

Cordry-Sweetwater Conservancy District
Board of Directors Meeting
February 20th, 2024

1. **Board Members Present:** Pat Sherman, Randy Brumfield, Jim Maulden, Aaron Parris, Mark Rasdall, Ted Adolay, and Mike Leavitt
2. **Board Members Absent:** None
3. **Also, Present:**
 - a. **Staff:** Brittany Bay, Nick Johann, and Josh Bryant
 - b. **CSCD Attorney:** Roger Young
 - c. Estimated 35 freeholders in attendance & numerous online viewers.
4. **Welcome:** Mr. Leavitt called the meeting to order at 7:12 PM
5. **Agenda Modifications:**
 - a. Mrs. Bay requested to add line item 6.b. ii. Bid on Vehicles, 7.b.v. Rules Committee, 9.a.i. Resolution Establishing Amounts of Assessments, and 9.c. 3rd Annual CSLOA Home Tour.

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

6. **Approval of Minutes:**

MOTION: Mr. Sherman motioned to approve the January 13th, Board Minutes, as submitted, seconded by Mr. Rasdall. Motion passed unanimously.

7. **Animal Control Officer- Billie Grimes-Watson**

- a. Mr. Maulden introduced the new Brown County Animal Control Officer, Billie Grimes-Watson. Mrs. Grimes-Watson noted that she has been working closely with the Humane Society due to a feral cat problem. She also has been working with the Spot Program that helps people to take care of their animals with things like getting their pets spayed or neutered or providing them with shelter.
- b. Carrie Vavul asked where laws pertaining to pets could be found. Mrs. Grimes-Watson noted that all Brown County Ordinances could be found online on the government site. Mrs. Vavul asked what her process was when she gets a call. Mrs. Grimes-Watson said it depends on the call and gave an example. Then went over the procedures of receiving a written warning and then a citation. Mrs. Vavul asked about nuisance animals. Mrs. Grimes-Watson said that a similar process would occur she would get in touch with the owner, then verbal warning, then written warning, and finally a citation. Mrs. Vavul thanked Mrs. Grimes-Watson for her time

and coming to the meeting. There was a question about if cats and dogs were the only animals that she deals with, Mrs. Grimes-Watson explained she takes care of all live-stock and domestic animals.

8. Freeholder Concerns:

- a. Mark Miller (OES 611) went over the camping rules and how they are different for a freeholder owning a vacant lot and a freeholder who has a residence. Mr. Miller mentioned that he doesn't understand why he has to pay the same fee, but he doesn't have the same access. Mr. Miller then asked about canoes/kayaks getting a better way to access the lakes idle zone.
- b. Chris Buckman (SW 164) noted that the Board should have received a letter from legal counsel outlining the intent to fight against the restrictions on wake surfing activities. He noted that this topic is very important. Mr. Buckman noted that he has read through all of the studies and the boats used in the studies are already prohibited on the lakes. Mr. Buckman discussed the test done on the lakes where heights of waves were measured. Mr. Buckman noted that he is not in favor of less rules regarding this topic. Mr. Buckman noted he believed the current rules are solid and no further action should be taken by the Board.

9. Management Reports:

a. Director of Finance & Administrative:

1. Mrs. Bay summarized the fund report. The current balance is \$3,266,504.34.

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

2. Mrs. Bay summarized the appropriation report and monthly claims list. The monthly claims total is \$423,458.85. The unexpended remaining balance for 2024 is \$1,957,064.43 or 93.88%.

Discussion: Mr. Sherman discussed the SBOA 2018-2022 audit bill being included in the claims total. Mr. Sherman noted the significant difference in the amount of the last audit and this audit. Mr. Sherman noted he spoke with one of the auditors and they said they had increased their rates; they spent more time on this audit. Mr. Sherman would like the board to consider approving the claims to not exceed the amount but subject to him working out payment plan with the SBOA. Mrs. Bay also noted that this was a 5-year audit, and the last audit was a 3-year audit. Mr. Rasdall asked how long it typically takes to perform the audit. Mrs. Bay noted that the last time there was an audit it was outsourced to Crowe Auditors and performed virtually.

MOTION: Mr. Sherman motioned to approve the monthly claims to not exceed the total amount subject to a payment plan being considered by the SBOA and subject to audit; seconded by Mr. Rasdall. Motion passed unanimously.

