

**Cordry-Sweetwater Conservancy District**  
**Board of Directors Meeting**  
October 15<sup>th</sup>, 2024

**“DRAFT MINUTES UNTIL APPROVED”**

1. **Board Members Present:** Pat Sherman, Randy Brumfield, Ted Adolay, Jim Maulden, Mark Rasdall, and Mike Leavitt
2. **Board Member Present Virtually:** Aaron Parris
3. **Board Members Absent:** None
4. **Also, Present:**
  - a. **Staff:** Nick Johann
  - b. **CSCD Attorney:** Roger Young
  - c. Estimated 9 freeholders in attendance & numerous online viewers.
5. **Welcome:** Mr. Leavitt called the meeting to order at 7:01 PM
6. **Agenda Modifications:**
  - a. Mr. Brumfield requested to add line items 8.b. Hiring full-time employee Nickolas Hites, 8.c. Lake rules update, 8.c.i. Measurement/weight determination {pontoon maximum length, speed boat maximum length & weight}, c.ii. Wake Boat Ban {grandfathered decals}, c.iii. Ban Wake Surfing, c.iv. No Plowing Rule, c.v. Increase Maximum Fishing Boat Horsepower, and c.v.i Non-Motorized Boat Requirements.

**MOTION: Mr. Brumfield motioned to approve the agenda modifications as requested, seconded by Mr. Rasdall.**

**Roll Call Vote:**

**Mr. Sherman: Aye**

**Mr. Rasdall: Aye**

**Mr. Maulden: Aye**

**Mr. Adolay: Aye**

**Mr. Parris: Aye**

**Mr. Leavitt: Aye**

**Motion passed unanimously.**

7. **Approval of Minutes:**

**MOTION: Mr. Brumfield motioned to approve September 17<sup>th</sup>, Board Minutes as submitted, seconded by Mr. Rasdall.**

**Roll Call Vote:**

**Mr. Sherman: Aye**

**Mr. Rasdall: Aye**

**Mr. Maulden: Aye**  
**Mr. Adolay: Aye**  
**Mr. Parris: Aye**  
**Mr. Leavitt: Aye**

**Motion passed unanimously.**

**MOTION: Mr. Brumfield motioned to approve October 1<sup>st</sup> Board Special Session Minutes as submitted, seconded by Mr. Sherman.**

**Roll Call Vote:**

**Mr. Sherman: Aye**  
**Mr. Rasdall: Aye**  
**Mr. Maulden: Aye**  
**Mr. Adolay: Aye**  
**Mr. Parris: Aye**  
**Mr. Leavitt: Aye**

**Motion passed unanimously.**

**8. Freeholder Concerns:**

- a. Mr. Johann read a freeholder concern from Tood Durham on Muskrat Drive. Mr. Johann relayed that Mr. Durham thought the late added of agenda items was unethical, immoral, an abuse of power, and a set up in his opinion.
- b. Pam Ruster (7152 Grouper) noted that from looking at the agenda there is no old business indicated but there are many items under new business such as the wake boats, dam discussion, and noted she believed that those items would be old business that are being finished up and brought up again, from her experience of serving on Boards. Mrs. Ruster asked the Board what the thought process was when creating the agenda.
- c. Ernie Kobets (WS 309) noted he had been a freeholder for 27 years and he was at this meeting because of a rule's infraction. Mr. Kobets noted he did attend the security commission meeting the previous week, and the commission said it would be important for him to attend the Board Meeting. Mr. Kobets noted he was in complete agreement with the seriousness of the rule infractions and in his 27 years this is the first year that they have had any. Mr. Kobets noted that he was not aware of the recommendation of the commission, but he was hoping that it could be something short of the suspension of a year. Mr. Kobets noted that the person who committed these infractions is no longer allowed to operate the watercraft. Mr. Maulden thanked Mr. Kobets for attending and noted that he is on the security commission and they voted 4-0 to recommend that the lake suspension stays. Mr. Maulden noted that they did not want it to come to this but they are tightening up the rules this year and things have been out of hand the last several years. Mr. Maulden noted that the first ticket was given for expired decals, and they had given about 20 tickets for expired decals and that at the commission meeting Mr. Kobets told the commission that he knew his sticker was expired when he put his boat in the water. Mr. Maulden discussed the other two violations of tubers in the water and not raising their flag and pulling tubers with no spotters another day. Mr. Maulden noted that he believed Mr. Brumfield could speak about the last violation received. Mr. Brumfield noted that he called in their last violation as it occurred during a tournament and explained the dangerous scenario that occurred because of the lack of spotter. Mr. Leavitt noted that the security commission voted on this topic, and it would be up to the Board if they wanted to change that decision. Mr. Leavitt noted that the Board could discuss it now. Mr. Sherman agreed with security after hearing from Mr. Brumfield that someone could have

