

\*\*\*These minutes are not official until approved by the CSCD Board \*\*\*

**Cordry Sweetwater Conservancy District  
Board of Directors Meeting**

**“Minutes”**

October 21, 2008

7:00 PM

**Present:** Dziennik, Noe, Moebs, Daseler, Kolar, Hetherington, Boyle

**Absent:** None

**A. Call to order:** Mr. Dziennik called the meeting to order at about 7:01 PM and led in the Pledge of Allegiance.

**B. Freeholders Concerns:** None

**C. Approval of September 12, 2008 Minutes and September 16, 2008 Minutes:**

**1. September 12, 2008, Special Meeting Minutes:**

**Motion:** Mr. Daseler made a motion to approve the September 12<sup>th</sup> 2008 minutes as written, Seconded by Mr. Moebs – motion carried unanimously.

**2. September 16, 2008, Regular Meeting Minutes:**

**Motion:** Mr. Moebs made a motion to approve the September 16<sup>th</sup> 2008 minutes as written, Seconded by Mrs. Boyle – motion carried unanimously.

**D. Financial Report and 2009 Budget - 1<sup>st</sup> Public Reading – Business Manager**

**Marty Anderson:** Mr. Collins gave the financial report since Mrs. Anderson was on vacation.

**Motion:** Mrs. Boyle made a motion to approve Financial Statement, subject to audit, seconded by Mr. Noe – motion carried unanimously.

**Motion:** Mrs. Boyle made a motion to approve the Claims, subject to audit, seconded by Mr. Daseler – motion carried unanimously.

**2009 Budget – 2nd reading:** Mr. Moebs summarized the 2009 Budget and asked if there were any questions. Mr. Dziennik mentioned that the 2009 budget is unusual in that 2 full years of tax payments should be paid to CSCD by Brown County. The extra funds will be used to catch-up on infrastructure maintenance along with limited improvements. Mr. Daseler mentioned that the revenue for 2009 is understated since water utility revenue is typically around \$150,000 and miscellaneous revenue is typically \$250,000 to \$300,000. Mr. Daseler also mentioned that all funds are currently allocated but this needs continuing review in order to achieve the best allocation. Mr. Dziennik stated that this will require

month to month budgeting and estimating revenue and expenses 30 days into the future. Loan repayments (operating line of credit and flood repair line of credit) are a first priority. Mr. Daseler further stated that there is no planned increase in the CSCD tax rate or total levy amount through 2009 and possibly 2010.

**Motion:** Mrs. Boyle made a motion to adopt the 2009 proposed budget, pending approval by the Brown County Commissioners, seconded by Mr. Moebs – motion carried unanimously.

Mr. Hetherington asked if the remaining \$175,000 of the operating line of credit would be sufficient for expenses for the remainder of 2008. Mr. Dziennik responded that monthly expenses usually are about \$80,000 so balance of the line of credit should be sufficient.

Mr. Daseler suggested that, as soon as the tax bills are sent out, the CSCD should send a letter to Joe Wray, Brown County Treasurer, requesting distribution of the 2006pay2007 tax payments, hopefully, in early Decembers of 2008.

#### **E. Infrastructure Status – Infrastructure Manager – John Collins:**

- Mr. Collins mentioned that the meetings with the FEMA representatives have been completed. He stated that claims amounting to a total of \$205,000 will be turned into FEMA. Mr. Collins also mentioned that FEMA has paid the Conservancy \$13,197.17 (some at 100%, some at 90% and some at 75%) of the estimated \$205,000.00 needed to cover the infrastructure repairs resulting from the Flood.
- Mr. Collins reported that further road projects resulting from the flood of June 7 are being reviewed. The four major road problems have been repaired except in some cases for paving once the repair has properly settled. There are three more repairs that need to be completed. FEMA requires 4 bids but only 2 bids could be obtained. FEMA requires that such repair projects be completed within 18 months of the event causing the damage. The plan is to make every effort to complete all seven repairs before winter.
- Mr. Collins mentioned that salt and sand have been ordered to treat the roads when ice and/or snow are on the roads. Brown County has provided some salt and sand in the past but they have not responded as yet with a commitment.

#### **F. Commission Reports:**

##### **1. Building:** Mr. Moebs gave the Building Commission Report.

- He mentioned that Merrell Janney had attended the commission meeting to request a permit for a retaining wall, landscaping, and a stairway on his WS20 lot. The chairman and several commission members attempted to explain that the CSCD deed covenants and a recent Board motion restrict building on unbuildable lots (WS20 is unbuildable.). The retaining wall that

is partially in place will have to be removed since it is not allowed by the covenants. The posts for the retaining wall should be removed by cutting them off at ground level in order to reduce the risk of erosion. The stairway, being a safety issue, may be allowed but a variance will be required. Mr. Janney expressed his disagreement with the CSCD deed covenants, variance procedure, etc. and left the meeting.

- Mr. Moebs explained that since the Board had approved the expenditure for the "Deed Restricted Community" signs at three locations, the signs will be ordered. Mrs. Bruce will be ordering the signs soon.
- Mr. Moebs reported that the Rules Committee continues to meet and that progress is being made with the revisions to the building rules. The group met on 10-3-2008 and another meeting is planned for later in October.
- Mr. Moebs talked about the situation involving the shore station on the Hess property. The newly installed shore station was installed without a proper permit from CSCD and the installation violates the rule requiring that such an installation take up no more than 25% of the cove. Mr. Hess does not want to move the shore station to another feasible location on his property. The Commission unanimously approved a motion to have the CSCD attorney send a letter to Mr. Hess informing him of the violation and the need to move or remove the shore station. Upon receiving this letter, Mr. Hess and his attorney have requested a meeting with the CSCD attorney and a representative of the CSCD Building Commission which will be Mr. Moebs since Mr. Enderle (Building Commission chairperson) and Mr. Quackenbush (Building Compliance Officer) are both on medical leaves due to surgeries.
- Mr. Moebs reported that Mr. Quackenbush will be sending a mailing to relevant freeholders about the geothermal and hold harmless letter requirements.
- Mr. Moebs mentioned that a tourist home being rented by the week has been shut down via a letter from the Brown County Zoning inspector.

**2. Ecology:** Mr. Kolar gave the Ecology Commission Report.

- Mr. Kolar reported that DNR representatives gave a presentation to the commission on the emerald ash borer that has been found in the CSCD. Major points were that a county wide quarantine would be likely or is already in affect as well as for the township. More importantly, the DNR representative stated that hardwood should not be moved from the area.
- Mr. Kolar mentioned that there was discussion of the concerns of Bob Arnold and Dawn Smith about the flooding of homes on lake fronts possibly caused by changes to the Sweetwater spillway when the pipe was replaced. Possible causes and reason for the higher water levels were discussed at length. Several engineers have reviewed the impact of reducing the diameter of the spillway pipe and have all concluded that the change is equivalent to or more effective than the old diameter pipe. Mike Leavitt offered to get a bid on what it would cost to have a hydraulic model of Sweetwater Lake prepared. One consideration is to lower the emergency spillway and/or ban

recreation in that area and armoring it. Another option is to have a survey performed to verify emergency spillway height and spillway height versus original plans for both. During the board meeting, Mr. Moebs suggested that any such changes under serious consideration should also involve review by the Army Corps of Engineers and the DNR. Mr. Kolar responded that such a review had already been noted by the commission as a requirement for any changes.

- Mr. Kolar also mentioned that the bench placed by nature trails 4 and 5 during the eagle scout project had been damaged by either deer or vandalism. Mr. Collins will have the slats on the bench replaced.
- Mr. Kolar asked if the floats and ropes at the beach were going to be removed for the winter and stored. Mr. Collins responded that it was not planned. It was decided that it would be best to do so. Mr. Collins will have the floats and ropes removed as soon as possible.

### **3. Security:** Mr. Noe gave the Security Commission Report.

- Mr. Noe stated that the person who had been ticketed for anchoring and fishing in violation of high speed hours appeared before the commission to appeal his ticket and request that CSCD compensate him for the loss of his rod and reel that was dragged into the lake by the lake patrol boat as the patrol boat approached about the violation. After a lengthy discussion, a motion was made and approved that the ticket for the violation would stand and that CSCD would not replace the rod and reel.
- Mr. Noe stated that Mr. Jarrett's cell phone committee is an on-going project. Mr. Collins mentioned that a big factor in improving service would be complaints to cell service providers about the lack of service and the safety implications of lack of or intermittent service. A question was asked if there would be roaming fee considerations for such improved service. A comment was made that recent improvements in cell phone service may be the result of possible new cell tower in the Johnson County Park area.
- Mr. Noe mentioned that several old patrol cars should be disposed of and asked the Board for its suggestions. It was decided to attempt to sell the vehicles in question.

**Motion:** Mr. Noe made a motion to advertise in the Brown County Democrat and sell the 1994 Ford Crown Victoria, 1995 Ford Crown Victoria and the pickup truck by means of closed bids to the highest bidder, seconded by Mr. Moebs – motion carried unanimously.

- Mr. Noe reported that a patrol car and officer inspection was held during the commission meeting for 5-6 patrol cars and officers. The overall results were excellent. One patrol car was found to require the replacement of a few small light bulbs.
- Mr. Noe passed out documents detailing a proposed deer management reduction in a limited area near the fire station in the CSCD. DNR representatives have stated that, unless controlled, the deer population will double every 2 years since there are no deer predators any longer in our area.

The DNR representatives suggested that the CSCD is probably 3-5 years behind in implementing a deer reduction program in the CSCD. Mr. Noe stated the commission is planning a controlled deer management reduction for this fall in the 130 acre wooded area south of the fire station. DNR and deputies would advise and be involved in planning and execution to assure safety. A limited number of bow hunters will be allowed. The hunters will be required to use tree stands. They must have attended Hunter Education training, be licensed by DNR and have attended a CSCD deer reduction orientation meeting. There will be a public meeting to review the deer reduction plan and hear comments from freeholders. Mr. Noe made a plea that freeholders not feed the deer in the CSCD.

**Motion:** Mrs. Boyle made a motion to designate the Security Commission to implement the deer reduction program as presented in the handouts and suspend the CSCD rules concerning archery hunting on CSCD property during the deer reduction program periods of the 2008-2009 deer archery hunting season, seconded by Mr. Noe – motion carried by a vote of 5 for, 0 against, 1 abstention.

- Mr. McGaha stated that the green-red-yellow watch light settings based upon the water level values will be monitored for one year and then a report will be made to the Board.
- Mr. McGaha announced that, at the next meeting of the Brown County Commissioners on November 3, the commissioners will consider the CSCD request to make our current speed limits enforceable. He also mentioned that there is a petition supporting these speed limits that can be signed at the CSCD office.
- Mr. McGaha mentioned that the lake idle time period will use a standard time for each month which will be either the average dusk time for the month or the value for the 15<sup>th</sup> of the month. Doing this will reduce the number of clock settings required from 40-45 to 12.

**4. Roads:** Mr. Hetherington gave the Roads Commission Report.

- Mr. Hetherington stated that many road projects are stalled due to lack of money.
- Mr. Hetherington reported that the road line painter has been repaired and painting can occur in the next week or two. Highest priority will be to paint white edge lines on Church Hill and Cordry/Sweetwater dips.
- Mr. Hetherington mentioned that the commission had discussed recommending that the winter road vehicle weight limits be changed to match those of Brown County similarly to the change recently made to match the start and stop dates of the limits. The commission felt that the current limits were appropriate to prevent damage to our roads.
- Mr. Hetherington mentioned that Central Engineering is the only bidder to conform to FEMA standards on the repair of the three remaining culverts damaged in the June 7 flood. FEMA/Homeland Security should pay 75% to 100% of these expenses.

**Motion:** Mr. Hetherington made a motion to approve the bid from Central Engineering to repair the three remaining culverts damaged in the June 7 flood to FEMA standards with a not exceed amount of \$80,000, seconded by Mrs. Boyle – motion carried unanimously.

- Mr. Noe commented that the resolution at the last meeting that changed the dates of the winter road weight limits did not include the current weight limit values nor did it include the list of vehicles exempt from the limits. The resolution will be re-written to include that information for the next meeting.
- Mr. Normington mentioned that the Ecology Commission dredging program in 2009 might require the suspension of CSCD vehicle weight limits on CSCD roads.
- Mr. Noe mentioned that past use of walk-behind lawnmowers on the dams might be preferable to using a heavier riding type of lawnmower in order to prevent damage to the dams by the heavier equipment. Mr. Hetherington responded that there are concerns about the walk-behind lawnmowers sliding or slipping on the sloped dam surface.

**5. Water:** Mrs. Boyle gave the Water Commission report.

- Mrs. Boyle stated that the commission had reviewed and approved their minutes, financial reports and claims.
- Mrs. Boyle mentioned that water loss for September was 23.72%.
- Mrs. Boyle reported that 4 service line leaks were repaired, 20 meters were changed, and 2 meters were tested fine for accuracy.
- Mrs. Boyle mentioned that a customer on Jay Circle has had a significant leak since the estimated readings of last winter. The person is aware of the leak and wants the service left on. Since a change of address for the person was received indicating he no longer lives full time at Jay Circle, the water service was turned off.

**G. Other Governmental Interface Meeting Reports:**

**1. Brown County Solid Waste - Daseler:** Mr. Daseler stated that the Solid Waste Commission

- Has concerns about running out of money.
- There may be a reduction in hours during which drop-offs will be accepted.

**2. Wastewater Management Committee - Quackenbush:**

- Mr. Quackenbush was not present to report due to medical leave for surgery. However, the minutes of the meeting are available to anyone who would like to read them.

**3. Atterbury Land Management Committee**

- Mr. Dziennik and Mr. Boyle mentioned that there will be a meeting at the end of the week.

## **H. Unfinished Business:**

### **1. Septic System Evaluation Committee Update:**

- Mrs. Bruce gave an update for the Septic System Evaluation Committee. Of the 426 letters mailed out, there are 80 that remain non-compliant. Calls will be made as follow-up to letters sent around September 19 to those that remain non-compliant.
- Mrs. Bruce stated that Judge Stewart has ordered mediation in the Shake lawsuit initiated by the CSCD attorney due to the installation of an unapproved deck causing a post to hit a finger of the septic system and knocking it out of the box. The CSCD attorney is positive about the mediation decision.
- Mrs. Bruce responded to questions from board members and the audience about the cost of the inspection program versus the fact that only minor repairs were required and no failed systems were found. Mrs. Bruce mentioned that the repairs to some systems were made to systems close to failure. She also mentioned that the age of most septic system in the CSCD requires the continuation of the septic inspection program. Mrs. Bruce mentioned that the average cost of inspection and pumping was around \$145 although a couple of people at the meeting commented that their cost was in excess of \$200. One person suggested that perhaps the inspection cycle should be increased to more than every 5 years.

## **I. New Business: None**

## **J. Specific Lake or Dam Issues:**

- Mr. Kolar mentioned that SCI-REMC is spraying weeds under the power lines. He questioned if this could impact the lakes.

## **K. Board Member Concerns:**

- Mr. Hetherington asked if the new phone systems had been installed in the CSCD office. Mr. Collins stated that the installation is complete and that the new system has resolved the problems that existed with the old system.

## **L. Wrap-up – anyone:**

- Mr. Collins mentioned that Joe Quackenbush will be off work for as much as 6 weeks due to hand/wrist surgery plus another 6 weeks for the other hand/wrist. Mr. Collins is handling Joe's responsibilities.
- Mr. McGaha stated that any problems relating to the planned deer hunt should be reported to security. He also asked that freeholders provide their ideas and suggestions to the Security Commission or the security officers and also at the public meeting on the planned deer hunt. Mr. McGaha also

asked that the planned open meeting on the deer hunt be publicized as widely as possible.

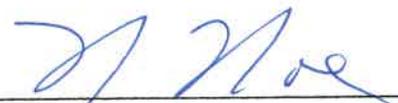
- Mr. Normington mentioned that fresh water jellyfish up to marble size can be seen at this time in both lakes.

**M. Adjourn:**

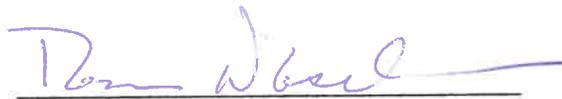
**Motion:** Mr. Noe made a motion to adjourn at approximately 9:40 PM, seconded by Mr. Hetherington – motion carried unanimously.

**Approved this 18th day of November, 2008, at Nineveh, Indiana:**

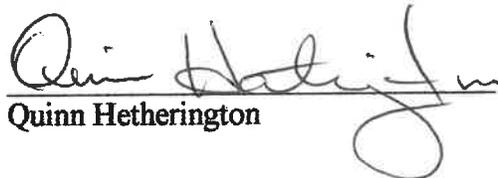
  
Tom Dziennik, Chairman

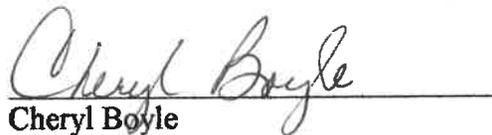
  
Norman Noe, Vice Chairman

  
David Moebis, Secretary

  
Tom Daseler

  
Larry Kolar

  
Quinn Hetherington

  
Cheryl Boyle