3. Mrs. Bay summarized Resolution 2024-6: Allowing Monies to be distributed.

MOTION: Mr. Sherman motioned to approve Resolution 2024-6 Allowing Monies to be Distributed, seconded by Mr. Maulden. Motion passed unanimously.

b. Director of Operations:

1. Mr. Johann summarized his report.
2. Mr. Johann summarized the bids we received for the 3 vehicles we had listed. Mr. Johann noted that two of the vehicles met the reserve posted with them while one, the 2017 Durango came in under the reserve.

Discussion: Mr. Rasdall asked if the highest bidder could be reached and asked to meet the reserve or come in somewhere in between. Mr. Johann noted that we can decline the bid and relist the 2017 vehicle. Mr. Parris noted that because of the time of year maybe it should be relisted. Mr. Maulden asked how much it costs to list the vehicles. Mr. Johann noted that the purchaser pays all auction fees. Mr. Johann noted that the difference in the highest bid and the reserve is a \$900 difference. A freeholder noted that used vehicles are actively dropping in price and suggested if the difference was only \$900, we should take it.

MOTION: Mr. Rasdall motioned to approve the sale and bids on the 2014, 2015, and 2016 Dodge Durango's, seconded by Mr. Parris. Motion passed unanimously.

3. Mr. Johann summarized the two fuel quotes. Mr. Johann noted that one company has offered additional things that the other company had not and asked if that could be noted in the pricing. Mr. Young noted the reason behind the public purchasing field is to not have unfair advantages; so, every potential vendor has an even shot. Mr. Young noted that he was not comfortable with the Board considering extras that the vendor is willing to throw in. Mr. Young suggested ignoring the extras and either decide tonight based on the lowest dollar amount or reject all bids and re spec it to include those extras and see what other vendors can come up with to meet those new specs because that makes it fair for everyone in the marketplace. Mr. Sherman asked if the Board could appoint someone to open the bids and approve the bid. Mr. Young noted that the Board could have a bid opening committee to receive and open the bids, but they cannot be accepted until the Board accepts and approves them at the next meeting.

MOTION: Mr. Sherman motioned to approve rebidding the fuel specs to include the tank and to appoint Nick Johann and Brittany Bay as the team to open the sealed bids and report to the Board the results, seconded by Mr. Parris. Motion passed unanimously.

10. Commission Reports:

a. Building:

1. Mr. Sherman reviewed the building applications.

MOTION: Mr. Sherman motioned to approve building applications 24-001, 24-002, 24-003, 24-006 and 24-008 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. Motion passed unanimously.

2. Mr. Sherman reviewed the dredging applications.

MOTION: Mr. Sherman motioned to approve dredging application D24-001 for approval from the CSCD Board contingent upon lot owners meeting all conditions by the Building Commission, seconded by Mr. Rasdall. Motion passed unanimously.

3. Mr. Johann reviewed the Bowen (7015 Opossum), York (7278 Halibut), and Bullerdick (7417 Hemlock) variance requests. Mr. Johann noted that he had not received any remonstrance for any of the variance requests. There was discussion of the return mailing address going back to the contractor instead of the freeholder. Mr. Parris asked about the previous remonstrance on the Bowen property and if they had contacted Mr. Johann for the second variance request. Mr. Sherman noted that the freeholders who previously had an issue with the Bowen variance no longer had the issue because it is utilizing the existing footprint.

MOTION: Mr. Sherman motioned to approve variance requests for Bowen (7015 Opossum), York (7278 Halibut), and Bullerdick (7417 Hemlock) for approval from the CSCD Board contingent upon lot owners meeting all conditions by the Building Commission, seconded by Mr. Parris. Motion passed unanimously.

b. Ecology:

1. Mr. Brumfield summarized the ecology minutes.
2. Mr. Brumfield reviewed the Aquatic Control Contract.

MOTION: Mr. Brumfield motioned to approve the Aquatic Control Contract to not exceed \$65,000 seconded by Mr. Sherman. Motion passed unanimously.

3. Mr. Brumfield summarized the Annual Anglers Club Kids Tournament Donation Request.

MOTION: Mr. Brumfield motioned to approve the \$500 donation to the Anglers Club for the Kids Tournament, seconded by Mr. Parris. Motion passed unanimously.

