

May 21, 2013 Minutes
Cordry-Sweetwater Conservancy District
Board of Directors Meeting
"Minutes"
May 21, 2013, 7:00 PM, CSLOA Clubhouse

Board Members Present: Larry Kolar, Jim Ray, Anita Wright, Quinn Hetherington, Herbie Benschopf, Francis Gantner

Board Members Absent: Cathey Byers

CSCD Attorney: Roger Young

Managers Present: Rod Blasdel, Nina Latimer, Vernon McGaha, Anthony Haywood

Managers Absent: None

Guests: Dave Jarrett, Shawn Micheal, Ron McManus, Dani Kerson

A. Welcome and Pledge of Allegiance: Mr. Kolar called the meeting to order at 7:00 PM

B. Announcements:

1. None

C. Agenda Modifications:

1. Mr. Kolar requested the approval to add the approval the purchase of a new server as line item 10D to the agenda.

MOTION: Mr. Kolar made a motion to add the approval the purchase of a new server as line item 10D to the agenda, seconded by Mr. Gantner– motion carried unanimously.

D. Freeholder Concerns:

1. It was asked if a new schedule was created for dredging of the lakes. Mr. Kolar stated that we do have a schedule and that we will be dredging Cordry Lake this year and then it will alternate between the two lakes until 2015. The plan is available.

E. Approval of Minutes:

1. April 16, 2013 CSCD Board Meeting Minutes

MOTION: Mr. Ray made a motion to approve the April 16, 2013 Board meeting minutes as submitted, seconded by Mr. Benshoof– motion carried unanimously.

F. Management Reports:

1. **Conservancy Manager: Mr. Blasdel**

- a. Mr. Blasdel read his manager's report on the various projects in progress within the District.
- b. Christopher B. Burke Engineering has performed a field visit for observation and has the appropriate fixtures and exhibits for the IEAP for Sweetwater Dam. Mr. Blasdel has identified key personnel for the plan implementation. This is through a grant from the Indiana Department of Homeland Security. All work must be completed by June 30, 2013.
- c. We have hired all personnel for boat patrol, marina attendants, and beach attendants. Most of the hires have been hired in past years. They have been through the CPR/Basic First Aid training and orientation.
- d. The Board has an opportunity to purchase propane through Gail's Propane with a pre-fill agreement. The Board would agree to purchase 2,000 gallons at \$1.399/gallon to be used by March 31, 2014. The previous year the Board paid \$1.699/gallon. The Board approved for Mr. Blasdel to move forward.
- e. Last month Mr. Kolar asked Mr. McGaha and Mr. Blasdel to sit down and come up with a solution to the Security Officer's Holiday Pay. They did get together to come up with a solution. Mr. Blasdel stated the past practice and what the current practice is after the Board vote in March. After sitting down with Mr. McGaha, they came up with an agreeable alternative. It would go as follows:
 - a. Officers working their 10 hour shift on an observed holiday would continue to be paid one and one half times their hourly rate according to guidelines. Officers whose normally scheduled work days do not fall on a holiday will be paid an additional 8 hours pay at their normal hourly rate, for the holiday even though they did not work that day.

Mr. Kolar stated that the Board had adopted the current practice to correct what was being done in the past. Mr. Kolar asked to see the new proposal laid out in a chart. Mr. Benshoof asked if the security officers worked 40 hours a week and also get the same holidays off as the other full time employees. Mr. Kolar answered that they do. Mr. Benshoof stated that he doesn't see the difference between the Security Officer and the other full time employees, with respect to having paid holidays. Mr. Kolar stated that the difference is the Security Officers work four 10 hour days and get three days off while the other full time employees work five 8 hour days and get two days off. Mr. Kolar stated that it needs to be looked at a little bit better before voting on it. Mr. Gantner stated that this is an issue that needs to be addressed in an executive meeting. Mr. Young stated that it isn't an issue that can be legally discussed in an executive meeting. Mr. Kolar stated some information to the Board about what was in the Standard Labor Handbook. Mr. Hetherington stated that a Security Officer is actually getting paid ½ pay while working a holiday

since any other full time employee is getting paid their normal pay while not working. Mr. Gantner stated that the Security Officers get certain benefits, such as a car, while other employees don't. Mr. McGaha stated that the CSCD-provided car is because the deputies are on call 24/7 and also work extra during the holidays. Mr. Hetherington stated that just because some rule says we have the right to do something doesn't always make it right or correct. Mr. McGaha stated that there is adequate funding in the budget for his proposal and that the officers feel like they are getting beat down. He was told to get with Mr. Blasdel for further evaluation of the issue, which he did, and he was concerned because with a holiday was coming up soon. Mr. Gantner stated that he believes that this issue should be tabled until the next meeting in June in order for the Board members to further discuss amongst themselves. Mr. Kolar asked for a few more alternatives than what was provided.

