

# Cordry Sweetwater Conservancy District Board of Directors Meeting “Minutes”

April 19, 2011, 7:00 PM, CSLOA Clubhouse

**Present:** Larry Kolar, Quinn Hetherington, David Moebs, Cheryl Boyle, Francis Gantner, Norman Noe

**Absent:** Jerry Fenwick

**CSCD Attorney:** Roger Young

**Managers:** Vernon McGaha, Marty Anderson, John Collins

**Managers Absent:** None

**Guests:** Nancy Bowker, Russell Slutz, Cully Kinnick, Bill Boyle, Patrick Sherman, Jim Ray, Sue Babcock, Frank Green, Steve Deweerdt, Dan Lee, Tom Lowe, Bryan Dougherty, Herb Benshoof, Dave Jarrett, Georgene Settles, Paul, Shawn Michell, Betsy Edwards

**A. Welcome and Pledge of Allegiance:** Mr. Kolar called the meeting to order at 7:10 PM.

**B. Agenda Modifications:**

1. Mr. Kolar stated that the Approval of the March 15, 2011 Executive Minutes omitted from the Agenda due to administrative error.
2. Mr. Moebs stated he would like to make the following two additions to the Agenda under Unfinished Business: Status from Roger Young on 6300 Grouse Drive property owner and cleanup of lot and Discussion of plan for audit of CSCD finances as approved by the Board late last year.

**Motion:** Mr. Moebs made a motion to approve the above mentioned modifications to the Agenda, seconded by Mr. Noe-motion carried unanimously.

**C. Freeholder Concerns:** None

**D. Approval of Minutes:**

1. March 15, 2011 CSCD Board Annual Meeting Minutes

**Motion:** Mrs. Boyle made a motion to approve the March 15, 2011 CSCD Board Annual Meeting Minutes, seconded by Mr. Moebs- motion carried with 5 votes for and 1 abstention.

2. March 15, 2011 CSCD Board Executive Meeting Minutes

- a. Mr. Moebs stated that the minutes were not complete due to the omission of the phrase "nothing beyond this topic was discussed" after purpose of the meeting.

Motion: Mrs. Boyle made a motion to table the approval of the March 15, 2011 CSCD Board Executive Meeting Minutes until the next meeting, seconded by Mr. Gantner- motion carried unanimously.

E. Management Reports:

1. Financial Manager: Marty Anderson

- a. The financial report was read aloud by Mrs. Anderson

Motion: Mr. Gantner made a motion to approve the financial report, seconded by Mrs. Boyle- motion carried unanimously.

- b. The claims were reviewed by the board members. Mr. Kolar questioned claim #237- auto parts and it was determined that it was used for maintenance expenses for shop trucks.

Motion: Mrs. Boyle made a motion to approve the claims, subject to audit, seconded by Mr. Gantner- motion carried unanimously.

2. Infrastructure Manager: John Collins

- a. Mr. Collins received notice from the Department of Natural Resources requiring inspection to be completed on the Sweetwater Dam by May 6, 2011. In accordance with Indiana Code 14-27-7.5-9, the owner of a high hazard structure shall have a licensed professional engineer make an engineering inspection of the high hazard structure at least one time every two years and submit an inspection report to the Indiana Department of Natural Resources. The Department of Natural Resources inspects the Cordry Dam every three years but will not inspect Sweetwater Dam as it is considered a high risk structure. Mr. Collins presented a proposal received from Fink Roberts & Petrie, Inc. for the inspection service fee of \$3,150.

Discussion: Mrs. Boyle questioned the Board Members regarding an offer for a free inspection that the Board had received in the past. Mr. Collins stated that that inspection was only for the water utility and not the dam. Mr. Moebs and Mrs. Boyle discuss a free inspection for the dam that was offered with membership to a conservancy organization. Mr. Moebs and Mr. Kolar agree that the price Fink Roberts & Petrie, Inc. provided is fair. Mr. Gantner questioned the first paragraph of the notice from the Department of Natural Resources (provided by Mr. Collins) which stated that the completion of the recommended tasks to address the problems with the previous inspection must be documented to the

Department of Natural Resources as well. The proposal from Fink Roberts & Petrie, Inc. included only an amount for the inspection. Nothing in the project scope included addressing items of work needed from the prior inspection report.

