years of service to the security commission.
6. Mr. Maulden noted the commission discussed any boat that was grandfathered having a different sticker.
7. Mr. Maulden asked the security chairman Brian Clancy to come up and speak on some other items the commission had been discussing.
 - i. Mr. Clancy discussed a concern from some freeholders regarding people harvesting ballots. Mr. Clancy noted that Indiana Statute for general elections, like presidential elections, strictly outlaws that for Indiana and reiterated you cannot ballot harvest in the state. Mr. Clancy noted that they had Mrs. Bay reach out to CSCD attorney Mr. Young regarding this topic. Mr. Clancy noted that from this, Mr. Young's opinion was that ballot harvesting does not fall under Conservancy rules so people would be able to ballot harvest if they wanted to and asked Mr. Young if that was correct.
 - ii. Mr. Young noted that the senate came out with that bill during covid when there was hysteria about stealing the election, its 75 pages long and only applies to elections that are administered by the county clerks under the jurisdiction of the county election board. Mr. Young noted that there was one section that applied to the conservancy business and it applies to all political subdivision code and it says if any political subdivision that has an election maintains a ballot box to drop ballots in and in the same building maintains another box to out water bills in you have to post a sign on that box stating you cannot put your ballots in the water bill box. Mr. Young noted that Mrs. Bay had posted that on the water bill box. Mr. Young noted that there had been one ballot turned into the water bill box and fortunately that ballot had been stamped so they were able to identify the ballot. Mr. Young noted that if an absentee ballot is deposited into the wrong container the county election board shall mark the ballot rejected, and if possible, notify the individual who's name appears on the security envelope and notify them of this so that they would like

to come and place their ballot in the correct box. Mr. Young noted that the county election board had no appetite to get involved in conservancy elections and there is no guidance under those circumstances in an election that is not under the control of the county election. Mr. Young noted they did not want to disenfranchise anyone for making a mistake and putting their ballot in the wrong box so he intended to contact the freeholder, as long as the Board was in agreement, and notify them their ballot has been rejected and if they would like to vote they can fill out another absentee ballot or show up for the election.

- iii. Mr. Clancy asked if they could restrict absentee ballots only being turned in by the freeholder, or a position of trust of that person or only by mail. Mr. Young noted he had two questions there should the District and could the District. Mr. Young noted that is a Board decision on should they and for the could they part he noted he believed it would take an amendment to.
- iv. Mr. Raddall asked to be clear no one can fill out someone else's ballot. Mr. Young noted no, and then noted that there could be reasonable exceptions such as someone physically marking the piece of paper as instructed by the voter. Mr. Maulden asked if this is not something that the Board could change someone higher up would have to change. Mr. Young noted that all it says is delivered and he doesn't know that they can limit the ability of a freeholder to vote.

e. Water:

- 1. Mr. Parris summarized the water minutes.
- 2. Mr. Parris passed some documents to Mr. Young that the water commission wanted him to review. Mr. Young noted that Mrs. Bay had already emailed them to him. Mr. Young noted that he could review and modify within 2 or 3 days. Mr. Parris explained to the Board these documents were to allow someone else if the freeholder could not be present at the time of water turn on/off to be present in their place. Mr. Parris noted this would put protections in place so if something was left on at the residence the District is covered by having someone present and helps freeholders who cannot physically be there for their water turn on/off.

11. Old Business:

a. Resolution 2024-22: Equal assessment

- 1. Mr. Sherman discussed the equal assessment for the upcoming year and how it follows the 5-year process. Mr. Sherman noted that he believed a lot of freeholders have had their assessed values increase significantly over the years and that this was an attempt to mitigate some of those issues. Mr. Sherman noted he discussed at the last Board Meeting that there are approximately 1,143 freeholds that are in the range of 200,000- 600,000 in value and his intent was to bring attention to all of the freeholders who is paying the majority of the taxes in the District. Mr. Sherman noted that people's income has not increased at the same rate as their assessed value has.

1. Mr. Maulden noted that it seemed Mr. Sherman wanted those people's taxes to be paid by people that have less money and live offshore. Mr. Sherman noted he isn't saying anything about offshore versus onshore. Mr. Maulden noted that the houses on the water are worth more than offshore and noted he felt Mr. Sherman was swaying it offshore. Mr. Sherman noted he did not even consider onshore and offshore, and his point was that there are many freeholders in the 200,000-600,000 range and they carry 80% of the tax burden. Mr. Maulden noted then 80% of the people carry 80% of the burden. Mr. Sherman noted that the tax is based on who is using the assets and further explained that his thought was to allocate the cost associated to the different expense categories within the District budget.
2. There was discussion on what the equal assessment amount is currently. Mr. Parris noted it was proposed to increase from \$400 to \$460. Mr. Maulden noted that it sounded like they wanted to keep raising it every year. Mr. Parris noted that he saw both sides to this and he didn't believe that the Conservancy assessment should be solely based on assessed values because then a large majority of the burden goes on the higher assessed homes and while they do get some additional benefit being on the water they do not receive the only benefit. Mr. Parris noted that being in the Conservancy and owning a lot and being able to use the lakes is a benefit and, in his opinion, there should be some kind of fee to cover the costs that the Conservancy incurs. There was discussion over lot value and how prior to the equal assessment the Conservancy was receiving barely any tax money from a lot but now they are receiving the equal assessment amount. Mr. Rasdall and Mr. Parris agreed that it should not be zero, but it should not be equal across the Board. Mr. Rasdall noted that he can leave his boat on the lake, so that is added value to being on the water. Mr. Parris noted that he believed that the equal assessment line that he would draw would be around \$500 for people who are enjoying the lakes and that is reasonable, in his opinion. There was discussion about freeholders with only a lot. Mr. Parris noted that freeholders have the option to enjoy the lake and there are expenses that should be shared amongst all people. Mr. Maulden explained he just wanted to make sure there was a cap somewhere because it seems like it just keeps increasing. Mr. Parris agreed the amount going up indefinitely shouldn't occur.
3. There was discussion over how the amount increased over the years and whether there was a resolution. Mr. Leavitt noted they have just been changing that number without the Board approving that change. Mr. Rasdall noted the other side of that was the new tax coming for the Cordry spillway repairs and another one coming behind it with the Sweetwater dam spillway and one that was voted in in Brown County for the school referendum. Mr. Rasdall noted that at this time he is not at a position where he would vote for any other increase. Mr. Parris asked if his proposal was to keep the equal assessment at the \$400 mark. Mr. Rasdall noted that yes and he would like to see how it came to the \$400 mark. Mr. Young noted that he created the original documents establishing the amounts.

MOTION: Mr. Rasdall motioned to approve Resolution 20224-22 to \$400 even on a ditch tax cap, seconded by Mr. Sherman.

Discussion: Mr. Sherman noted that it was never intended for the budget to be 100% funded by equal assessment. Mr. Brumfield noted he found where the equal assessment was approved by a motion and vote in the November 2023 minutes.

Motion passed unanimously.

12. New Business:

a. 2025 Professional Services: Attorney Contract

1. Mr. Rasdall noted the fees were the same as the previous year.

MOTION: Mr. Rasdall motioned to approve Mr. Young's Professional Services Contract, seconded by Mr. Maulden.

Discussion: Mr. Young noted that he really did enjoy representing the District. Mr. Sherman noted that Mr. Young has helped the district significantly to work to get road funding. Mr. Sherman noted that he and Mr. Young noted they had met with legislators working on putting the bill together. Mr. Sherman noted that if this is passed in the next legislature that would mean somewhere between \$100,000 and \$150,000, which is important for the District. Mr. Sherman noted that Mr. Young did get the Marshall approved, which is very important so the District could have their own security and not have to be dependent.

Motion passed unanimously.

b. Resolution 2024-25: Setting Salaries

1. Mr. Leavitt noted that this was discussed before and something they must do to set salaries and compensation for the budget. It was noted the Resolution was not in the packet. Mr. Maulden noted they have already set this budget. Mr. Leavitt agreed. Mr. Sherman noted that the budget was approved but this is the amount in the budget for the positions. Mr. Sherman noted they needed to address specific salaries for specific employees. Mr. Leavitt noted that yes, they should do that, and they are all set with the budget currently with the budget submitted. Mr. Young noted that it was public knowledge that anyone could look at the budget and see the proposed salaries. Mr. Young noted that they could set them at the January meeting and make them retroactive. Mr. Sherman noted that we could keep the 2024 salary and then in January set it to increase or decrease and make it retroactive to January 1st. Mr. Parris noted that he believed that they discussed salaries when they discussed bonuses. Mr. Leavitt noted that they did discuss that at an executive session. Mr. Rasdall noted yes but they don't have it in front of them to vote on. Mr. Parris noted that he believed they agreed to a percentage. Mr. Sherman noted he believed that was for everyone except for Nick and Brittany. Mr. Parris noted that he believed they discussed a percentage increase in the budget number and about bonuses backed out versus the previous year and not looking to do bonuses moving forward that they were going to do a percentage increase. Mr. Parris noted that he did not want to have the oversight over Nick and Brittany's employees because in his perspective he did not believe that was Boards purview. Mr. Parris noted he believed Nick and Brittany should decide what their employees' numbers look like for

their employees based on their performance. Mr. Rasdall noted capped at 5 %. Mr. Sherman noted that he believes it would be capped at the budget. Mr. Rasdall noted he agreed with Mr. Sherman to table this and do the retroactive pay.

MOTION: Mr. Sherman motioned to approve the pay going into 2025 using the 2024 rates, then determine salaries at the January meeting that are retroactive to January 1, seconded by Mr. Rasdall.