MOTION: Mr. Gantner made a motion to table the issue of Holiday Pay for Security Officers until the June Board meeting, seconded by Mr. Benshoof— motion passed unanimously.

- f. Mr. Gantner asked Mr. Blasdel about the IEAP since he was absent during the last Board meeting. Mr. Blasdel stated that it is as emergency action plan funded by a grant from Indiana Homeland Security and Christopher B. Burke was selected to perform the study. It is in case of a breach of the dam.

2. Financial Clerk: Mrs. Latimer

- a. Mrs. Latimer read the financial report. Mr. Kolar stated that the tax receipts should be coming soon.

MOTION: Mr. Gantner made a motion to approve the financial report subject to audit, seconded by Mr. Benshoof— motion passed unanimously.

- b. The Board reviewed the claims for the month. Mr. Gantner asked where the water meter deposit comes from for the refunds. Mrs. Latimer stated that they are put into the water fund and show under the total. Mr. Hetherington asked if we make residents ask for the water deposit refund. Mrs. Latimer stated that we automatically send it to the homeowner once they have their water shut off and if they have an outstanding water bill we will deduct it from that and send them the difference. Mr. Kolar asked about line item 320 and 319. Mrs. Latimer stated that past practice was that the bills paid for employee insurance were being paid with one check for everyone and then we would have to go back and write a check from the water fund to the general fund for the water employees. Now we write two separate checks, one from the water fund for the water employees and another check from the general fund for the rest of the employees. Mrs. Latimer also stated that the use of credit cards have gone smoothly. Mr. Ray asked about line item 292. Mr. Haywood stated that it is for the parks.

MOTION: Mr. Benshoof made a motion to approve the claims subject to audit, seconded by Mrs. Wright— motion passed unanimously.

3. Roads/Water Supervisor: Mr. Haywood

- a. The mowers and equipment have been breaking but the mowing has been done.
- b. Getting ready for the summer season. Power washing the bathrooms at the beach.
- c. Mr. Benshoof asked if they are mowing 1 or 2 times a week. Mr. Haywood said 2 times depending on the weather.
- d. Mr. Kolar asked if the canopy has been put up at the Cordry Dam dock. Mr. Hetherington stated that he did it today.
- e. Mr. Kolar asked if the leaks in the water utility lines have been fixed. Mr. Haywood stated that they are still working on them.
- f. Mr. Hetherington suggested that they look at the buoys one last time. He also asked about the shelter house in the park being used for equipment storage since some homeowners like to use it during the summer. It was stated that it is still being used temporarily for storage until the new administration and maintenance building is completed, at which time the equipment can be moved out and improvements can be made to the structure to allow for recreational use by residents.

4. Security Manager: Mr. McGaha

- a. Still looking at patrol boat prices.
- b. Idle light has been reset and goes yellow at 7:55pm.
- c. Watching for speeders in the area and have issued a few tickets
- d. Mr. Hetherington asked about the paddle boat that has been sitting at the Cordry Dam. Mr. Blasdel stated that it is unworkable and has sent a letter to the homeowners. It was suggested that we bring it back to the property since we know who it belongs to.

G. Commission Reports:

1. Building: Mrs. Wright

- a. There were six building permits issued.
- b. Letter was sent to the homeowner at 6450 Loon Dr. There has been no response from the homeowner.
- c. Mr. Young filed suit against the property owners at 8321 Center Lake Rd. There has been some improvement to the property. It was suggested by Mr. Young to send them a letter that if they do some more improvements to the property that the District would recommend dropping the lawsuit. Mr. Kolar also stated that neighbors should not leave letters or notes within other neighbors' mailboxes if they have an issue. If they want to complain they should go to the office and file a complaint.
- d. At the property on 7448 Jay Dr. there is an addition being built on top of a garage. No permits had been issued by CSCD. Mr. Hardin from Brown County came out and inspected the property and gave them a permit and told Mr. Lee that the homeowners wanted to use it only for storage. It was found out that it is actually subdivided to make rooms and what appears to be a bathroom. Mr. Hardin then

issued a stop work order on the project but would allow them to finish the outside of the addition. Mr. Young stated that the homeowners have to comply with both Brown County and the District rules for building improvements and additions. Brown County has stated that a homeowner only needs a permit from them and not from the CSCD yet there is an ordinance that states otherwise. Mr. Gantner stated that there is enough evidence to issue an immediate stop work order to the project. Mr. Taggart stated that a tree fell on the garage and so the homeowner tore it down and rebuilt it with the addition. It was determined that after Mr. Lee and Mr. Blasdel review and conclude that a permit was required that they consult with Mr. Kolar and Mr. Young to get approval for a stop work order from the Board.