been seriously hurt, and that he would be in favor of banning the son-in-law from driving for a year. Mr. Sherman noted their whole family would not be eliminated from using the lakes but the son-in-law would be eliminated from operating or being on any watercraft, and noted that was his thoughts. Mr. Maulden noted that in security at the beginning of the year they came up with a test, because they wanted to get the rules in front of everyone because they kept hearing that people did not know the rules. Mr. Maulden noted originally, they wanted to make everyone who was operating the watercraft must take the test but thought that it would be difficult. Mr. Maulden noted that it is the freeholder's responsibility to educate the people driving their boat and noted that another thing the commission looked at is that these are not new rules. Mr. Kobets noted he would be in favor of him not having any water privileges at all and anyone else driving his boat take the safety test. Mr. Sherman noted that would be his suggestion to ban the person for a year. Mr. Maulden asked Mr. Young how they would go about banning a person from the lake. Mr. Young noted that they could take the recommendation of the security commission, and then suspend the freeholder who accumulated three tickets on the condition that this person is not permitted to operate a boat on the lakes for 365 days. Mr. Young noted that they would find the person guilty, but they did not impose a sentence because the Board would suspend that sentence on a condition, so then if the condition is violated the sentence kicks in; Mr. Young noted that would be the procedural way to do that. Mr. Sherman noted that he wanted it to be severe, so if he is found in the water in the boat then the 365 days start over again, so that the penalty would start brand new, from the date of the infraction. Mr. Sherman noted that if he didn't follow the suggestion of the order, the requirement. Mr. Maulden asked if the Board is setting a precedent if they do this. Mr., Sherman noted that that is the Boards discretion if they are setting a precedent, and noted he believed if it was the freeholder doing the violations it sends a message, but the freeholder was not the one who made the violations. Mr. Sherman noted this may be a way to mitigate damages to the freeholder and hold the person who had the two tickets accountable. Mr. Leavitt noted that like Mr., Young stated they would be upholding the recommendation of the security commission in terms of their finding but suspending the punishment. Mr. Brumfield noted that it's the freeholders' responsibility to make sure that everybody knows the rules and abide by them, they are responsible. Mr. Brumfield noted that he felt if he loaned his boat out, he was responsible for it, and whatever that person does in it. Mr. Leavitt noted he would entertain a motion.

**MOTION: Mr. Sherman motioned to approve the security commission findings of authorized user of watercraft owned by Mr. Kobets (WS 309) committed the following infractions of rules on 6/18/2024 operating with expired sticker, 8/9/24 no flag raised with tubers in water, 8/10/24 no spotter while tubing, seconded by Mr. Maulden.**

**Roll Call Vote:**

**Mr. Sherman: Aye**

**Mr. Rasdall: Aye**

**Mr. Maulden: Aye**

**Mr. Adolay: Aye**

**Mr. Parris: Aye**

**Mr. Leavitt: Aye**

**Motion passed unanimously.**

**MOTION:** Mr. Sherman motioned to boat decals issued to the Kobets are suspended for 365 days. However, the penalty is suspended upon the condition that Mr. Kluh would not be allowed to access either lake for 365 days, if that condition is violated there will be a 365-day suspension previously suspended becomes executed commencing upon the date of the subsequent violation.

**Discussion:** Mr. Maulden noted that he believes they are setting a precedence that you can let whoever drive your boat once and they can do whatever they want on our lake because they are going to be kicked off but were not doing anything to the freeholders themselves.

Mr. Parris asked if it was possible to just revoke the first ticket he received for the expired decals, and then the freeholder would just have two strikes against him.

Mr. Maulden noted that there were 20 people who got tickets for expired decals. There was discussion about retracting the first motion regarding guilty finding.

Mr. Leavitt noted there was no second, so the motion died.

**Discussion:** Mr. Maulden noted there were a lot of people who said they received three warnings before they received a ticket. Mr. Maulden noted that they are trying to tighten up the rules, make the lakes safer, and make sure that people on the lake are supposed to be on the lake.

Mr. Parris noted that in this case he was supposed to be on the lake, he just didn't have his decals yet. Mr. Parris noted that the question is do they want to eliminate somebody from the lake for a year for expired boat decals and noted he personally didn't want too, and the other two infractions were appropriate for a strike but the first of the expired decals was not.

Mr. Maulden noted that the first violation was not what pushed Mr. Kobets over on violations.

Mr. Brumfield noted he felt if the Board went that route, they should just get rid of stickers and Board is going to nullify tickets for expired stickers, why even issue stickers.

There was discussion of whether this was a common occurrence for this freeholder to loan his own boat and property.

Mr. Rasdall noted that it was unfortunate this was happening, and he does feel bad but there are 19 other people that can come back on this precedent and use this to get the penalty thrown out.

**MOTION:** Mr. Rasdall motioned to approve enforcing the written penalty for three tickets and suspending lake use of for the Kobets motorized watercraft from the date of the last ticket but would allow for them to remove their motorized watercraft from the lakes on the 22<sup>nd</sup>, and will still allow the Kobets to utilize

**nonmotorized watercraft on the lakes, seconded by Mr. Brumfield.**

**Discussion: There was discussion on if this would be for only motorized boats.**

**Mr. Brumfield noted the last violation which he had actually seen was worth taking all their stickers for.**

**Roll Call Vote:**

**Mr. Sherman: Aye**

**Mr. Rasdall: Aye**

**Mr. Maulden: Aye**

**Mr. Adolay: Aye**

**Mr. Parris: Nay**

**Mr. Leavitt: Aye**

**Motion passed 6-1.**

**Discussion: Mr. Kobets asked the Board when the 365 days would end. Mr. Rasdall noted that it would end on August 10<sup>th</sup> of 2025 and noted that while it pains him to do this, the Board has to hold strong, or it will open the door for everyone.**

- d. Mr. Johann read a freeholder concern from Matt Bradley who wanted to ask the Board, which Board members added the agenda modification line items for the proposals on wake boats, wake surfing, and the fishing boat horsepower. Mr. Brumfield noted he added the modifications and Mr. Leavitt noted that Mr. Brumfield added rules modification basically.