4. Mr. Brumfield summarized the zebra mussel prevention plan and their recommendations. Mr. Brumfield reviewed the refresher zebra mussel course that the commission had been working on.
 - i. Mr. Rasdall asked if the refresher course was the same questions or is there new knowledge. Mr. Rasdall discussed the test being challenging, and some freeholders are not tech savvy and had to have help taking the course.
 - ii. Mr. Brumfield discussed combining the refresher test with the security test that the security commission had been working on.
 - iii. Mr. Maulden noted that he attended the ecology meeting, and they discussed a paper test option for people who were not good with computers. Mr. Maulden noted he believes this is an important topic.
 - iv. Mr. Sherman noted that a boat steward is already included in the budget, and updating the lock code is something the staff can do. Mr. Sherman noted that a few of the things on the plan do not need a motion. Mr. Sherman noted that something that the Board should take action on is if there is going to be a revised refresher zebra mussel test. There was discussion on boat decals and when selling decals would start. There was discussion over the form the Boat Stewards fill out. Mr. Sherman noted having more visibility about zebra mussels in the newsletters would be a good option for refreshing freeholders.

5. Mr. Brumfield requested to add Brenda Maulden as the CSLOA representative on the ecology commission and Charlie Tinkle as a member of the ecology commission. Mr. Brumfield noted there are still open seats, and they are accepting applications.

MOTION: Mr. Brumfield motioned to approve adding Brenda Maulden as the CSLOA representative and Charlie Tinkle as a member to the ecology commission, seconded by Mr. Rasdall. Motion passed unanimously.

6. Mr. Brumfield discussed creating a joint committee comprised of one member from every CSCD commission to conduct a comprehensive review, and if necessary, a total rewrite of all CSCD Rules to finally bring to fruition, in one document, the CSCD Rules

we are to govern ourselves by. The recommendation to add a legal advisor to this Rules Committee was made and agreed to.

MOTION: Mr. Brumfield motioned to approve creating a joint committee comprised of one member from every CSCD commission to conduct a comprehensive review, and if necessary, a total rewrite of all CSCD Rules to finally bring to fruition, in one document, the CSCD Rules we are to govern ourselves by. The recommendation to add a legal advisor to this Rules Committee, seconded by Mr. Rasdall.

Discussion: Mr. Sherman noted that he understood that the Board will have to review the rule book in totality. Mr. Brumfield noted that a lot of ecology and security rules overlap. There was discussion about the overlap in rules. Mr. Rasdall suggested the security commission and ecology commission could get their rules done and the two commissions could meet and go over their modifications.

Motion Withdrawn: Mr. Brumfield withdrew his motion.

Discussion: Mr. Young discussed he believed that previously the commissions were working on the rules, and he believed they were close to done. Mr. Young noted that he would send what he had over to the Board.

7. Mr. Brumfield discussed Neil Crum holding a bluebird and purple martin seminar March 9th 10am-12pm.

c. Roads:

1. Mr. Rasdall summarized the roads minutes.
2. Mr. Rasdall requested to renew Dave Jarrett's seat on the roads commission. Mr. Rasdall noted that there are two seats open on the roads commission.

MOTION: Mr. Rasdall motioned to approve renewing Dave Jarrett's seat on the roads commission, seconded by Mr. Parris. Motion passed unanimously.

3. There was discussion on the House Bill. Mr. Young discussed that this piece will be reconsidered next year after a potential revision.

d. Security:

1. Mr. Maulden summarized the security minutes.
2. Mr. Maulden requested to add Tom Quill to the security commission.

MOTION: Mr. Maulden motioned to approve adding Tom Quill as a member to the security commission, seconded by Mr. Rasdall.