**Motion:** Mrs. Boyle made a motion to accept the proposal with Fink Roberts & Petrie, Inc. in the amount of \$3,150 on the condition that it includes the items of work needing repair from the prior inspection report, seconded by Mr. Gantner- motion carried unanimously.

**3. Security Manager: Vernon McGaha**

- a. The security report was read aloud by Mr. McGaha.
- b. Mr. McGaha stated that the weather siren would be established in three weeks.
- c. The 2011 Ford Explorer is in and is currently receiving installations and will be back in the second week of May 2011.
- d. According to Jeff Deckard, Chief Deputy of the Sheriff's Department, the Sheriff's Association voted to stay with brown and tan as official colors of sheriff deputy vehicles.
- e. The in-vehicle cameras need updating.
- f. Brown County has changed to an E-ticket system. Mr. McGaha is researching prices to determine cost of changing ticket system to correspond.
- g. New buoys are needed for both lakes- this is further addressed in the Security Commission report.

**F. Commission Reports:**

**1. Building-Dan Lee**

- a. Minutes from the April 5, 2011, meeting were presented to Board and Mr. Lee asked for any questions. No questions were asked.
- b. Mr. Lee stated that Mr. Moebs composed Resolution 2011-3 to address the regulation that decks are not allowed within 25 feet of the shoreline.

**Discussion:** Mr. Gantner questioned the enforceability of this regulation and stated it would set a precedent clearly inconsistent with the past several years and a significant number of lots on the lakes. Mr. Moebs stated he wrote the Resolution with Margaret Bruce's initial intention that decks be set back 25 feet from the shoreline when she wrote the original regulation concerning this topic. There was much discussion on this topic. Board members discussed the need for public meetings for lot owners' input. Mr. Lee stated that during the past year, he has been approving permits for decks based only on the criterion that the detached deck must have a 10 feet setback on dwellings with no consideration to the distance from shoreline. It was determined that Mr. Lee should continue as he is currently doing until a decision has been made on the Regulation.

**2. Ecology-Mr. Kolar**

- a. Permits will be required for the dredging application for the northern end of Sweetwater Lake. In order to obtain permit(s), an environmental inspection needs

to be conducted to make a determination of wetland status. The Commission voted to employ an environmental engineer to complete the inspection at a fee not to exceed \$2,500.

**Motion:** Mr. Kolar made a motion to hire an environmental engineer to conduct the inspection to determine wetland status at a fee not to exceed \$2,500, seconded by Mrs. Boyle- motion carried unanimously.

**Discussion:** Mr. Noe questioned if the Board should determine cost of the application before spending money on the environmental inspection. Mr. Kolar and Mrs. Boyle explained that the Board had already voted to complete and submit the dredging application to the Army Corp of Engineers in the February 15, 2011 meeting. Mr. Gantner mentioned that there will be money in the budget each year for dredging.

- b. Power Landscaping and Mowing, LLC submitted a bid for two sessions of mowing of the Cordry and Sweetwater dams for a fee of \$7,500. This was the only bid response to the ads for mowing.

**Motion:** Mr. Kolar made a motion to accept the bid from Power Landscaping and Mowing, LLC for a fee of \$7,500, seconded by Mr. Gantner- motion carried unanimously.

- c. Emphasis this year will be on fishery management instead of stocking fish.
- d. The Commission will be applying for a Geese Removal Permit later in the year.
- e. Mr. Collins is bringing bids for Sweetwater Boat Ramp repairs to next meeting.

**Discussion:** A freeholder stated that the CSLOA has approved hiring a landscape architect for a fee of up to \$4,000 in order to gain a landscape design for the proposed park and then plans to submit design to the Board for approval. Mr. Noe questioned whether the CSLOA had authority to hire the landscape architect. There was discussion concerning both the merit and detriment that the proposed park might provide. Some discussion centered around the idea that this is a conservancy and the area of the proposed park should be conserved as well as that the area is the only space available for the deer hunts. Mr. Moebis excused himself from the meeting.

### 3. Security-Mr. Hetherington

- a. Mr. Hetherington recommended a purchase of 10 buoys for both lakes for a fee not to exceed \$1,300.

**Motion:** Mr. Hetherington made a motion to purchase 10 buoys for a fee not to exceed \$1,300, seconded by Mrs. Boyle- motion carried unanimously.

**Discussion:** Mr. Kolar questioned what kind of cable is being used for the buoys. Mr. Collins responded that it is a galvanized cable and that the problem is not in the cables but

with the metal ring. Mr. Noe advised asking the manufacturer for a suggestion to fix the metal ring problem. Mr. Collins stated he would contact the manufacturer.

- b. CSCD employees have asked for the right to purchase one boat sticker and to use the beach, essentially being treated as an offshore freeholder.

**Discussion:** Mrs. Boyle stated her opposition to the rights to boat stickers but not to beach access. At Mr. Noe's suggestion, the Board decided to revisit the issue at the May meeting.

- c. The Commission recommended the allowance of power/speed boats 20 feet 0 inches and under on the lakes and to determine this length using manufacturer specifications. The current regulation allows power/speed boats of 19 feet and under with no mention of how to measure. This recommendation was based on the findings of the Boat Length Committee, which traveled to dealerships and shows and conducted extensive research on the boat length topic with the main focus areas being safety, erosion control, recreation, and home value. The Committee presented findings at both the March and April Security Commission meetings.

**Motion:** Mr. Hetherington made a motion to allow power/speed boats 20 feet and under determined by manufacturer specifications on the lakes, seconded by Mrs. Boyle- motion failed due to lack of second as second was rescinded after discussion.

**Discussion:** There was much discussion on this topic. The input of freeholders via a public meeting was a prevalent concern. Mr. Noe questioned if a tape measure could ever be used to measure the boat length instead of only manufacturer specifications. Mr. Gantner also stated that he felt using only manufacturer specifications would not yield as consistent results as physical measuring. While commending the committee's efforts, Mr. Noe also questioned the balance and fairness of the members' views on the issue. The Board stated concerns over meeting a balance for both the lakes and the freeholders. It was determined that public meetings should be held for freeholders' input. A freeholder questioned if the regulation could then revert back to its original form since no public input was consulted when the Board changed it in August of 2010. Mrs. Anderson questioned what to instruct the office employees when distributing boat stickers. A freeholder stated that a 19 feet 11 inch boat is shown on a title as a 19 feet boat so the change to 20 feet is not that big of a change when there are already boats on the lake that are 19 feet 11 inches. The issue was put on hold for decision pending public meetings.

Mrs. Boyle rescinded her second.

- d. The Commission asked for approval from the Board for a deer hunt in the fall of 2011 and the fall of 2012.

**Motion:** Mr. Hetherington made a motion to approve the deer hunt for the next two years with dates to be determined when the season dates are set by the state, seconded by Mrs. Boyle- motion carried with 5 votes for and 1 vote against.

**Discussion:** Mr. Kolar stated a desire to survey freeholders on the deer hunt issue. Mr. Noe stated that in the past, public meetings were held with over 100 in attendance to discuss the deer hunt issue. A freeholder stated she is violently opposed to the deer hunt and expressed a need to survey freeholders.

#### 4. Roads-Mr. Noe

- a. The Commission voted to accept the Wagler Brothers bid for stone.

**Motion:** Mr. Gantner made a motion to accept the Wagler Brothers bid for stone, seconded by Mr. Noe- motion carried unanimously.

- b. Charlie Poff resigned from the Roads Commission, leaving an open spot on the Commission.
- c. Mr. Collins is collecting quotes for paving drives.