MOTION: Mr. Gantner made a motion to approve Mr. Lee and Mr. Blasdel review and conclude that a permit was required and that they then consult with Mr. Kolar and Mr. Young to get approval for a stop work order for the property at 7448 Jay Dr., seconded by Mr. Ray; there was discussion – motion passed unanimously.

Mr. Gantner wanted to amend the previous motion. It would include that if the stop work order is ignored by the homeowner than the Board is also authorizing immediate legal action to file an appropriate temporary restraining order in respect to further construction on the property.

MOTION: Mr. Gantner made a motion to amend the previous motion to include that if the homeowner at 7448 Jay Dr. ignores the stop work order that the Board authorizes immediate legal action to file an appropriate temporary restraining order in respect to further construction on the property, seconded by Mr. Ray; there was discussion – motion passed unanimously.

- e. Mr. Jarrett had raised an issue with a dock that was recently built. It was brought to the Commission's attention by other homeowners. The dock has sliding barn-style doors to partition off part of the dock. The question was raised if it violates a rule that states the sides of a boat shelter must remain open and not enclosed. Mr. Young does not see a violation since it doesn't enclose it. The dock was already approved and built. The rule was created in order to avoid adjacent homeowners' views of the lake being compromised. Mr. Kolar asked if the drawings for the permit include the partition and were so approved by the Commission. If the partition was not in the drawings approved by the Commission than we can ask for it to be removed. Mr. Gantner asked if we want boat shelters being used as entertainment area and stated that the Commission needs to look into that issue. Mrs. Bruce stated that the Building Commission doesn't see the plans to be approved. The current practice goes against what the current rules state. All plans should go before the Commission for approval. Currently, it is being approved by Mr. Lee and one other Commission member. This was to expedite the approval process. The Board stated that according to the rules that all homeowners need to submit the plans for a building permit to the Commission for approval. Mr. Young stated that there should be a submitted deadline for all plans determined by the Commission.

MOTION: Mr. Gantner made a motion to emphasize that the homeowner needs to submit all building permit plans to the Building Inspector to make a recommendation to the Building Commission for approval, seconded by Mr. Ray; there was discussion – motion passed unanimously.

- f. Mr. Gantner asked about the property at the end of Leopard Dr. The homeowners have received a permit from Brown County to build a house at the end of the drive. The setback is only 19 feet. The County ordinance and the District rules state that it needs to have a setback of 25 feet. There is no evidence of a variance or a permit from the District. The homeowners have only put in a septic system but have yet to actually build the house. Mr. Gantner suggested that a stop work order be issued immediately if nothing has been submitted to the District for a building permit or variance.

MOTION: Mr. Gantner made a motion that a stop work order be issued once Mr. Lee and Mr. Blasdel determine if the homeowner has not submitted any application for a permit and that if it is ignored the Board give Mr. Young authority to take legal action for appropriate temporary restraining order in respect to further construction on the property, seconded by Mr. Ray; there was discussion – motion passed unanimously.

2. Ecology: Mr. Ray

- a. There were three bids submitted for dredging for Cordry Lake. Only one bidder had everything that was required. This was from the same contractor that dredged Sweetwater Lake last year. It is recommended the Board accept the bid from Merrell Brothers for dredging 8,243 cubic yards of Cordry Lake during the 2013 season at the amount of \$191,567.32. The contractors could submit alternative bids for each year until 2017. This brought up an issue that if the Board were to accept all five years that we would have to deal with Common Wage. In order to not have to deal with the uncertainties of the Common Wage requirement we decided just to award the bid for the 2013. This amount is considerably higher than last year. Mr. Hetherington asked how it compares to last year. Mr. Kolar stated that it is \$6 to \$7 more per cubic yard than last year. Mr. Ray stated that the job is more complex than last year due to smaller coves. We have signed an easement contract with a property owner to allow access for moving the material out of the lake.

MOTION: Mr. Kolar made a motion to approve the bid from Merrell Brothers bid for dredging 8,243 cubic yards of Cordry Lake at the amount of \$23.24/cubic yard for a total amount not to exceed \$191,567.32 for the year 2013 and to reject the optional years 2014, 2015, 2016, and 2017, seconded by Mr. Gantner; there was discussion – motion passed unanimously.

MOTION: Mr. Gantner made a motion to reject the bids from J.S. Mcullough Excavating, LLC for being non-responsive and Swamp Thing as being non-responsive and to return the bid unopened advising the bidder as to why the bid is being returned, seconded by Mr. Ray; there was discussion – motion passed unanimously.

- b. There were two bids submitted for the boat ramps on Sweetwater and Cordry Lakes. Only one bid was complete; the lowest bidder didn't have a complete bid package. It is to repair the boat ramp on Cordry Lake and to replace the boat ramp on Sweetwater Lake. The bidder who had a complete bid package was from Dave O'Mara Contractor, Inc. The bid for replacing Sweetwater boat ramp is for a cost of \$59,830 and for repairing Cordry boat ramp is for a cost of \$25,800 with a total cost of \$85,630 to do both ramps. There is a 12 week lead time to obtain cabled concrete materials. The material type is the same as what is currently being used on Cordry Lake.

MOTION: Mr. Ray made a motion to approve the bid from Dave O'Mara Contractor, Inc. for replacing Sweetwater boat ramp at a cost of \$59,830 and to repair Cordry boat ramp at a cost of \$25,800 with a total cost of both boat ramps not to exceed \$85,630, seconded by Mr. Gantner; there was discussion – motion passed unanimously.

MOTION: Mr. Gantner made a motion to reject the bid from Trissler Construction Company, Inc. as being non-responsive for failing to apply with the specifications in providing Indiana form financial statement #96 , seconded by Mr. Benshoof; there was discussion – motion passed unanimously.

- c. There were two written bids for the mowing contractors. They were invited to submit bids for 3 years. There were two prices given. One price was for just this season for mowing both dams and the other price was for each of the three years. The first bid was from Engledow which we used last year. For two mowings and the necessary trimming and cleaning it would cost a total of \$5,595.38 per year for three years. This is less than what it cost the District last year. The other bid was from Power Landscaping and Mowing, LLC. at the cost of \$7,500 for one year and \$7,500 plus the price increase of gas per year for three years. The Commission recommends that the Board approve Engledow for the mowing contract.

MOTION: Mr. Ray made a motion to approve Engledow for a total cost not to exceed \$5,595.38 per year for three years, 2013, 2014, and 2015, seconded by Mr. Gantner; there was discussion – motion passed unanimously.

3. Security: Mr. Hetherington

- a. The Commission discussed an issue with paddle boards. The state classifies them as a toy. We have had a few times in which homeowners have paddled within the beach area. The Commission recommended that the Board add to rule number 4 on page 11 of the rule book that paddle boats are prohibited from the beach area for safety and to have lot numbers added to paddle boats for ID purposes. Mr. Benshoof says that those who own a paddle boat wouldn't let them far out of sight because of their value and you wouldn't even be able to see the lot numbers since they are more of a flat surface. The lot numbers are used for ID purposes in case of violators. This rule would be effective as of tonight.

MOTION: Mr. Hetherington made a motion to approve to add to rule number 4 on page 11 of the green rule book include paddle boats as excluded items in the beach area for safety and to add lot numbers for ID purposes, seconded by Mr. Ray; there was discussion – motion passed with 5 votes for and 1 against. Roll call is as followed:

Byers – Absent

Benshoof – No

Hetherington – Yes

Gantner – Yes

Ray – Yes

Wright – Yes

Kolar – Yes

- b. There was discussion about changing when the idle light turns yellow. This is not in the rule book. It is currently being reset on the same day as the Security Commission meeting. In order for the homeowners to know when the idle light turns green, it was recommended that the idle light is green from 10am to 8pm from the second Tuesday in May through the second Tuesday in September. Beginning the second Tuesday in September through the second Tuesday of May it will be green until one hour before sunset. It will turn green at 10am all year round. Mr. Benshoof asked why we would change it. Mr. Hetherington stated that it would be easier for the District to reset the idle light during the year. This would result in two less hours each summer of green light. Mr. Gantner suggested that it be reset on a monthly basis from the second Tuesday of September to the second Tuesday of May as an average for sunset time. Mr. Benshoof stated that those who don't live here year round will end up losing boating time.