Discussion: Mr. Sherman asked the Board if they had received the resume that was sent today. Mr. Maulden noted that he spoke with the new applicant last night. Mr. Maulden noted that the security commission took a vote. Mr. Sherman noted that none of the commissions approve the members, the Board does. Mr. Sherman noted that he believes the Board should consider Matthew Murtha's resume. Mr. Sherman noted that he is a retired Commander of the United States Coast Guard, his resume is very extensive in security, and he believes he should be considered. Mr. Brumfield noted that two of the freeholders that signed for Mr. Murtha were husband and wife, not separate freeholders. Mr. Sherman noted that Mr. Murtha served on the United States Coast Guard for 28 years, 12 years information technology to the US Department of Homeland Security, certified maritime law enforcement officer, and has a financial background. Mr. Sherman noted he believed this resume was significant. There was discussion over the signatures on Mr. Murtha's application. Mr. Parris noted that because he was not applying for a certain area, he could get a signature from any area. Mr. Parris noted he did not believe it was appropriate to vote on a candidate for the security commission when he believes there is an outstanding applicant, and the Board should revisit the applicants. Mr. Sherman asked if there was a requirement in the rules for this application for the commissions. Mrs. Bay noted that it was not a rule to have the application, and previously the commission chair would make a recommendation to the Board on commission members. There was discussion on why there is an application then. A freeholder (Jay Nogan) mentioned that he created the application when he was on the financial advisory committee, because they wanted a representative from each area.

Roll Call Vote:

Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: No
Mr. Maulden: Aye
Mr. Sherman: No
Mr. Brumfield: Aye
Mr. Parris: No

Motion passed 4-3.

3. Mr. Maulden discussed the wake surfing course and that the commission was tasked with mapping the course out. Mr. Maulden noted that the commission mapped out the course but for the last

two months and this this month the security commission does not believe the course is safe.

4. Mr. Maulden discussed the boat safety course. Mr. Maulden noted they came up with 31 questions, some are CSCD rules, and some are DNR rules.

MOTION: Mr. Maulden motioned to approve questions 1-31 that the security commission came up with and make this a requirement to receive 100%, and the freeholder can retake as many times as needed to receive 100%, before allowing freeholders to get their boat decals per Resolution written by CSCD attorney, Roger Young seconded by Mr. Rasdall.

Discussion: Mr. Parris noted that there are 31 questions, multiple choice, some with 4 choices or yes/no choices. Mr. Parris noted he respected the spirit of the test but believes it is a little long. Brian Clancy introduced himself and noted that he was the chairman of the security commission. Mr. Clancy went over why the commission chose each of the 31 questions. Mr. Clancy noted he believed that a lot of the questions on there are very prevalent and will especially help with newer freeholders. Mr. Clancy noted the DNR test consists of 50 questions. Mr. Parris asked if there was a video for the DNR test, Mr. Clancy noted that there was literature on the DNR site. Mrs. Bay asked if we would need a Resolution for this, like there was with the zebra mussel course so that it is an official rule. Mr. Leavitt noted yes there would need to be a Resolution. Mr. Young noted some of the suggestions on this last page may conflict with existing CSCD rules. Mr. Parris noted that Mr. Sherman just clarified that they were only approving the questions not the language on the back.

Motion passed unanimously.

e. Water:

1. Mr. Parris summarized the water minutes.
2. Mr. Parris thanked Brittany and Josh for all of their efforts and work for the water department, especially relating to the new water rates, the rate study and all of the legal notifications that went along with that.
3. Mr. Parris noted that he sent the Board an updated emergency response plan for the water utility.
4. Mr. Parris discussed a reconnect fee that is in our water utility rules but is currently not being enforced. Mr. Young noted that if it is already in our rules and not considered a new rate or charge then it would require Board action to set the amount of the fee.

MOTION: Mr. Parris motioned to approve a reconnect fee of \$55 for water utility customers who have been disconnected, seconded by Mr. Rasdall. Motion passed unanimously.

5. Mr. Parris requested that Ken Brasseur and Tom Kuhn renew their seats on the water commission.

MOTION: Mr. Parris motioned to approve renewing Ken Brasseur and Tom Kuhn to the water commission, seconded by Mr. Brumfield.

6. Mr. Leavitt noted he received a call from a freeholder about the total coliform notice on the website. Mr. Bryant explained there was 1 sample batch missed on the schedule, he also noted that they send in 4 coliform samples a month.

11. Old Business:

- a. **Resolution 2024-3: Repealing Resolution 2015-10, Amending Resolution 2004-3& Adopting Resolution 2024-3**

MOTION: Mr. Parris motioned to approve Resolution 2024-3: Repealing Resolution 2015-10, Amending Resolution 2004-3& Adopting Resolution 2024-3, seconded by Mr. Sherman.

Discussion: Mr. Brumfield asked about number one on the Resolution determining weight by the database or a certified scale, he asked who would review that. Mr. Sherman noted that the jdpower site lists boats weight and that site includes every option/modification. Mr. Sherman noted that if a freeholder went to a certified scale brings that proof to the office, we can approve that weight. There was discussion about how the weight is proven. Mrs. Bay noted when this was done in the past, they provide a picture of the boat on the scales (w/ and w/out the trailer) and a certified ticket. Mr. Johann noted that when talking about the picture it is a picture of the boat on the scale with the weight readout. Mr. Maulden asked if there is a list of what was removed from the boat or if someone was to add an option later to the boat. It was discussed that this doesn't happen frequently. Mr. Brumfield discussed the pre-approved list. Mr. Brumfield noted he was not in agreement with using the certified scales.

Roll Call Vote:

**Mr. Rasdall: No
Mr. Leavitt: No
Mr. Adolay: Aye
Mr. Maulden: No
Mr. Sherman: Aye
Mr. Brumfield: No
Mr. Parris: Aye**

Motion failed 4-3.

Discussion: Mr. Sherman noted that one of the reasons this resolution was created was not just for the certification but the requirement of the affidavit, which everyone had agreed this is where the 1 ear suspension came in. Mr. Sherman noted by this motion and resolution failing what

has just been done is taken this affidavit out. Mr. Sherman noted this affidavit was having everyone not just wake boat owners sign and acknowledging that they won't use any of these devices and if they do, they are going to lose their boat on this water for 12 months, which could be 2 boating seasons. Mr. Sherman noted this is more restrictive than what is currently in place. Mr. Brumfield noted that the 2015 resolution stated the wake enhancing devices would be permanently disabled by either removing the tanks, pump, or the hose. Mr. Sherman noted that as previously discussed it was acknowledged there are freeholders here who have boats and this is not the only water, they use their boats on, and that 2015 resolution would have them permanently disable an expensive boat, so that they couldn't use them on another body of water. Mr. Young noted the previous resolution prohibited a device on the watercraft, and that the second paragraph of the just defeated resolution, looks at something different, it looks at what the watercraft is doing to the lake. Mr. Young noted that the defeated resolution makes it so that you cannot do anything to artificially increase a wake, whether it be a device, or by placement of 3 300lb people on the watercraft. Mr. Young explained the difference in the resolutions. The 2015 resolution prohibits a device, the 2024 resolution prohibits utilizing devices, modifications, alterations, mechanisms, configurations or use to enhance a wake at any speed. Mr. Brumfield asked how many chances people would get if they put 3 people in the back of a boat. Mr. Young noted that was addressed in paragraph 3. Mr. Brumfield noted that they would get three chances to break that rule. Mr. Sherman noted that this was done because there could be a diver of a boat that did not understand that rule, about the people not the equipment. Mr. Sherman explained the people was a three and out rule, the equipment is a one and done rule. Mr. Sherman noted that was a discussion because Mr. Rasdall had that issue, and it was suggested what if we did it this way. Mr. Leavitt asked if the Board Members opposed to this were there any amendments that would change their viewpoint. Mr. Rasdall noted that if wake surfing did get banned on these lakes it would still allow freeholders to leave their boats fully functional and use them on other bodies of water. Mr. Rasdall noted he didn't believe the boats were the problem he believes it's the sport of wake surfing that causes that big wake. Mr. Rasdall noted that with this in mind he would change his vote.

MOTION: Mr. Parris motioned to approve Resolution 2024-3: Repealing Resolution 2015-10, Amending Resolution 2004-3& Adopting Resolution 2024-3, seconded by Mr. Sherman.

Discussion: There was discussion about if anything changed from the first motion of the resolution. There was discussion about this resolution being more restrictive than the current rules. Mr. Brumfield asked how freeholders are going to decontaminate zebra mussels if they are connected. Mr. Sherman noted the decontamination rule is still in

place. Mr. Parris noted you would clean it the same as you would a livewell and went over the process.

Roll Call Vote:

Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Maulden: Aye
Mr. Sherman: Aye
Mr. Brumfield: No
Mr. Parris: Aye

Motion passed 6-1.

- b. Resolution 2024-4: Authorizing Safety Inspections of Watercraft on the lakes

MOTION: Mr. Parris motioned to approve Resolution 2024-4: Authorizing Safety Inspections of Watercraft on the lakes, seconded by Mr. Sherman. Motion passed unanimously.

12. New Business:

- a. Resolution 2024-5: Authorizing the Imposition of Assessments and Reappealing Resolution 2020-4
- i. Mr. Sherman noted this Resolution allows any residence in the District to receive an equal assessment.

MOTION: Mr. Sherman motioned to approve Resolution 2024-5: Authorizing the Imposition of Assessments and Reappealing Resolution 2020-4, seconded by Mr. Parris. Motion passed unanimously.

b. Election Procedure Review & Update

- i. Mr. Maulden discussed the area map.
- ii. Mrs. Bay noted that at the December meeting a freeholder brought up that there was no excel file showing the lots in each area, so since then the CSCD staff has been working on compiling one.
- iii. Mr. Leavitt asked Mr. Young that since the map is missing from the original Resolution would this have to be filed with the Court. Mr. Young noted we would need to do more than that if the Board wants to define the district areas by lots instead of lines on a map. Mr. Rasdall noted he would like to have both, and Mr. Maulden agreed. Mr. Young noted that if you had a list showing the lots in each area then the map would just be a reference guide. Mr. Young noted that we would have to go back to court, it will be more than filing, the original was the fifth amendment to the District plan, the plan would have to be amended by a court order. Mr. Young noted that there is nothing in the statute that requires the areas to have equal lots, but they should try to get them close to equal.

- iv. Mr. Maulden noted he had a freeholder come to him and say on election day while voting at the voting site they had a candidate campaigning to them, and it should be addressed before the next election. Mr. Leavitt noted he was there when it happened, and he agreed with Mr. Maulden that is not right. Mr. Leavitt noted that the statute that applies to the conservancy does not say that candidates cannot be in the polling place. Mr. Young noted that the Board has the authority to establish rules and regulations for the conduct of their election. Mr. Leavitt noted there were some other things that have come up, so they need to establish practices. Mr. Maulden noted that they have a year to get some practices put together.
- v. Mr. Rasdall noted that the statute mentioned election committee will be at the annual meeting and from what he read they are to run the voting and hand out ballots. Mr. Leavitt noted in the statute it uses the word clerk several times and was not sure if it is referring to an election clerk or a clerical position. Mr. Young discussed the statute.

c. 3rd Annual CSLOA Home Tour Approval

MOTION: Mr. Brumfield motioned to approve the 3rd Annual CSLOA Home Tour, seconded by Mr. Parris. Motion passed unanimously.

Discussion: Mr. Maulden requested that when the CSLOA brings a request to the Board it be moved up on the agenda.

13. Board Members Concerns

- a. Mr. Brumfield discussed a course map, wake surfing, and he appreciates the wake boat committee's work on the topic, but he believes the Board needs to do some more research on this topic. Mr. Brumfield noted he would like to see a non-biased, educational, and scientific study on our lakes. Mr. Brumfield noted that until we can get this done, he would like to see a ban on wake-surfing and plowing. Mr. Brumfield noted that Wikipedia says wake surfing is a water sport in which a rider trails behind a boat, riding the boat's wake without being directly pulled by the boat, after getting up on the wake, typically by use of a tow rope, the wake surfers will drop the rope, and ride the steep face below the wave's peak in a fashion reminiscent of surfing. Mr. Brumfield noted that you could make a rule that any person engaged in any water sport with the assistance of motorized watercraft must utilize a tow rope of no less than 50 ft, it can't be shortened in any fashion, a vessel towing a tethered skier or wakeboarder or tube on a plane does not meet the definition of wake surfing. Mr. Brumfield noted plowing is the term used when the boat is not yet on plane but is moving above idle speed through the water, it is a transitional speed that occurs between idling and getting on a plane, boaters shall avoid continually plowing rather they shall stay at a slow idle speed or get the boat on a plane quickly.

MOTION: Mr. Brumfield motioned to approve a rule that any person engaged in any water sport with the assistance of

motorized watercraft must utilize a tow rope of no less than 50 ft, it can't be shortened in any fashion, a vessel towing a tethered skier or wakeboarder or tube on a plane does not meet the definition of wake surfing. Plowing is the term used when the boat is not yet on plane but is moving above idle speed through the water, it is a transitional speed that occurs between idling and getting on a plane, boaters shall avoid continually plowing rather they shall stay at a slow idle speed or get the boat on a plane quickly.

Discussion: Mr. Young noted that he thought plowing was already prohibited in the resolution, under paragraph 2. Mr. Maulden mentioned that in order to wake surf you have to plow, so if plowing is already prohibited wake surfing would be prohibited too. Mr. Leavitt agreed with Mr. Young. Mr. Parris noted that he doesn't know how you can infer plowing as a part of this and he doesn't know how you can operate a boat from idle to plane without plowing, it's impossible. Mr. Maulden noted it is impossible, but you don't have to plow all the way down the lake. There was discussion on the definition of plowing.

Mr. Rasdall seconded the motion.

Discussion: Mr. Parris wanted clarification that if an individual is pulling a tuber between idle speed and a plane continually, they are plowing and subsequently should be banned for a year. Mr. Rasdall suggested possibly adding that tubing does not apply. A freeholder made a comment that they were picking and choosing activities. Mr. Rasdall noted that is correct. Mr. Parris noted they could address the freeholders later and continued the discussion amongst the Board. Mr. Rasdall noted this is to ban a large wake. Mr. Young interjected by calling a point of order because this topic and motion was brought up under Board Member concerns, not an agenda modification, and its being discussed to adopt a motion/resolution it would have to have been an agenda modification at the beginning of the meeting. Mr. Leavitt agreed. There was discussion over a letter the Board received. There was discussion of moving wake surfing away from the shoreline. Mr. Rasdall noted that this is both an ecological and safety issue. Mr. Rasdall noted since it can't be voted on it can be saved for the agenda next month.

- b. Mr. Parris noted he was concerned that if you throw blanket rules out to prevent something from happening and one of the biggest concerns with this topic is safety, but boat patrol sees tubing as the most unsafe activity on the lake. A freeholder commented that if wake surfing is safe why are other states banning it then. Mr. Parris noted a handful of states who are attempting to ban it because of ecological concerns about unarmored shorelines. A freeholder commented about our dams. Mr. Parris noted that

our dams are of the utmost importance. Mr. Parris noted that the reason some people are here is to enjoy the water activities they like and noted that wake surfing happens to be the most popular water sport being advertised right now. Mr. Parris believes that freeholders should be able to enjoy the lakes how they want to enjoy the lakes, it is a recreational lake. There was discussion about doing a study on the lakes. Mr. Parris noted most studies with shoreline erosion are on unprotected shorelines and that is the problem with those studies. Mr. Sherman discussed the course that was laid out to accommodate all parties, it was moved away from the dam, down the center of the lake, and stopped at the part of the lake where it narrows. There was discussion over tubing. Mr. Brumfield noted his main concern is for the safety of people and the ecological impact on the lake. Mr. Brumfield requested having an independent firm come out and perform a study to see if it's safe and give recommendations. Mr. Sherman noted he doesn't believe that we need a resolution to ban wake surfing until that study is done. Mr. Brumfield noted he would retract that, and the Board can revisit next month. Mr. Brumfield noted that he would get in touch with someone that was highly recommended by Lake Wallace.

- c. A freeholder commented that they hope the people who the Board have evaluate the lakes are scientific and have credentials.
- d. Mr. Maulden noted that most lakes in Indiana that are 300 acres or less are trolling motor only. A freeholder commented and asked what DNR has recommended about our lakes. Mr. Leavitt noted that this is a private lake, so they do not have jurisdiction over our lakes.
- e. Mr. Sherman noted the DLGF put out the Brown County assessed values, for Brown County is \$1,872,000,000 which is a 4% increase, for CSCD it is \$590,345,400 which is a 11.4% increase and now the CSCD now 31.5% of the total assessed value in Brown County. Mr. Sherman noted that Hamblin Township assessed \$200,000,000, Nashville is \$156,000. Mr. Sherman noted he left a message with the Director at the Law Enforcement academy to get information on someone who could the District with policies and procedures for the Marshalls and he will keep the Board informed.
- f. Mr. Johann recognized Josh Bryant, Kyle Wilborn, and Jeffrey Ward for taking care of the roads during the snowstorm.

14. Adjourn (10:38)

MOTION: Mr. Rasdall moved to adjourn, seconded by Mr. Brumfield. Motion passed unanimously.

Respectfully submitted,


Ted Adolay, Board Secretary

Date Submitted:


Aman Parris vice chair