Motion passed unanimously.

c. Clarification on Resolution 2024-20

1. Mr. Leavitt noted that he did not believe the copy of the Resolution that they have is the right version.
2. Mr. Sherman noted he just had a couple of questions. Mr. Sherman asked about the rule of lot owners not being allowed to store watercraft overnight on the lake, he noted he believed last year he discussed if someone was offshore and they had a friend on the water with an open dock space, not the shore, they could store it there. Mr. Leavitt noted that it was discussed last year at one point. Mr. Leavitt noted currently they are not allowed, but that was a discussion, and raises the question of how would those boats be stickered. Mr. Sherman noted that they would still be stickered, they may just want to require the onshore lot owner to sign something for the office saying they have given permission for that specific watercraft to be at their dock. Mr. Young discussed freeholders leasing their docks. Mr. Young noted that if they ran into the issue of a freeholder leasing their dock to a non-freeholder then to control that issue is any boat on the water must have decals, which is the current rule. Mr. Leavitt noted Mr. Shermans question was is this language something the Board wants included in the resolution.
3. Mr. Sherman noted he still had issues with the JDpower requirements because of swim platforms. Mr. Maulden noted that it was increased to 21 feet for that. Mr. Maulden noted that they did this to try to get away from the office measuring. Mr. Rasdall noted it takes all the discrepancies away from the office.
4. Mr. Sherman discussed the classification of the pontoons over 150 horsepower and wanted to make sure the verbiage was understood that they could have one or the other a power boat or a 150-horsepower pontoon.
5. There was discussion over the state boater test.
6. Mr. Sherman discussed grandfathered. Mr. Sherman discussed estate planning and if a freeholder changes the name on the deed, but the beneficial owners do not change then they should allow people to do that. Mr. Maulden noted that he would agree with that as long as the property would not transfer to their kids. Mr. Sherman noted he agreed when it went to the kids that would be a transfer but if the same owners remain it should remain. Mr. Maulden agreed because they are trying to get it off the water eventually but if it goes to the kids, it could be here

another 30 years. Mr. Sherman noted the way it was written did not reflect that and he wanted to make sure the intent of this Board is exactly what they are saying with revocation of decals.

7. There was discussion over pulling someone with a rope and creating a wake.
8. There was discussion over the verbiage for no watercrafts should be moored or anchored within the ski area during green light periods.
9. Mr. Rasdall noted they needed the newest version of the Resolution before they do anything with it.
10. There was discussion of the Resolution already being approved; they just did not have the newest one to sign.

13. Board Member Concerns

- a. **Mr. Rasdall asked Mr. Young to go over some things they have been working on. Mr. Young noted that they have been doing dome pre lobbying for the road tax bill. Mr. Young noted that it is on track along, and he was not sure if it would be a standalone bill or added as a chairman's amendment. Mr. Young noted that he ran into the Executive Director of Indiana Association of Soil and Water Conservation District and she mentioned grants that are available under the Southern Indiana Sentinel Landscape Program. Mr. Brumfield noted that the ecology commission has been utilizing these and they qualified for up to \$58,000 in grant money.**
- b. **Mr. Sherman noted that he was running for Area 6 and read his bio. Mr. Sherman noted he had been at the lakes since 1971, after his tour of duty he worked as an Indianapolis Police Officer and attained the rank of Sergeant. Mr. Sherman noted that he had a BS in accounting and was a certified public accountant. Mr. Sherman noted he was appointed to the Greenwood Board of Aviation Commissions and oversaw the purchase of what is now the Greenwood Municipal Airport. Mr. Sherman noted he was a controller for the Johnson County Solid Waste District, served as Director of Heartland Community Bank, Lincoln Bank, and most recently Director of the second largest bank in Indiana, First Merchants Bank. Mr. Sherman noted he was appointed by Governor Mitch Daniels as the Johnson County rep to the Indiana Stadium Control Board responsible for the construction of the Lucas Oil Stadium. Mr. Sherman shared his involvement on the CSCD Board working towards having the Office of District Marshalls, and road funding. Mr. Sherman discussed his work on collecting taxes for the District. Mr. Sherman noted he appreciated their votes.**
- c. **Mr. Rasdall thanked everyone who takes interest and comes out to the meetings and watches at home. Mr. Rasdall wished everyone a Merry Christmas and Happy New Year. Mr. Rasdall noted that everyone was friends and neighbors.**
- d. **Mr. Maulden noted that he wanted to thank everyone present tonight and at home. Mr. Maulden noted that they had heard from both candidates and encouraged everyone to vote, and if they didn't vote don't complain. Mr. Maulden wished everyone a Merry Christmas.**

- e. Mr. Adolay noted he wanted to remind freeholders when they are voting there are more important issues besides just wake surfing, so when voting does not only consider that, there are also a lot of other issues that need addressed.
- f. Mr. Brumfield noted he appreciated everyone coming out. Mr. Brumfield noted that volunteerism is a great thing and gave recognition to Brenda Maulden for the Pollinator habitat. Mr. Brumfield noted there are a lot of people that make things move around here and encouraged freeholders to volunteer or come to meetings. Mr. Brumfield noted that the Fire Department could use volunteers.
- g. Mr. Leavitt thanked everyone for coming.

14. Adjourn (9:22)

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

Respectfully submitted,



Ted Adolay, Board Secretary

Date Submitted: