

Cordry-Sweetwater Conservancy District
Board of Directors Meeting
June 18th, 2024

1. **Board Members Present:** Randy Brumfield, Pat Sherman, Ted Adolay, Jim Maulden, Mark Rasdall, and Mike Leavitt
2. **Board Members Present Virtually:** Aaron Parris
3. **Board Members Absent:** None
4. **Also, Present:**
 - a. **Staff:** Brittany Bay & Nick Johann
 - b. **CSCD Attorney:** Roger Young
 - c. Estimated 18 freeholders in attendance & numerous online viewers.
5. **Welcome:** Mr. Leavitt called the meeting to order at 7:03 PM
6. **Agenda Modifications:**
 - a. Mrs. Bay requested to add line item 8a. Cordry Wake Surfing Course map.

MOTION: Mr. Brumfield motioned to approve the agenda modifications as requested, seconded by Mr. Maulden. Roll Call:

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

Motion passed unanimously.

7. **Approval of Minutes:**

Discussion: Mr. Sherman asked to modify a name in the May minutes.

MOTION: Mr. Brumfield motioned to approve May 21st, Board Minutes with modification, seconded by Mr. Sherman. Roll Call:

Pat Sherman: Aye
Mark Rasdall: Aye
Jim Maulden: Aye
Ted Adolay: Aye

Randy Brumfield: Aye

Aaron Parris: Aye

Mike Leavitt: Aye

Motion passed unanimously.

8. Scott Peterson

- a. Scott Peterson noted he bought J 52 property and mentioned he was here tonight to request that his boat be allowed on the lake. Mr. Peterson noted he bought property on May 20th; he was aware of the rules and regulations and began looking at a 2013 Mastercraft x2 and it meets all length and weight requirements and was measured at the office in April and purchased the boat May 21st. Mr. Peterson noted they did everything to make this boat not a wake boat. Mr. Peterson noted at this point they went to the office and were told the boat was not allowed. Mr. Maulden noted that it is not allowed because of the moratorium. Mr. Maulden noted that it sounds like they did everything right and there was a lot of pressure on the office with all changes around that time frame, and no one was to fault.

MOTION: Mr. Sherman motioned to approve allowing Scott and Maureen Peterson 2013 Mastercraft X2 on the lakes, seconded by Mr. Adolay. Roll Call:

Pat Sherman: Aye

Mark Rasdall: Aye

Jim Maulden: Aye

Ted Adolay: Aye

Randy Brumfield: Aye

Aaron Parris: Aye

Mike Leavitt: Aye

Motion passed unanimously.

9. Freeholder Concerns:

- a. Scott Casey (SW 199) spoke about the course in the middle of the lake and the cost of \$132,000 for the study but how are they going to be able to differentiate the wakes that are caused by wake boats from other boats. Mr. Casey spoke about the test he performed on the lake and noted he was happy there was going to be an additional test to get more information he just wasn't sure how they how they were going to be able to differentiate which wakes were causing erosion to the shorelines. Mr. Casey noted that if wake boats were banned, he believed you're still going to have the large wakes because of the other boats.
- b. Carrie Vavul (OES 333) noted she had not heard any discussion about municipal bonds recently for the dam repairs and wondered where the Board was with that. Mr. Leavitt noted that they are moving forward with this.
- c. Tom Quill (WS 98) noted he had a question of 3 parts. Mr. Quill asked how many stickers for boats are sold each year and where does that money go. Mr. Sherman noted that would be the revenue side of the budget and it goes into our general fund. Mr. Quill asked if there was

more revenue generated than anticipated would it go in general or rainy-day fund, Mr. Sherman replied it goes in the general fund. Mr. Quill asked how much money was in the rainy-day fund, Mrs. Bay replied that currently in the rainy-day fund there is \$875,394.94.

10. Management Reports:

a. Director of Finance & Administrative:

1. Mrs. Bay summarized the fund report. The current balance is \$3,151,203.40.

MOTION: Mr. Rasdall motioned to approve the financial report subject to audit, seconded by Mr. Adolay. Roll Call:

**Pat Sherman: Aye
Mark Rasdall: Aye
Jim Maulden: Aye
Ted Adolay: Aye
Randy Brumfield: Aye
Aaron Parris: Aye
Mike Leavitt: Aye**

Motion passed unanimously.

2. Mrs. Bay summarized the appropriation report and monthly claims list. The monthly claims total is \$176,922.29. The unexpended remaining balance for 2024 is \$1,490,153.02 or 71.48%.

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

**Pat Sherman: Aye
Mark Rasdall: Aye
Jim Maulden: Aye
Ted Adolay: Aye
Randy Brumfield: Aye
Aaron Parris: Aye
Mike Leavitt: Aye**

Motion passed unanimously.

Discussion: There was discussion on staff completing internal controls training.

b. Director of Operations

1. Mr. Johann summarized his report.
 - i. Mr. Johann thanked our staff for all the hard work.

- ii. Mr. Johann discussed the EV survey.
- iii. Mr. Johann noted when the cardboard recycling bin is full it is full, do not stack it please take it back until they are emptied.
- iv. Mr. Johann thanked the lake patrol and noted that Brittany handles a lot of weekend phone calls, texts, and issues with the safety side of things.
- v. Mr. Johann discussed the 2 old fuel pumps and tank and wanted to declare those items as surplus property and post them on govdeals.

MOTION: Mr. Rasdall motioned to approve declaring the two marina pumps and one tank as surplus property of no value, seconded by Mr. Sherman. Roll Call:

**Pat Sherman: Aye
Mark Rasdall: Aye
Jim Maulden: Aye
Ted Adolay: Aye
Randy Brumfield: Aye
Aaron Parris: Aye
Mike Leavitt: Aye**

Motion passed unanimously.

11. Commission Reports:

a. Building:

- 1. Mr. Sherman reviewed the Variance request 24-041 for Heldt at 6716 Grey Wolf.

Discussion: Mr. Johann noted there was a remonstrator. Mr. Johann went over the pictures and modifications they had made. It was asked if this would be blocking anyone's view, Mr. Johann noted that it would not.

MOTION: Mr. Rasdall motioned to approve the variance request for Heldt (6716 Grey Wolf), seconded by Mr. Adolay. Roll Call:

**Pat Sherman: Aye
Mark Rasdall: Aye
Jim Maulden: Aye
Ted Adolay: Aye
Randy Brumfield: Aye
Aaron Parris: Aye
Mike Leavitt: Aye**

Motion passed unanimously.

- 2. Mr. Sherman reviewed the building applications.

MOTION: Mr. Sherman motioned to approve building applications 24-040, 24-044, 24-049 and 24-050 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. Brumfield. Roll Call:

**Pat Sherman: Aye
Mark Rasdall: Aye
Jim Maulden: Aye
Ted Adolay: Aye
Randy Brumfield: Aye
Aaron Parris: Aye
Mike Leavitt: Aye**

Motion passed unanimously.

3. Mr. Sherman reviewed the dredging requests.

MOTION: Mr. Sherman motioned to approve dredging request for Nugent (7430 Hemlock) for approval from the CSCD Board contingent upon lot owners meeting all conditions by the Building Commission, seconded by Mr. Brumfield. Roll Call:

**Pat Sherman: Aye
Mark Rasdall: Aye
Jim Maulden: Aye
Ted Adolay: Aye
Randy Brumfield: Aye
Aaron Parris: Aye
Mike Leavitt: Aye**

Motion passed unanimously.

b. Ecology:

1. Mr. Brumfield summarized the ecology minutes.
 - i. Mr. Brumfield went over the pollinator habitat.

c. Roads:

1. Mr. Rasdall summarized the roads minutes.
2. There was a discussion on speed limit signs.

d. Security:

1. Mr. Maulden summarized the security minutes.
2. Mr. Maulden thanked the boat patrol for trying to make our lakes safer this year and doing the job that they have asked them to do.

- i. Mr. Leavitt seconded this and thanked the boat patrol.
- ii. Mr. Rasdall thanked the boat patrol and mentioned this was a tough job and noted it was unacceptable to be disrespectful to boat patrol. Mr. Rasdall noted they are doing a great job this year, writing tickets for people breaking the rules, and it has been lax for so long. Mr. Rasdall gave kudos to the boat patrol.
- iii. Mr. Maulden noted he had not seen any posts saying the lakes are unsafe recently, so good job making them safer.

e. Water:

1. Mr. Parris summarized the water minutes.
2. Mr. Parris went over an incident that recently happened and their basement flooded, Mr. Parris noted they are still doing some fact finding with this incident.
3. Mr. Parris noted that the water commission is still waiting for the 2023 water review (financials) from Horizon, and that Brittany's hands are tied until she receives this.

12. Old Business:

a. Cordry Wake Surfing Course

1. Mr. Leavitt noted that security had difficulty coming up with a map for Cordry. There was discussion on where the course should be amongst the Board.

MOTION: Mr. Parris motioned to approve the Cordry Lake Wake Surfing Course from Heather Ct. to Salmon Drive in one direction from East to West, seconded by Mr. Brumfield. Roll Call:

**Pat Sherman: Aye
Mark Rasdall: Aye
Jim Maulden: Aye
Ted Adolay: Aye
Randy Brumfield: Aye
Aaron Parris: Aye
Mike Leavitt: Aye**

Motion passed unanimously.

13. New Business:

- a. Public Hearing of Resolution 2024-11: Additional Appropriations
 1. Mr. Leavitt opened the Public Hearing at 7:57pm.
 2. Board Comment:

- i. Mr. Sherman spoke on Task 4 of the Wake Study and pricing of \$19,500 for the sensor and noted that is only one sensor. Mr. Brumfield noted that they reduced it down to one sensor and that sensor can be moved around. Mr. Brumfield noted that it would be in the areas of high activity. Mr. Sherman asked about cameras on them because he spoke to Dr. Sweeten and he did not believe there would be. Mr. Sherman noted that the reason that he voted to do this study is because it was indicated there would be a camera on them, so if there isn't there is no way of knowing what boat is creating the wake. Mr. Sherman noted that if it doesn't have a camera, he isn't sure what the study is doing for them because they already know there is a lot of wave action; Mr. Sherman noted that they needed to find out if there would be a camera before moving forward. Mr. Sherman noted that the Board may want to have this study just for erosion, because that is a lot of money to spend if they can't tell which boat is causing the issues. Mr. Rasdall noted that some of the other parts are the parts that would allow them to get FEMA money. Mr. Leavitt noted that it would allow them to get an assessment of the shoreline. Mr. Parris noted that he voted against this study because he personally believed it was a lot of money and they wouldn't see a ton of value out of it. Mr. Parris noted that he agreed if they were not going to be able to tell what boat was causing the wake it would change his perspective again. Mr. Brumfield went over the detail on Task 4 from the proposal.

3. Public Comment:

- i. Susan Center (SW80) noted she did not have a dog in this fight, but she has friends who have wake boats and she has a ski boat and if they disable their wake enhancing devices, she believed a wake boat and a ski boat would be the same. Mrs. Center noted that if the boat had an engine you could surf behind it and that wake boarding could be done behind her boat. Mrs. Center noted that she didn't believe wake boat owners should be picked on because that might be the only boat they have, and they do everything on it the same as she does with her ski boat. Mrs. Center asked what happens if they spend the \$132,000 and find out the biggest wake is coming from pontoons, is the Board going to tell pontoon owners that they

can't have pontoons. Mrs. Center noted that there is natural erosion from storms, and she has been at the lakes for 20 years and doesn't see anything different. Mrs. Center noted that freeholders needed to take care of their property and shoreline better. Mrs. Center ended her public comment by asking what is the goal, what is going to happen if it's not the wake boats causing the issues?

- ii. Mr. Johann got a message from a freeholder, Matt Murtha, who wanted to make a comment he asked on a multi boat weekend environment how will they know what boat is causing which specific wave when they're coming from multiple directions. Mr. Brumfield went over task 4 and that it will measure wave direction, height, and wave energy.
- iii. Scott Casey reiterated what he said earlier in the meeting. Mr. Casey noted after reading and understanding the assignment has the Board considered with the new designated wake surfing course, doing an additional test like what was done previously, with a wake boat going down the center of the lake and seeing the effect. Mr. Casey noted that the Board could see the effect of the newly implemented wake course before spending \$132,000.
- iv. Marcia Harper noted that Scott's test did not do all the stuff that Randy's talks about; she noted it was just wave height, and it didn't deal with the power behind the wave of the wake boats while wake surfing. Mrs. Harper noted that now boats don't have to be disabled and she has sent pictures showing boats using their wake enhancing devices. Mrs. Harper noted she doesn't know how boat patrol is trained but she knows there was discussion about giving tickets if a wake shaper or ballast is being used. Mrs. Harper asked since they don't have to be disabled what kind of training does lake patrol receive as far as videos in what it looks like when a wake shaper is used because the waves are different.
- v. Herb Benshoof asked if we are requiring freeholders to maintain their property. He believed there is a rule on that, having rip rap on their shoreline. Mr. Benshoof noted some people have seawalls that are flat, and water just bounces off of that. Mr. Benshoof noted he believed if we require people to maintain their shoreline then that would also reduce the waves. Mr. Johann noted that

when there is new construction it's part of the application that they must protect their shoreline in some way. Mr. Johann noted that if it's someone that hasn't done anything to their property front, we have not actively reached out and told them to protect their shoreline.

vi. Carrie Vavul noted it seems like when this argument started about wake boats and there was a wake committee the argument was the studies that had been done were on other lakes, not here and the size depth and shapes of the lakes were different. Mrs. Vavul noted that she was not arguing for or against the study but now there is a way for a study to be done on our lake.

vii. A freeholder, Matt Bradley, messaged Mr. Johann and wanted to comment of whether the \$19,500 sensor per year have the ability to determine what type of boat activity is creating which waves, if the concern is erosion the wake study group demonstrated wake boats operating in the middle of lake generate waves that reach the shoreline at half the height of other non-wake boats operating near the buoys; if the concern is safety why wasn't there a commission on tubing behind outboards.

4. Mr. Leavitt closed the Public Hearing at 8:21pm.

5. Board Comment:

i. Mr. Leavitt noted that the Board needs additional information on whether the technology can differentiate. There was discussion on finding out more information on the study. There was discussion on the different studies that have been done on other lakes. There was discussion on the size and weight of boats.

ii. Mr. Young noted that if the decision is to defer action, he recommended the Board recess and reschedule the Public Hearing to commence at the next Board Meeting. Mr. Young noted that the Board anticipated receiving additional information and that information may have a bearing on what the public would want to tell the Board about the property of the additional information.

6. Mr. Leavitt reopened the Public Hearing at 8:29.

i. Mr. Leavitt asked if anyone else would like to make a comment. Mr. Leavitt noted that the Board would reconvene the Public Hearing at the next Board Meeting, so that the Board can receive additional data between now and then.

ii. Harry Sherman noted he had one Comment. Mr. Sherman noted earlier record rainfall was

discussed and he believed that causes a lot of erosion; Mr. Sherman noted that he believed mother nature caused a lot more erosion than freeholders do running boats up and down the lake. Mr. Sherman noted the study is a good idea but spending \$132,000 to find out mother nature is causing the issues.

- iii. Julie Rice (CD 33) noted she is in the middle of Cordry Lake and same sea wall. Mrs. Rice invited the Board to come sit on her dock on a weekend and you can see what waves which boats instead if spending \$132,000.
- iv. Nick Johann noted he had a follow up question from Matt Murtha. Mr. Murtha asked who was reviewing and analyzing the data collected, Mr. Leavitt noted that was being done by the people conducting the study.

7. Mr. Leavitt recessed the Public Hearing at 8:34 pm to reconvene at the July Board Meeting.

14. Board Member Concerns:

- a. Mr. Sherman spoke about the current moratorium on wake boats. Mr. Sherman asked the Board to reconsider the moratorium on wake boats. Mr. Sherman noted he believed that most freeholders comply with the rules. Mr. Sherman noted if a freeholder sees someone using these devices on the lakes, they should take a photo and send that to the security commission and they can take action on it. Mr. Sherman noted that he believes there is enough in place with the affidavit and the stringent penalty that freeholders would lose lake rights for 12 months not just a season that this moratorium can be lifted. Mr. Sherman noted that is his comment and would like to move on that. Mr. Brumfield noted that this was not an agenda item. Mr. Young explained the process that first this would have to be moved to be added to the agenda, if that passes then it would become an agenda item.

MOTION: Mr. Sherman motioned to approve adding lifting the current wake boat moratorium to the agenda, seconded by Mr. Adolay. Roll Call:

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

Motion failed 4-3.

- b. Mr. Rasdall thanked everyone for coming out and being part of the community. Mr. Rasdall noted the benefits of this study. Mr. Rasdall asked everyone to please be respectful to the lake patrol.

- c. Mr. Maulden thanked everyone for coming out.
- d. Mr. Brumfield thanked everyone for coming out and for their comments. Mr. Brumfield noted the reason for the study is during the wake committee meetings there were a lot of people saying the studies being done in other places were not relevant; this would be a scientific study from a scientific group giving us data.
- e. Mr. Parris noted one of his biggest challenges with other studies that exist was not because of it not being done on these lakes but rather the studies weren't done with the boats approved for the lakes; meaning less than 20 ft, no more than 4,000lbs, CSCD restrictions, and without wake enhancing devices.
- f. Mr. Leavitt thanked everyone for being there and continuing to provide input.

15. Adjourn (8:43)

MOTION: Mr. Brumfield moved to adjourn, seconded by Mr. Parris. Roll Call:

**Pat Sherman: Aye
Mark Rasdall: Aye
Jim Maulden: Aye
Ted Adolay: Aye
Randy Brumfield: Aye
Aaron Parris: Aye
Mike Leavitt: Aye**

Motion passed unanimously.

Respectfully submitted,



Ted Adolay, Board Secretary

Date Submitted:

