

**Cordry-Sweetwater Conservancy District  
Board of Directors Meeting  
"Amended Minutes"**  
May 19, 2015, 7:00 PM, CSLOA Clubhouse

**1. Board Members Present:** Jim Ray, Matt Petersen, Herb Benshoof, Anita Wright and Jerry Engle

**2. Board Members Absent:** Chad Crimmins

**3. Also Present:**

**Staff:** Stacy Wethington, Kristi Putnam, Josh Hawley, Nick Johann and Bernie McGaha

**Board Attorney:** Roger Young

**# Of Guests:** 14

**4. Welcome and Pledge of Allegiance:** Mr. Ray called the meeting to order at 7:00 PM

**5. Announcements:** None

**6. Agenda Modifications:** None

**7. Approval of Minutes:**

**MOTION: Mr. Benshoof moved to approve the April 21, 2015 CSCD Board Executive meeting minutes, seconded by Mr. Petersen. Motion carried unanimously.**

**MOTION: Mrs. Wright moved to approve the April 21, 2015 CSCD Board meeting minutes, seconded by Mr. Benshoof. Motion carried unanimously.**

**8. Freeholder Concerns:**

1. Definition of "Resident" with respect to eligibility to be a CSCD Board member
2. Request to have Board member serve on the Brown County Solid Waste Management Board of Directors.



**9. Management Reports:**

**A. Conservancy Manager:**

- i. Mrs. Wethington summarized her report.

**B. Financial Clerk:**

- i. Mrs. Wethington summarized the financial report.

**MOTION: Mr. Engle moved to approve the financial report subject to audit, seconded by Mrs. Wright. Motion passed unanimously.**

- ii. Mrs. Wethington summarized the appropriation report and claims list.

**MOTION: Mr. Benshoof moved to approve the claims subject to audit, seconded by Mr. Petersen. Motion passed unanimously.**

**C. Roads/Water Supervisor:**

- i. Mr. Hawley summarized his report

**D. Security Manager:**

- i. Mr. McGaha summarized his report.

**10. Commission Reports:**

**A. Building:**

- i. Mrs. Wright summarized her report.
- ii. Mr. Johann summarized the construction approval applications for which action was required by the Board.

**MOTION: Mr. Benshoof moved to approve building applications 15-034, 15-023, 15-024, 15-030, 15-031, 15-032, 15-029, 15-025, 15-027, 15-028, 15-033, 15-036 contingent upon the lot owners obtaining all permits required by Brown County; seconded by Mr. Petersen - Motion passed unanimously.**

**MOTION: Mr. Benshoof moved to approve building application 15-035 contingent upon the lot owners obtaining all permits required by Brown County; seconded by Mr. Petersen - Motion passed unanimously.**



**MOTION: Mr. Benshoof moved to approve building application 15-037 contingent upon the lot owners reducing the proposed dock from extending 24' into the lake to 20' and obtaining all permits required by Brown County; seconded by Mr. Engle - Motion passed unanimously.**

**MOTION: Mr. Engle moved to approve building application 15-038 contingent upon the lot owners reducing the current dock from extending 23' into the lake to 20' and obtaining all permits required by Brown County; seconded by Mr. Petersen - Motion passed unanimously.**

**MOTION: Mrs. Wright moved to approve building application 15-026 contingent upon the lot owners reducing the proposed detached deck from 14' to 12' and obtaining all permits required by Brown County; seconded by Mr. Engle - Motion passed unanimously.**

**MOTION: Following a statement by the applicant, and Board discussion Mr. Ray moved to deny the lot owner's request to continue work on a partially completed deck for which he had only recently submitted building application 15-039; seconded by Mr. Petersen - Motion passed unanimously.**

- iii. Mr. Johann indicated that precise water levels for both lakes have been determined by a surveyor, based on the elevations of the lakes' water discharge control structure. New water level gauges will be located on the beach side of the peninsula on Sweetwater Lake and on the CSCD boat dock on Cordry Lake.