## **9. Management Reports:**

### **a. Director of Finance & Administrative:**

1. Resolution 2024-18 Transfer of Funds within the Budget.

**MOTION: Mr. Sherman motioned to approve Resolution 2024-16 Transfer of Funds within the Budget, seconded by Mr. Brumfield.**

**Roll Call Vote:**

**Mr. Sherman: Aye**

**Mr. Rasdall: Aye**

**Mr. Maulden: Aye**

**Mr. Adolay: Aye**

**Mr. Parris: Aye**

**Mr. Leavitt: Aye**

**Motion passed unanimously.**

2. Mr. Johann summarized the fund report. The current balance is \$6,403,313.30.

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

**Roll Call Vote:**

**Mr. Sherman: Aye**

**Mr. Rasdall: Aye**

**Mr. Maulden: Aye**

**Mr. Adolay: Aye**

**Mr. Parris: Aye**

**Mr. Leavitt: Aye**

**Motion passed unanimously.**

3. Mr. Sherman summarized the appropriation report and monthly claims list. The monthly claims total is \$291,506.78. The unexpended remaining balance for 2024 is \$734,455.34 or 35.22%.

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

**Discussion: Mr. Sherman discussed the Resolution that allowed reimbursement of District funds paid towards the spillway project. Mr. Sherman asked if the District had been reimbursed, Mr. Johann noted he would discuss it with Mrs. Bay .**

**Roll Call Vote:**

**Mr. Sherman: Aye**

**Mr. Rasdall: Aye**

**Mr. Maulden: Aye**

**Mr. Adolay: Aye**

**Mr. Parris: Aye**

**Mr. Leavitt: Aye**

**Motion passed unanimously.**

**b. Director of Operations**

1. Mr. Johann summarized his report.
2. Mr. Johann noted that the state passed legislation for holding tanks.
  - i. There was discussion over holding tanks and enforcement.
  - ii. Mr. Young noted that the District does not have the jurisdiction the Brown County Health Department has. Mr. Young noted that the District could do inspections, and if a system was failing it would be up to the Health Department to condemn the property or file a lawsuit ordering them to repair it.
3. Mr. Johann discussed shipping containers.
  - i. Mr. Young noted that we are under Brown County Planning and Zoning.
4. Mr. Johann discussed the Cordry Spillway Project. Mr. Johann noted that Millenium has turned in a proposed schedule, and from what he has seen freeholders will have until the end of November to get their boats off the lake. Mr. Johann noted that they would be utilizing a coffer dam, so they would not need to lower the lake levels. Mr. Johann noted that they are still on track to complete the project by springtime.

10. Commission Reports:

a. **Building:**

1. Mr. Sherman reviewed the variance requests at 6532 Qual Drive and 6482 Quail Drive. Mr. Johann noted there were no remonstrators.

2.

**MOTION: Mr. Sherman motioned to approve the variance requests at 6532 Quail (Koumpuras) and 6482 Quail (Gardener) 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.**

**Roll Call Vote:**

**Mr. Sherman: Aye**

**Mr. Rasdall: Aye**

**Mr. Maulden: Aye**

**Mr. Adolay: Aye**

**Mr. Parris: Aye**

**Mr. Leavitt: Aye**

**Motion passed unanimously.**

3. Mr. Sherman reviewed the building applications.

**MOTION: Mr. Sherman motioned to approve building applications 24-078, 24-079, 24-080, 24-082, and 24-083 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.**

**Roll Call Vote:**

**Mr. Sherman: Aye**

**Mr. Rasdall: Aye**

**Mr. Maulden: Aye**

**Mr. Adolay: Aye**

**Mr. Parris: Aye**

**Mr. Leavitt: Aye**

**Motion passed unanimously.**

b. **Ecology:**

1. Mr. Brumfield summarized the ecology minutes.

2. Mr. Brumfield went over the broken spigot issue at the garden club plot sites. Mr. Brumfield noted that the garden club did not pay for water at the plots, so they believed it was CSCD's responsibility, and wanted clarification on that.

i. Mr. Young noted that you could justify covering the expense with CSCD funds under parks and recreation, because it is open to all freeholders and could be used by all freeholders.

ii. Mr. Sherman noted that it was not open to everyone.