MOTION: Mr. Hetherington made a motion to approve that from the second Tuesday in May through the second Tuesday in September the green light running time will be from 10am to 8pm. From the second Tuesday in September through the second Tuesday in May the yellow light will come on one hour before sunset with 10am continuing to be when the green light comes on. Seconded by Mrs. Wright; there was discussion – motion passed with 5 votes for and 1 against. Roll call is as followed:

**Byers – Absent
Benshoof – No
Hetherington – Yes
Gantner – Yes
Ray – Yes
Wright – Yes
Kolar – Yes**

MOTION: Mr. Hetherington made a motion to amend the previous motion to state that beginning the second Tuesday in September through the second Tuesday in May the yellow light will come on approximately one hour before sunset with the timer being reset monthly on the day of the Security Commission meeting, seconded by Mr. Gantner; there was discussion – motion passed with 5 votes for and 1 against. Roll call is as followed:

**Byers – Absent
Benshoof – No
Hetherington – Yes
Gantner – Yes
Ray – Yes
Wright – Yes
Kolar – Yes**

- c. Mr. Hetherington made an announcement that there would be a kayak poker run on June 23rd at 2pm on Cordry Lake. There would be an adult race and a junior race for those under 21 years old. It is open to any stickers or ID numbers non-motorized boats. The winner would win \$100 prize.

4. Roads: Mr. Gantner

- a. There was no update due to Mr. Gantner's absence.

5. WATER: Mr. Benshoof

- a. Still working on the water loss plan.
- b. Reviewing financial software for water due to having issues with our current software.
- c. ME Simpson asked for permission to use our water loss report at a conference in Chicago to present.

H. Other Governmental Interface Meeting Reports:

1. Brown County Solid Waste: Mrs. Byers

- a. There was no update due to Mrs. Byers's absence but the Board members were given the meeting agenda.

I. Status from CSCD Attorney: Roger Young

1. Have upcoming court dates for both a house foundation case and a dilapidated house case.
2. Continuing action to get us out of the Brown County fire territory case before it goes to mediation. Chances are we will be able to get out of the case.
3. Mr. Hetherington asked about whether a homeowner could have a chicken coop. He didn't know if they were restricted since the covenants states that no chicken coop can be allowed for commercial purposes. Mr. Blasdel stated that the rules state that a homeowner isn't allowed to have any fowl. It is determined that this is restricted.

J. Unfinished Business:

1. Mr. Young updated on the Interlocal Agreement. We have reached out to the new County attorney. Mr. Young emailed a copy of the proposed agreement and gave background information about the Interlocal Agreement. We are still waiting on a response.
2. Mr. Kolar gave an update on the new Maintenance/Office Building. We are waiting to close on the loan. The closing should be on the 3rd of June. Barnes and Thornburg are preparing the necessary documents now.
3. There are no updates to the Goals for 2013.

K. New Business:

1. Mr. Kolar asked for approval for Resolution 2013-3. This is needed for approval of additional appropriation. It is a requirement of the State. The District is entering into a long term loan with First Financial Bank in Columbus, Indiana in the amount of \$600,000 for the purpose of procuring funds to be applied to the cost of construction of a District maintenance/Office building within the boundaries of the District. This is a 10 year 72 month loan. It was opened up as a public hearing. No one spoke up so than the public hearing was closed.

MOTION: Mr. Kolar made a motion to adopt Resolution 2013-3 stating that the Board of Directors are entering into a long term loan with First Financial Bank in Columbus, Indiana in the amount of \$600,000 for the purpose of procuring funds to be applied to the cost of construction of a district maintenance building/office building within the boundaries of the Cordry-Sweetwater Conservancy District, seconded by Mr. Gantner– motion passed unanimously.

2. Mr. Kolar went over the budget for 2014. Mrs. Latimer created a draft copy of the budget. She also created a submission spreadsheet on the different steps of the budget. We will be reviewing and finalizing the budget at the June 18th Board meeting. The first public hearing will be during the August Board meeting with the second public hearing during our September Board meeting. The adoption will be at our October Board meeting. Mr. Kolar stated that they factored in a 3% pay increase for employees. It is also broken down some of the line items to better see where they money is going. All in all it is an increase of about \$268,991 over last year. Mr. Kolar asked that the Board review the budget before next Board meeting. Mr. Gantner and Mr. Benshoof asked questions to Mrs. Latimer which were answered accordingly.
3. Mr. Blasdel went over the change in the employee life insurance policy. Mr. Blasdel discovered that the current policy includes a \$25,000 policy and also a \$15,000 policy which only covered 6 employees. Mr. Blasdel started looking around for better coverage and found out that we could get coverage from American United Life for \$50,000 for \$222/month. Currently we are paying \$335/month for \$40,000 in coverage.

MOTION: Mr. Gantner made a motion to approve American United Life for employee life insurance for \$50,000 in coverage at the cost not to exceed \$222/month for a 3 year period, seconded by Mr. Ray– motion passed unanimously.

4. Mr. Blasdel requested the purchase of a new server for the office. The current server is under capacity and goes down daily. He got quotes for both and new and used servers and any software needed to update. It would cost \$4,050 for a new server and \$2,750 for a used server. This includes all software needed for updates. Mr. Blasdel recommended to the Board to purchase the new server which is transferable into the office. Mr. Benshoof asked what the brand of the server is. Mr. Blasdel stated he would find out for him. The cost includes the installation of the server and software. Mr. Ray stated that we would want to purchase something that we would be able to use for a long time.

MOTION: Mr. Gantner made a motion to approve the purchase of a new server at the cost not to exceed \$5,000, seconded by Mr. Ray– motion passed unanimously.

L. Board Member Concerns:

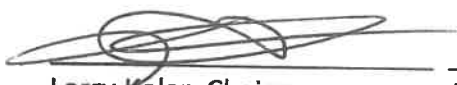
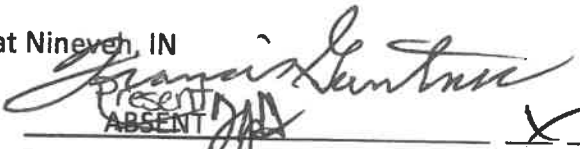
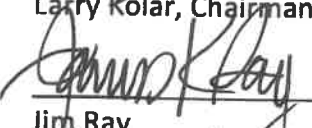
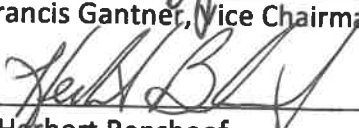
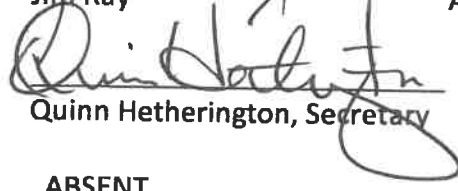
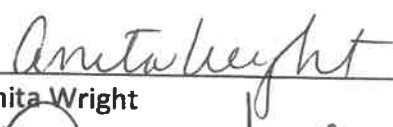
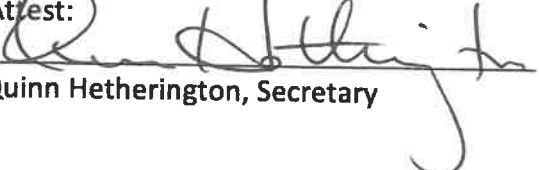
1. Mrs. Wright brought up the Holiday Pay. She stated that the Board members should give consideration to Mr. Blasdel's recommendation to the Board on the solution to the issue.
2. Mr. Hetherington stated that he walked into the compost area and asked the question if the Board needed to move it to another location. Mr. Blasdel stated that we don't have the equipment to move the compost and that there is much more than leaves being put back there. It has ended up as a dump.
3. Mr. Kolar requested that the Board members get any Commission reports to Mrs. Putnam before the Board meeting.
4. Mr. Kolar requested that the Commissions get Mrs. Putnam any Commission agendas in order for her to post to the homeowners in case they are interested in coming to a Commission meeting.

M. Adjourn

MOTION: Mr. Gantner moved to adjourn, seconded by Mr. Benshoof- motion carried unanimously.

Respectfully submitted by Kristi Putnam.

Approved this 18th day of June, 2013, at Nineveh, IN

| | | | |
|---|---------|--|---------|
|  | ✓ |  | X |
| Larry Kolar, Chairman | Aye Nay | Francis Gantner, Vice Chairman | Aye Nay |
|  | ✓ |  | ✓ |
| Jim Ray | Aye Nay | Herbert Benshoof | Aye Nay |
|  | ✓ |  | ✓ |
| Quinn Hetherington, Secretary | Aye Nay | Anita Wright | Aye Nay |
| <u>ABSENT</u> | | Attest: | |
| Cathey Byers | Aye Nay |  | |
| | | Quinn Hetherington, Secretary | |