**B. Ecology:**

- i. Mr. Engle summarized his report.

**C. Security:**

- i. Mr. Petersen summarized his report.
- ii. Discussed whether a particular freeholder's watercraft contained a "cuddy cabin" that would disqualify it from use on CSCD lakes.

**MOTION: Mr. Petersen moved to approve the issuance of decals to Mr. Martin's 1989 Caravelle powerboat; seconded by Mr. Benshoof - Motion passed unanimously.**

- iii. Discussed extension of moratorium for new V-Drive watercraft.



**MOTION: Mr. Petersen moved to approve extend the moratorium for new V-Drive watercraft to September 2015; seconded by Mr. Benshoof - motion passed unanimously.**

**D. Roads:**

- i. Mr. Hawley summarized Mr. Crimmin's report.

**E. Water:**

- i. Mr. Benshoof summarized his report.

**11. Old Business:**

- i. As a result of the resignation of Cathey Byers from the Board of Directors of CSCD, effective *May 15, 2015*, a vacancy exists on the Board. A discussion occurred amongst the Board Members concerning whether the law requires a majority of the Board to be "resident" freeholders. Several Board Members expressed their opinion that the requirement that a majority of the board be resident freeholders only applied to the initial board and not to subsequent boards.

**MOTION: Mr. Petersen moved that I.C.14-33-5-1(c)(1) be interpreted to apply only to the initial board of directors and that subsequent boards of directors need not be composed of a majority of resident freeholders. This interpretation is based upon the language contained in I.C.14-33-5-3(a)(3)(B), which provides "A nominee (for election to subsequent boards of directors) does not have to be a resident of the area of the district for which nominations are invited; seconded by Mr. Engle; there was discussion – motion passed with voting as follows:**

**Ray – No**

**Benshoof – Yes**

**Wright – No**

**Petersen – Yes**

**Engle – Yes**

- ii. Discussed the ongoing efforts to clarify the composition and responsibilities of the different Commissions.

**12. New Business:**





- i. Mr. Ray stated that Mrs. Byers had officially resigned on May 15, 2015. Two persons had shown interest in replacing her on the Board, both of whom were freeholders of Area 6 – David Moebs and Patrick Sherman. Based on the Board's determination of the IC 14-33 term "resident" was not applicable, both freeholders were deemed eligible for the vacant seat on the Board.

**MOTION: Mr. Petersen moved to appoint Pat Sherman to fill the vacancy for Area 6 after Mrs. Byers resignation; seconded by Mr. Engle - motion passed, with voting as follows:**

**Ray – No  
Benshoof – Yes  
Wright – Abstained  
Crimmins – Absent  
Petersen – Yes  
Engle – Yes**

Mr. Sherman was sworn in by Mr. Young.


### **13. Board Members/Freeholder Concerns**

- i. Question whether Brown County Circuit Court judge be asked to resolve definition of "resident freeholder".

### **14. Adjourn**

**MOTION: Mr. Petersen moved to adjourn, seconded by Mr. Benshoof – motion carried unanimously.**

Respectfully submitted,

  
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Anita Wright, Secretary

Date Submitted: June 13, 2015



**Cordry-Sweetwater Conservancy District  
Board of Directors – Executive Session  
“Minutes”  
May 19, 2015, 6:00 PM, District Office**

**Board Members Present:** Jim Ray, Herb Benshoof, Jerry Engle, Matt Petersen, Anita Wright

**Board Members Absent:** Chad Crimmins

**CSCD Attorney Present:** Roger Young

As Secretary of The CSCD Board of Directors, being present at said meeting, I certify that no subject matter was discussed in this executive session other than the subject matter specified in the public notice for this Session, IC 5-14-1.5-6.1(b)(2)(B).

The meeting was adjourned at 6:35pm.

Respectfully submitted,

  
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Anita Wright, Secretary

**Date Submitted:** June 13, 2015