- iii. Mr. Brumfield noted that it is available to everybody and there is a waiting list.
  - iv. Mr. Leavitt noted that there are limitations because of the number of beds available.
  - v. Mr. Johann noted that based off what he has been told when the club formed that the club is supposed to stand on their own with their membership dues. Mr. Johann noted there needs to be clarification on the garden club.
  - vi. Mr. Young noted that if that area is set aside for exclusive use of the garden club members, then there is a problem, as that is a common area. Mr. Young noted that if it's under garden club management that is one thing. Mr. Young noted that freeholders should be able to access that area under the same terms and conditions as any other freeholder without being a member of the garden club and paying dues to the garden club.
  - vii. Mr. Johann noted that his understanding was if you're a member of the garden club and have a plot there you get the passcode to the gate to access that area and if you're not then you do not.
  - viii. Mr. Brumfield noted that a lot of freeholders couldn't sustain their garden at their residence because of the deer population
    - i. Mr. Young noted the Conservancy could create a community garden and say it was first come first serve, but it's open to any freeholder and the freeholder would not have to be a part of a private club to access it.
    - ii. Mr. Maulden noted that is how it works, there are 35 plots, you have to put your application in, so it was open to the first 35.
    - iii. Mr. Brumfield noted that the dues are just for the upkeep of the garden.
    - iv. Mr. Young noted if this was the case then it would be what he originally stated about this area being covered under parks and recreation.
  - ix. There was discussion over paying for the spigot. Mr. Maulden noted that it is Conservancy property and Mr. Leavitt agreed the Conservancy provides the property and supports the garden club in that aspect. Mr. Brumfield noted that it was just a repair. Mr. Leavitt noted it is a heavily used area and there were people who had free produce at the fire station last year because they couldn't use everything.
3. Mr. Brumfield discussed bike and e-bikes on the trails. There was discussion over whether the trails were pedestrian use only or multi way use. Mr. Leavitt noted that some of the e-bikes can move quickly. There was discussion over the maintenance of the trails.



**MOTION: Mr. Rasdall motioned to approve allowing non-motorized bicycles on the walking trails, seconded by Mr. Brumfield.**

**Roll Call Vote:**

**Mr. Sherman: Aye**

**Mr. Rasdall: Aye**

**Mr. Maulden: Aye**

**Mr. Adolay: Aye**

**Mr. Parris: Aye**

**Mr. Leavitt: Aye**

**Motion passed unanimously.**

**c. Roads:**

1. Mr. Rasdall summarized the roads minutes.
2. Mr. Rasdall noted two freeholders came to the roads commission about Nettle Drive and the 2025 paving plans. Mr. Rasdall noted that the freeholders on Nettle Drive were willing to pay for half the cost to pave it if the Conservancy would pay for the other half. Mr. Rasdall noted that the cost would be \$20,000 and they would pay the \$10,000 up front before paving would occur and it would give the District another paved road for half the price.

**MOTION: Mr. Rasdall motioned to approve adding Nettle Drive to the paving list for 2025, and for the freeholders to pay half up front and the CSCD would pay for half at \$10,000.**

**Discussion: Mr. Sherman noted that the Board would discuss that at the Adoption for the Budget.**

**Motion Withdrawn.**

**d. Security:**

1. Mr. Maulden summarized the security minutes.
2. Mr. Maulden noted that he wanted to recognize Cathie Brown and her service with Indiana Task Force One, and that they are currently deployed in the southern states helping out with flooding and the hurricanes.
3. Mr. Maulden discussed the speed limit ordinance.
  - i. Mr. Young noted that the presumptive speed limits in the District are 30 mph by state statute. Mr. Young noted that he made an ordinance for the commissioners years ago for a 25-mph speed limit in the District. Mr. Young noted that when someone goes over 25 mph on the District roads that is a Brown County Ordinance violation, and law enforcement can cite and give them a ticket. Mr. Young noted that the problem is the Brown County Prosecutor by statute can only prosecute crimes they cannot prosecute ordinance violations, that is up to the county attorney to enforce the ordinance, and the Board of Commissioners will not want to pay the county attorney to enforce ordinances.

**e. Water:**

1. Mr. Parris summarized the water minutes.
2. Mr. Parris noted the Board of two water leaks one on Robin Drive and one on Lion Drive, that resulted in the freeholder's having to have their septic tanks pumped.

**MOTION: Mr. Sherman motioned to approve crediting the freeholders water account and reimbursing the septic fees in the amount of \$875 on Lion and \$850 on Robin Drive, seconded by Mr. Sherman.**

**Roll Call Vote:**

**Mr. Sherman: Aye**

**Mr. Rasdall: Aye**

**Mr. Maulden: Aye**

**Mr. Adolay: Aye**

**Mr. Parris: Aye**

**Mr. Leavitt: Aye**

**Motion passed unanimously.**

**11. Adoption of 2025 Budget:**

- a. Mr. Leavitt opened the Adoption of the 2025 budget at :pm.
- b. Mr. Leavitt read the proposed 2025 General Budget Total of \$2,444,715.
  1. Mr. Leavitt opened the floor to public comment.
  2. Mr. Leavitt went over the proposed reductions to line item 387 in the amount of \$16,000 removing the kayak launch and reducing the fishery management, line item 358 was reduced in the amount of \$100,000 removing the Sweetwater inlet, removing the \$75,000 for the walking trail but replacing it with funds to cover the America the Beautiful grand reducing that line item by \$18,000, the new rhib boat was removed but replaced with a new engine reducing that line item by \$38,000, the new dock was removed reducing that line item by \$50,000 and removing the salt barn replacement reduced that line item by \$250,000.
  3. Mr. Sherman noted that the paving budget is being reduced because of waterline issues, which would reduce the budget to another \$93,000. Mr. Sherman noted that if the budget goes up and down more money must be put in for the year 2026. Mr. Sherman noted he believed that they should leave the roads budget at the amount that it is at because in his discussions with Mr. Johann the District is only getting one bid for paving and Milestone has been that bid.
  4. Mr. Rasdall went over adding in the \$10,000 for Nettle Drive paving. There was discussion over the paving budget.

**MOTION: Mr. Rasdall motioned to approve adjusting the roads paving budget; seconded by Mr. Sherman.**

**Roll Call Vote:**

**Mr. Sherman: Aye**

**Mr. Rasdall: Aye**

**Mr. Maulden: Aye**

**Mr. Adolay: Aye**

**Mr. Parris: Aye**  
**Mr. Leavitt: Aye**

**Motion passed unanimously.**

**MOTION: Mr. Sherman motioned to approve adjusting the line item 387 cut by \$12,000, 358 cut by \$100,000, 387 reducing the fishery management by \$4,000, line item 428 cutting the walking trail by \$75,000 but adding in \$57,000 making that line reduction total \$18,000, cutting line item 435 by \$50,000 removing the rhib boat but adding back in \$12,000 making that line reduction total \$38,000, and cutting line item for the new dock by \$50,000, and cutting line item 350 by \$250,000 by removing the salt barn seconded by Mr. Brumfield.**

**Roll Call Vote:**

**Mr. Sherman: Aye**  
**Mr. Rasdall: Aye**  
**Mr. Maulden: Aye**  
**Mr. Adolay: Aye**  
**Mr. Parris: Aye**  
**Mr. Leavitt: Aye**

**Motion passed unanimously.**

**MOTION: Mr. Sherman motioned to approve Resolution 2024-19: 2025 Budget as modified, seconded by Mr. Maulden.**

**Roll Call Vote:**

**Mr. Sherman: Aye**  
**Mr. Rasdall: Aye**  
**Mr. Maulden: Aye**  
**Mr. Adolay: Aye**  
**Mr. Parris: Aye**  
**Mr. Leavitt: Aye**

**Motion passed unanimously.**

**12. New Business:**

**a. Hiring Nickolas Hites as a full-time employee**

**MOTION: Mr. Sherman motioned to approve hiring Nickolas Hites for full time employment, seconded by Mr. Parris.**

**Roll Call Vote:**

**Mr. Sherman: Aye**  
**Mr. Rasdall: Aye**  
**Mr. Maulden: Aye**  
**Mr. Adolay: Aye**  
**Mr. Parris: Aye**  
**Mr. Leavitt: Aye**

**Motion passed unanimously.**

**b. Lake Rules Update**

1. Mr. Brumfield noted the lake study had not been completed, so they do not have data from that, but most of the freeholders basically believe something needs to be done for the safety and ecology of the lakes. Mr. Brumfield noted that he wanted to modify 2024-3.
  1. Mr. Young noted that since this was just added they should consider discussing this as a possibility this evening but defer final action until he drafts the amended resolutions and the new resolution and presents those documents to the Board for consideration at the November Board meeting. Mr. Young noted that there was some freeholder comments having concern with the Board taking final action this evening, he was unsure if the concerns were valid, but it would make sense to discuss them at length tonight and then the Board could authorize him to prepare the resolutions for final action at the next meeting.
  2. Mr. Young and Mr. Brumfield discussed specifications of length.
2. Mr. Brumfield noted that he wanted to clear something up he purchased a boat last November and he put this in writing, he did not change the rules to get his boat on the lake, he did not come on the Board until January. Mr. Brumfield noted that it was difficult to measure his boat, and he was allowed a variance for his boat. Mr. Sherman clarified that the Board did not change the measuring of boats for Mr. Brumfield, the Board recognized this new hull design of the boat.
3. Mr. Brumfield noted that he believed they met the legal description for posting, and asked Mr. Young if they could vote that the Board was in agreeance with the changes.
  1. Mr. Young noted that they could vote if they wanted, it would not be illegal for the Board to pass or take final action, but it would be more efficient to have him draft the documents first.
4. Mr. Sherman noted that all of these changes were just distributed at tonight's meeting and in an effort to be transparent with all freeholders, whether they are in agreement or not, he believed they should distribute these changes on the website prior to the meeting.
5. Mr. Brumfield noted that they kicked the can down the road with the lake study and this topic and it needs to be done.
  1. Mr. Sherman noted that he agreed it should be addressed but to be transparent with all freeholders, because he doesn't believe anyone knew this was coming at this meeting, they should allow freeholders to stand up with their three minutes to discuss and be transparent. Mr. Sherman noted they may come to the same conclusion, but he believed there may be a lot of freeholders who want the opportunity to speak.
6. Mr. Rasdall noted that the wake boat moratorium expires in November, before the next meeting.
  1. Mr. Sherman noted that the moratorium could be moved another month.
7. Mr. Parris noted that he believed adding the agenda modifications was a poke to some people, people who spent time helping with the wake

committee, people who volunteered and helped train CSCD staff to identify people violating the current rules, and adding the modifications last minute was upsetting to people. Mr. Parris noted he agreed he didn't want to kick this down the road but if people could see this on the agenda in advance, then the Board is being more transparent.

8. Mr. Leavitt noted he believed the Board should discuss this tonight, make some consensus of what Mr. Young should prepare, and have him prepare that.
  1. Mr., Maulden noted he agreed there is no reason to have Mr. Young prepare something that they may change next month. Mr. Maulden noted that he also agreed with Mr. Brumfield that a lot of these issues need to be put to bed, they have dealt with them for a year or longer now.
9. Mr. Brumfield noted that if they amended 2024-3 to reduce the maximum weight of speed boats to 3,495 pounds and noted there was a freeholder who purchased a 2024 cobalt and he purchased it in September, subject to CSCD measurement it met the rules at the time of purchase and would like a variance on him.
  1. Mr. Young noted he had a question about that; Mr. Rasdall noted that he purchased his boat prior to, and Mr. Young noted it was purchased but he has not got a sticker for the boat.
  2. Mr. Brumfield noted if the rules were changed tonight the freeholder would have purchased the boat when it was subject to the old rules.
  3. Mr. Young noted he believed that you had to meet Cordry Sweetwater rules when you purchased your boat sticker, not when you purchase a boat.
  4. Mr. Leavitt clarified this freeholder bought the boat and the Board would be changing the rule so his boat would no longer qualify that he has already purchased, he just has not yet had it stickered.
  5. Mr. Young discussed adding verbiage boats purchased prior to the effective date of this resolution, will still be allowed to receive stickers as long as they meet requirements at the time of purchase.
  6. Mr. Brumfield noted they are doing weight by jdpower or manufacturer specs.
  7. Mr. Parris noted that the number that Mr. Brumfield proposed is 500 pounds less, so he is trying to specify the rule and reduce the overall weight of boats.
  8. Mr. Brumfield noted that it is what he was suggesting the heavier boats displace more water and make a bigger wake.
  9. Mr. Pariss noted that he believed Mr. Brumfield is arbitrarily assigning a number that is less than the current limit, so he is assuming that he would be grandfathering all of the other previously stickered boats on the lakes. Mr. Parris asked how it was determined what weight was ok. There was discussion over how the weight was determined before. Mr. Brumfield discussed the wake study that he had suggested by Dr. Sweeten.
10. Mr. Brumfield noted he believed they could all agree they have more boats on the water than ever before. Mr. Brumfield noted that

if they cut the dry weight it reduces the weight and size and increases the safety and ecology of the lakes.

11. Mr. Sherman asked how the number of 3,495 arrived. Mr. Brumfield noted that they wanted it to be under 3,500. There was discussion over the number being subjective. Mr. Brumfield noted that he had a lake study ready to be done and that was shut down.
12. Mr. Leavitt asked if different boat manufacturers were looked at to see what models would fit into this weight category.
  - i. Mr. Rasdall noted that Mr. Parris had said many times a cobalt makes just as big of a wake as a wake boat.
  - ii. Mr. Brumfield noted and once it is on the lake its grandfathered.
  - iii. Mr. Leavitt noted he believed Mr. Adolay had come up with the 3,500 pounds in a previous meeting discussion the Board had.
  - iv. Mr. Rasdall noted that language would take all of the measuring away from the office and they wouldn't have to measure another boat.
13. Mr. Brumfield asked the Board if there was a consensus for Mr. Young to write up to reduce the wight of the boat to 3,495.
  - i. Mr. Leavitt noted his concern with the weight range is the load capacity, and sticking multiple people on the boat is a lot of weight, and that leads to higher wave action.

**MOTION: Mr. Maulden motioned to approve amending the Resolution 2024-3 to change the maximum weight from 4,000 pounds to 3,495 pounds and weight is determined by jdpower or manufacturer specs whichever is less, seconded by Mr. Rasdall.**

**Discussion: Mr. Young noted he would add some verbiage about grandfathering.**

**Mr. Leavitt noted he would personally like to see the Board agree on it in form not to take permanent action tonight, until the next meeting when the freeholders have a chance to look at it.**

**Mr. Sherman noted he believed they are not being transparent by letting people understand this is being voted on, and they can see by the few people who were at the meeting with this being significant changes to the District rule, and if this had been a published agenda item he would not have had a problem with taking action.**

**Mr. Leavitt noted that with this being new to people this evening he had concerns about that as well.**

**Mr. Parris noted one other challenge is they haven't allowed freeholders to speak to the rule changes.**

**Mr. Maulden noted that if they were not going to do this tonight, he would retract his motion**

**Motion withdrawn.**

10. Mr. Maulden asked if the Board was just trying to establish something for Mr. Young to write up. Mr. Brumfield noted that they are trying to come up with a consensus, a proposal for Mr. Young to write up.
  1. Mr. Rasdall agreed he would like Mr. Young to write that up and that he would like to extend the moratorium to January 31, 2025.
  2. Mr. Rasdall asked if he needed to make two separate motions for the moratorium extension and to have Mr. Young write this up.
  3. Mr. Young noted he did not need a motion to write this up if he was directed to do so by the Board President.

**MOTION: Mr. Rasdall motioned to approve extended the moratorium until January 31, 2025, seconded by Mr. Brumfield.**

**Roll Call Vote:**

**Mr. Sherman: Aye**

**Mr. Rasdall: Aye**

**Mr. Maulden: Aye**

**Mr. Adolay: Nay**

**Mr. Parris: Aye**

**Mr. Leavitt: Aye**

**Motion passed 6-1.**

11. Mr. Brumfield noted there was a discrepancy in 2024-9. There was discussion on speed boats measuring less than 21 feet.
  1. Mr. Brumfield noted the boat should measure less than 21 feet and that it would be determined by jdpower or the manufacturers' specs. Mr. Brumfield noted that the office measuring is subjective and should be taken out. Mr. Brumfield noted that Mr. Shermans concern was manufacturers include length of platforms, but you could still get a 19' boat with a platform.
  2. Mr. Maulden noted it would be best if they used jdpower, it would make boat shopping for freeholders easier, and it would be easier for the office.
12. Mr. Brumfield went over maximum length for the pontoon being 24 feet as described by manufacturers specs or jdpower; and that would be a reduction from 28 to 24. Mr. Brumfield noted that there have been several variance requests asked to extend their dock to the middle of the lake or cove to fit the larger pontoon.
  1. Mr. Leavitt noted that is part of it because people wanted to extend their roofs out to cover boats.
13. Mr. Brumfield noted the next item was a ban on wake boats. Mr. Brumfield noted that a wake boat is a power boat designed to create a large wake for wake surfing, also known as tow boats, and ballast boats; and noted wake boats are designed differently than traditional boats which are designed to minimize the wake. Mr. Brumfield noted that wake boats are designed to with hulls, ballast systems, and other technologies to create ideal wake for wake surfing. Mr. Brumfield noted the banned features of wake boats include but not limited to ballast

systems, hydrofoil technology wedges, surf tabs, wake shapers, v drive, and ballast both permanent and removable.

1. Mr. Youn noted he could do that all-in-one resolution but there are two topics, first banning wake boats and two banning wake surfing, and noted he believed it was conceivable that you could wake surf behind a boat that is not considered a wake boat.
  2. Mr. Sherman asked if the boats that v drives are not considered wake boats.
    - i. Mr. Brumfield noted that those boats are designed so that you have more weight in the back.
    - ii. Mr. Sherman noted he would be concerned that some v drives would be ski boats.
    - iii. There was a discussion over whether there are wake boats that are under 3500 pounds.
    - iv. Mr. Maulden noted that so no wake boats and no boats over 3495 pounds.
    - v. Mr. Young noted that they covered the other base with the no plowing rule. Mr. Young noted he believed this covered their bases, no wake boats, no equipment designed to create a wake, no operation of a boat that would cause an enhanced wake, and that covers plowing.
14. Mr. Brumfield noted the next item was banning wake surfing.
1. Mr. Brumfield noted that wake surfing is a water sport in which the rider trails behind the boats without being pulled directly by the boat, after getting up on the wake, typically using a tow rope, the surfer drops the rope and rides the steep base below the waves peak in a fashion reminiscent of surfing. Mr. Brumfield noted all persons being engaged in any water sport with the assistance of a motorize watercraft being pulled behind the vessel must use a tow rope of no less than 40 feet in length; the tow rope cannot be coiled or shortened in any fashion. Mr. Brumfield noted a vessel towing a tethered skier or wake boarder or tuber on a plane does not meet the definition of a wake surfer.
  2. Mr. Brumfield noted that plowing equals a large wake, plowing is the term to use when the boat is not yet on a plane but is above moving above idle speed through water, plowing is a transitional speed necessarily occurs between idling and getting on plane, motorist shall avoid continually plowing rather stay at an idle speed or get the boat quickly and safely on a plane.
    - i. Mr. Sherman noted that the two previous bans Mr. Brumfield spoke about were wake boats and wake surfing, but something to discuss with plowing is when you have small children, and you are teaching them how to ski you may not be on a plane. Mr. Sherman noted he did not know why they would have to have a no plowing rule. Mr. Sherman noted they had to be careful because if you have kids and you are teaching them to ski you can't be on a plane.
    - ii. Mr. Rasdall asked if it could be amended to say except for when there is a skier on a 40-foot rope. Mr. Rasdall noted this would



cover everything they had concerns over and agreed with Mr. Shermans thing about the kids.