#### 5. Water-Mrs. Boyle

- a. Mrs. Boyle stated the utility is still owed \$74,000 for the second installment of 2010 and the first installment of 2011 fire hydrant rental.
- b. In March, the water tower overflowed due to a problem with the phone lines that signal the pump station to turn off, causing an approximate loss of 80,000 gallons.

**Discussion:** Mr. Noe stated that the water loss is twice the national average of 15% and that a more proactive approach may be warranted as this results in the loss of \$32,000 annually. A freeholder, Shawn Michel, explained the new AWWA formula for calculating water loss and how it will take into consideration the unique configuration of the system.

#### G. Brown County Solid Waste-Mr. Moebs (absent)

#### H. Unfinished Business:

1. The Board revisited the issue of insurance coverage on the Dam. Mr. Kolar presented an email regarding this issue received from insurance agent Richard Hawes. Mr. Gantner offered to contact and obtain more information from Mr. Hawes.
2. Mr. Kolar presented the proposed submission schedule for the 2012 budget to the Board members and asked them to review for a discussion in May.
3. The Board began a discussion concerning revisions of boat sticker rules. Mr. Gantner suggested the issue be revisited at the next meeting as it relates to the boat length

issue. Mr. Young stated that he was not proposing the revisions; he was simply preparing something he thought the Board wished him to do.

4. Mr. Young reported the following litigation updates:
  - a. Regarding the Klosinski lawsuit, the Court of Appeals reversed Judge Stewart's ruling. The Court of Appeals stated the district is well within rights to require the septic program. Additionally, the district had filed a suit to force freeholders to comply with the septic program. This suit was placed on hold pending the result of the Court of Appeals ruling. Now that the Court of Appeals has ruled, it is the hope of Mr. Young that within four to six months the district will be finished with the septic program suit.
  - b. Regarding the Mercer lawsuit, the plaintiff alleged the district was responsible for water lines leaking into his house. This suit will be mostly defended by the insurance company. However, Mr. Young will remain involved.
5. Due to the absence of Mr. Moebs, the status update from Mr. Young on 6300 Grouse Drive property owner and cleanup of lot was not discussed.
6. The Board began a discussion concerning the plan of audit of CSCD finances. Mr. Noe stated that the Chairman was supposed to start on the audit. The issue was delayed for discussion to the May 2011 meeting.

**I. New Business:**

1. Resolution for payment of claims was delayed for discussion to the May 2011 meeting.

**J. Board Member Concerns:**

1. Mr. Kolar introduced the new Board Administrative Assistant, Betsy Edwards. He asked that any newsletter articles be submitted to Mrs. Edwards no later than May 3, 2011.
2. Mr. Hetherington questioned the need to have public meetings as the Board members are elected as representatives of the freeholders. He also stated that there are several public Commission meetings that freeholders can attend to voice input. Mr. Hetherington reported that it is actually slow boats that cause the most shore erosion and not the fast boats that most people assume are responsible and also that the allowance of larger boats on the lakes can increase property values as well.
3. Mr. Noe stated a concern regarding the large size of the compost pile and the inadequate road leading to it. He suggested eliminating the pile.

**K. Adjourn:**

Mr. Hetherington made a motion to adjourn the meeting at 9:22 pm, seconded by Mrs. Boyle-motion carried unanimously.

Respectfully submitted by Betsy Edwards.

Approved this 17<sup>th</sup> day of May, 2011, at Nineveh, IN

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Jerry Fenwick, Chairman      Aye   Nay      *Francis Gantner*  
Francis Gantner      Aye   Nay

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Larry Kolar, Vice-Chairman      Aye   Nay      Cheryl Boyle      Aye   Nay

*Quinn Hetherington*      *X*      *Norman Noe*      *✓*  
Quinn Hetherington, Secretary      Aye   Nay      Norman Noe      Aye   Nay

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David Moebis      Aye   Nay

Attest:  
*Quinn Hetherington*  
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Quinn Hetherington, Secretary