- iii. Mr. Parris noted that the challenge would be if you're pulling a tube with a child tubing and it's going fast, they can't slow down because they must stay on a plane.
  - iv. Mr. Brumfield noted that if they went back to 10 mph you would not be plowing at that point.
  - v. Mr. Sherman noted he would not want to take away the discretion of the grandparent, when you have a child tubing or skiing.
  - vi. Mr. Rasdall suggested no plowing without having a tube or ski being pulled in that process.
  - vii. Freeholder Dave Jarret was asked how long a typical ski rope is to which he answered the standard is 75 but usually they 60.
15. Mr. Brumfield noted the next one is all new boats being registered to the CSCD for the first time must be inspected for compliance including but not limited to horsepower, and motor serial number and model of the boat to determine the eligibility and check for any wake enhancing devices enabled above.
1. Mr. Young noted he would review the current inspection resolution.
    - i. Mr. Brumfield noted this would be more in depth with horsepower and serial numbers.
    - ii. There was discussion on how staff would know if the horsepower sticker was changed.
16. Mr. Brumfield noted that the fishing boat horsepower was just increased to 40 horsepower but one of the most popular fishing boats out is the 17-foot tracker and they come standard with a 50 or 60 HP. Mr. Brumfield noted increasing the HP to 60, they would still be traveling about 30 mph. There was discussion about people not being able to get their fishing boats on without replacing their speed boat.
1. Mr. Leavitt noted that it would be more boats at high horsepower on the lake but not sure of the impact. There was discussion over the 19's maximum length requirement for fishing boats.
  2. There was discussion over skiing behind a fishing boat with that horsepower.
  3. There was discussion over keeping the fishing boat horsepower at 40.
17. Mr. Brumfield noted the next item was non-motorized boats.
1. Mr. Brumfield noted non-motorized boats dc electric propulsion must be listed from the manufacturer, motorized hydrofoils are not allowed in any configuration.
  2. Mr. Sherman asked about this topic.
  3. Mr. Brumfield noted in the past that non-motorized would allow for trolling motors and that is what this would mean.
  4. There was discussion over motor versus engine.
  5. Mr. Maulden asked Mr. Johann when it started for trolling motor fishing boats to be considered non-motorized.
    - i. Mr. Johann noted that it had been that way since he had been here and was not aware of when it started, it has been continually done

that way. There was discussion over electric boats. There was discussion over propulsion speeds.

18. Mr. Adolay discussed the price of grandfathered stickers.
19. Mr. Brumfield discussed different stickers for grandfathered boats.
  1. There was discussion about the Board setting prices for any boat.
    - i. Mr. Young noted that all stickers are subject to increases.
    - ii. Mr. Adolay noted that what if it were raised because they wanted to get rid of certain boats on the lake.
  2. Mr. Brumfield discussed all of the current and proposed boats that would fall under the grandfathered category.
  3. Mr. Young discussed grandfathered boats becoming inoperable. There was discussion over using inoperable verbiage.
  4. Mr. Sherman noted he did not understand why it would need a different sticker when all boats must be inspected and that was just discussed. Mr. Sherman noted if the property was sold and the new person bought the boat it would be new to that person, and Mr. Leavitt agreed it would have to be inspected at that point.
  5. Mr. Maulden noted he believed grandfathered stickers are good, it would be easier for people to buy the boat, they would know they can't put it on our lakes because it's grandfathered in.
  6. Mr. Sherman noted they were not talking about just inboard pontoons and jet skis; this would be every boat over 3495 pounds and any pontoon over 24 feet.
  7. Mr. Leavitt discussed the complications with this for the office.
  8. Mr. Johann went over the excel file of grandfathered boats that is kept in the office.

### **13. Board Member Concerns**

- a. **Mr. Sherman noted he appreciated the folks that attended the meeting, and he looks forward to getting the budget behind them and discussed the issue with the bid bonds. Mr. Sherman discussed having Mr. Young draft a document for the owner of Monroe LLC, to cover the costs of the engineer, attorney, and the office but not take the whole bond. Mr. Leavitt noted that the purpose of the bid bond is to cover the cost of going with the second bidder, and he agreed with not taking the whole bond. Mr. Sherman noted it was hard for him to justify possibly outing his business in danger by collecting the whole bond and we should just cover what costs we expended. Mr. Young noted that at the last meeting it was declared bond forfeit and that will have to be reversed. Mr. Young noted he did not want the District to lose the opportunity to go against the bond. Mr. Maulden asked why the Board was doing this. Mr. Sherman noted it was a moral issue, he doesn't believe we should get \$63,000 when we are not out that much, and he doesn't want to put him out of business. There was discussion of recouping all costs to the Conservancy.**

**MOTION: Mr. Rasdall motioned to approve Monroe LLC to deliver to the District a certified cashiers check in the amount of \$12,000 in exchange for rescinding the bond motion, seconded by Mr. Sherman.**

**Roll Call Vote:**

**Mr. Sherman: Aye**

**Mr. Rasdall: Aye**

**Mr. Maulden: Aye**

**Mr. Adolay: Aye**

**Mr. Parris: Aye**

**Mr. Leavitt: Aye**

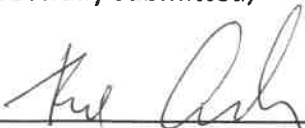
**Motion passed unanimously.**

- b. Mr. Rasdall thanked everyone for being there and their patience with the whole dam process, it is a big undertaking, and he believes they are on a good path, and all of the things the Board just discussed are a good reason for him not to have done the project.**
- c. Mr. Maulden thanked everyone for coming and thanked Mr. Brumfield for presenting the rule changes and getting all of this in front of them before next month's meeting. Mr. Maulden noted they needed to stop kicking the can down the road and start looking at other things.**
- d. Mr. Brumfield thanked everyone for staying and noted it was not an easy decision for some of these resolutions, and to some people it is not popular but to most of the freeholders this is what they wanted. Mr. Rumfield noted that the ecology of the lakes is far more important than anyone desires to use the lakes how they want.**
- e. Mr. Parris told everyone to have a good evening.**
- f. Mr. Leavitt noted he appreciated everyone coming.**

**14. Adjourn**

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

Respectfully submitted,



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Ted Adolay, Board Secretary

Date Submitted: