

These minutes are not official until approved by the CSCD Board of Directors

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

October 19, 2010, 7:00 PM, CSLOA Clubhouse

Present: Jerry Fenwick, Norman Noe, Larry Kolar, David Moebs, Quinn Hetherington, Cheryl Boyle

CSCD Attorney: Roger Young

Managers: John Collins, Vernon McGaha and Marty Anderson

Guests: Bill Boyle, Tom Lowe, Robert Beam, Margaret Bruce, Tim Corbett, Jim Serra, Larry Harder, R Neyt, Mary Fouch, Dave Jarrett, and Christine Clark

A. Welcome and Pledge of Allegiance:

Mr. Fenwick called the meeting to order at 7:00 pm and led in the Pledge of Allegiance.

B. Agenda Modification Motion(s)

Mr. Moebs proposed to make two changes to the CSCD Board of Directors Meeting Agenda for 19 October 2010. First change was to add line #10 on 21 September CSCD Board Executive Session minutes under Approval of Minutes. Second change was to move the Water Commission Report from the end of Commission Reports to the beginning.

Motion: Mr. Noe made a motion to accept the proposed changes to the CSCD Board of Directors Meeting Agenda for October 19, 2010, seconded by Mr. Moebs -- motion carried unanimously.

C. Freeholder Concerns:

1. Bob Beam stated his concerns with the cove between Grizzly Dr and Gray Wolfe. Cove is almost completely dry and he would like clarification on dredging process. Can freeholders have the cove dredged themselves and does it need approval by the Board?

Discussion: Mr. Fenwick states that the Board had previously decided the contractor that would perform dredging would need to receive permission from IDEM or Army Corp of Engineers. Mr. Fenwick asks Mr. Young to check with both IDEM and Army Corp of Engineers regarding the issue to see their requirements for

the dredging process. Mr. Young agrees to research the issue to develop a process for dredging. Information was given by Tim Corbett regarding dredging issue. Tim Corbett is awaiting documentation from Army Corp of Engineers to assist in clarifying the requirements for the dredging process. It was stated that the representative for our district is Mr. Greg McKay with the Army Corp of Engineers. Mr. Noe stated that he had previously spoken with Mr. McKay and was informed that 99% of the time a permit was necessary prior to dredging being performed. Mr. Noe agreed that it is necessary to involve Mr. Young to receive the information regarding the dredging process.

2. Freeholder concerned with the burn ban currently in effect and asked if CSCD has signs posted at the back gate entrance. Mr. McGaha stated he would check with the gentleman that posts the signs to insure a sign was posted at both entrances.

D. Minutes:

1. September 21, 2010, Board Executive Session Minutes:

Motion: Mr. Kolar made a motion to approve the 21 September 2010 Executive Board Meeting Minutes, seconded by Mr. Moebs -- motion carried unanimously.

Discussion: Mr. Kolar and Mr. Noe expressed concern for the previous minutes that have not yet been completed. There was lengthy conversation and Mr. Fenwick made the decision for Mr. Moebs to continue to work on the previous minutes for one more month at which time the situation would be reevaluated.

E. Management Reports:

1. **Financial Clerk: Marty Anderson**

- a. **The Financial Report:** The Financial Report was read by Marty Anderson.

Motion: Mr. Moebs made a motion to approve the Financial Report, subject to audit, seconded by Mr. Kolar -- motion carried unanimously.

- b. **Approval of Claims:** Mr. Fenwick discussed the claims for legal services. Mr. Moebs noticed the district has currently exceeded the budget for legal services.

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

2. Infrastructure Manager: John Collins

- a. Mr. Collins stated the lake water levels as follows: Cordry Lake is 13 inches low and Sweetwater Lake is 12 inches low. He said the measurements were taken at the lip of the overflow.
- b. Mr. Collins has met with contractors constructing the new cell phone tower. He expressed concerns for the safety of the contractors during the weekend deer reduction hunts.
- c. Requested to fill a current open full time position with a part time employee that currently works on his crew at a rate of pay of \$10.50 per hour. Mr. Collins stated the necessity of having four full time employees year round. Discussion was made between various Board Members regarding the necessity of filling the open full time position.

Motion: Mr. Hetherington made a motion to approve the hiring of the part time employee, Josh Rooks, to full time on the maintenance crew seconded by Mr. Moebs -- motion carried with 4 votes for and 1 vote against.

- d. Mr. Collins stated the CSCD Board of Directors was emailed a quote from an insurance company regarding insurance for the dams. Discussion was made as to the necessity of insurance and if the CSCD had previously had insurance on the dams. Mr. Kolar requested the policy information be given to Mr. Young to proofread.

F. Budget Information for the Forecast Report: Mr. Moebs stated that Marty Anderson sent the Budget Report to him by email and he will forward the report to the Board once he gets it done.

G. Commission Reports:

1. Water – Mrs. Boyle:

- a. Mrs. Boyle stated three bids had been received for the inspection of the blue water tower. The Water Commission agreed to accept the bid by Norman Noe Company Inc.

Motion: Mrs. Boyle made a motion to approve the Norman Noe Company Inc. to complete the inspection on the blue water tower. Mr. Young states a Conflict of Interest statement should be signed by Norman Noe prior to contract being approved. Mrs. Boyle rescinded her motion to approve the Norman Noe Company Inc. until the conflict of Interest statement has been completed by Mr. Noe. It was concluded this vote would take place during a Special Board Meeting.

- b. The Water Commission requested the approval of a new member, Mr. Jim Serra.

Motion: Mrs. Boyle made a motion to approve Jim Serra to be a member of the Water Commission, seconded by Mr. Moebs -- motion carried unanimously.

2. Building – Mr. Fenwick

- a. Mr. Moebs found seven resolutions that were overlooked in the building rules for up to three years. This was worked on by Mr. Moebs along with Mr. Lee. Mr. Moebs will continue to work on this to get the resolutions added by means of an addendum to the current building rules and presented to the Building Commission for their review and recommendation to the Board.
- b. New Business: Mr. Fenwick stated the Building Commission had 1 permit application for a housing addition.
- c. Septic Inspections: Letters have been sent to twenty-nine noncompliant freeholders in Group 1 regarding the septic inspections. These freeholders were given until 1 December to become compliant and show proof of that to the CSCD office.
- d. Six building permits were issued.
- e. A complaint was received regarding a freeholder storing his barges on a lot. Mr. Fenwick stated he will discuss the situation with the CSCD attorney Mr. Young.
- f. Dredging permits requested from freeholder. Mr. Young states even though he hasn't yet spoken with IDEM or the Army Corp of Engineers, he believes it should be the land owner's responsibility to obtain the correct permits.

3. Ecology – Mr. Kolar

- a. Mr. Kolar stated there was no quorum this month for the Ecology Commission. He also stated they have 1 opening for a new member.
- b. There was discussion regarding ReMetrix and it was stated they have not finished the work so the invoice will not be paid until this is completed.
- c. A & T Wildlife has been attempting to capture to swans, but has not been successful up to this point. A cannon net has been ordered and purchased by A & T and will need to be utilized for the capture of the swans. Once they have been captured the swans will be taken to Dr. Brickler.
- d. Mr. Kolar has concerns for the north end of Sweetwater Lake and states that quotes were received by various companies for the cost of dredging. Mr. Kolar stated he would like a commitment from the Board Members to continue to pursue the dredging issue. Lengthy

discussion between Board of Directors took place regarding dredging of the lakes to include the north end of Sweetwater Lake.

Motion: Mr. Kolar made a motion to for a commitment from the Board of Directors to dredge the north end of Sweetwater Lake -- motion failed for lack of second.

Discussion: A poll of the Board of Directors was taken to determine if the Board wanted to continue to pursue the issues regarding dredging to ensure that time wasn't being spent on an issue unnecessarily. **Yes** - Mrs. Boyle, Mr. Kolar, Mr. Fenwick, Mr. Moebis (with reservations), and Mr. Hetherington (within reason). Mr. Noe could not give an answer to the question of dredging due to the fact of too many unanswered questions regarding the dredging issue.

4. Security – Mr. Hetherington

- a. Security Commission did have a security meeting in which all members attended.
- b. Mr. McGaha states Roads Commission will address road weight limits for the winter months within CSCD district along with road restrictions.
- c. Mr. McGaha will speak with officers regarding door to door salesmen and procedures to handle these situations.
- d. Installation of cameras for CSCD District was discussed by Mr. McGaha and he questioned if the Board of Directors wanted to continue to research the project. Board of Directors was in agreement to move forward with quotes.
- e. Mr. Young stated a request for a temporary injunction has been filed by a CSCD Freeholder to prohibit the deer reduction hunts on CSCD property. He is unsure if the request for temporary injunction includes bow/gun hunting or both. The request is set for hearing on November 4, 2010 at 2:30 pm. Mr. Young stated unless the Board of Directors reversed the decision to have the deer reduction hunts, he will defend the CSCD in the court hearing. If possible, all Board Members should attend the court hearing.
- f. Mr. Hetherington stated that as of 12 October, 2010 there was no Boat Patrol on the weekends. The boats utilized by the Boat Patrol will be winterized.
- g. The Security Commission discussed revoking the deer reduction hunt on October 23, 2010 (Saturday) and adding November 15, 2010 (Monday), which would be during firearms hunting.

Motion: Mr. Hetherington made a motion to revoke the deer hunt on 23 October, 2010 (archery season) and add 15 November, 2010 (firearm season), and to end early archery on

7 November, 2010, seconded by Mr. Moebs -- motion carried, with 4 votes for and 1 vote against.

- h. Mr. McGaha states the county wide burn ban is still in effect and is now a full ban. No burning allowed whatsoever to include charcoal grills. Propane gas grills are allowed. He stated the officers are enforcing the burn ban, 1st offense receives a warning, and 2nd offense receives citation.
- i. Officers will continue to enforce the 19ft boat length on the lakes, but during the winter months the commission would like to explore information to determine if a 19ft boat length is adequate for all types of boats. The Security Commission has set up a committee to explore the issues and retrieve more information.

5. Roads – Mr. Noe

- a. Mr. Noe stated the Roads Commission did have a meeting which he was unable to attend and asked Mr. Collins to give information from the meeting.
- b. Mr. Collins stated the Roads Commission had four issues for the Board of Directors.
- c. Currently, according to Mr. Young, the weight limit of 20,000 lbs gross weight from 15 Dec – 15 Apr, which is the current limit, is not enforceable by law. Road Commission would like the Board of Directors to adopt enforceable limit of 20,000 lbs gross weight from 15 Dec – 15 Mar. This would also need to be sent to the County Commissioners to be turned in a County Ordinance. Mr. Young will obtain necessary documentation and this item will be tabled until the next Board of Directors meeting.
- d. Guard rails for Church Hill on Nineveh Rd need to be installed. Quotes for installation and guardrails were given as follows: \$10,122.50-new material, \$7450.00 used material. Road Commission recommended the used material. Mr. Collins would also like for Cordry Dip to be looked at as well for guardrail installation.

Motion: Mr. Hetherington made a motion to approve the purchase of new guardrails to include 525 ft of guardrail for Church Hill on Nineveh Rd, not to exceed \$10,300.00 and to include terminal wings installed, seconded by Mr. Moebs -- motion carried unanimously. Mr. Collins will have 10 days in which to turn in any additional bids to the Board of Directors.

- e. Sunset Dr. has a culvert that is currently rusted out and creating a sinkhole. Culvert starts out 3ft underground and ends 15 ft underground. Four companies were contacted for bids and only one was returned in the amount of \$14,458.00.

Motion: Mr. Moebs made a motion to approve installation of a 12 inch culvert on Sunset Drive not to exceed \$14,500.00, seconded by Mr. Noe -- motion carried unanimously.

- f. Mr. Collins stated his request to retain two part time employees through the end of November to assist with crack sealing the roads. He also requests the purchase of pallets of materials as needed for the crack sealing process.

Motion: Mr. Noe made a motion to retain the two part time employees, to work on crack sealing, through the month of November and to purchase three pallets of materials utilized for crack sealing, seconded by Mr. Moebs -- motion carried unanimously.

H. Brown County Solid Waste Board of Directors- Mr. Moebs

1. The Drug Take Back program in Brown County was successful in collecting 63 lbs of prescription drugs and controlled substances with the supervision of a Brown County Deputy Sheriff at the Brown County Solid Waste Building and then transported by law enforcement officers to the DEA in Indianapolis for disposal. An article will be placed in the Brown County Democrat soon.
2. DesignScape, which is west of Nashville, IN, will accept brush and leaves free of charge for disposal.
3. Appliance and scrap metal disposal will be held on December 4, 2010, from 9:00 am to 12:00 pm located at the Brown Co Solid Waste building.
4. Shred Day will be on November 6, 2010, from 9:00 am to 12:00 pm located at the Brown Co Solid Waste Building. Both individual and business documents will be accepted free of charge.

I. Unfinished Business:

1. Mr. Moebs gave the second reading of the 2011 CSCD proposed budget approval. This is total reduction of 14% from the 2010 budget.

Motion: Mr. Moebs made a motion to accept the 2011 proposed budget, seconded by Mrs. Boyle -- motion carried unanimously.

2. Mr. Young stated that the CSCD had received a proposal from the DLGF via email which is now a formal document which Mr. Young read as follows:
The previous budget of \$2,238,704 will be approved as adopted.

The actual expenditures plus encumbrances will be used for the last half of 2009 in the amount of \$1,174,126.

The levy of \$899,979 will remain unchanged as certified. This will remove the obligation of printing and mailing corrected bills to all taxpayers in the Conservancy District.

The difference of \$120,975 will be levied in 2011 and billed with the first installment due in May 2011.

That levy will need to be advertised on Form 3 (Notice to Taxpayers) and a revised Form 4B submitted to the County Council for their non-binding review.

The CSCD will receive monies for the 2010 budget for security-related services in the amount of \$120,975. There will be no supplemental billing in 2010.

Mr. Young stated that this is an appropriate settlement and recommended that the Board of Directors accept and approve the proposed settlement.

Motion: Mr. Moebs made a motion to approve the settlement offered by the DLGF as read by Mr. Young, seconded by Mrs. Boyle -- motion carried unanimously.

3. Status of the Klonsinzi lawsuit appeal. The clerk is preparing the transcript of trial after which the attorney for the plaintiff will have thirty days to submit briefs. There is no time limit for the Court of Appeals and the CSCD should operate as normal.
4. Full time employee health insurance program improvements. Mr. Hetherington states the options as, continue with the current program, spouse carve out, or employees pay portion of health insurance.

Discussion: The Board of Directors discussed the various options for the employee health insurance program. Various discussions took place and it was noted by Mr. Moebs and Mr. Noe that changes to the employee health insurance plan was voted on during a previous meeting. Mr. Hetherington asked if one of the previous motions by which current employees would pay a portion of their employee health insurance cost could be rescinded if the carve out the spouse was adopted.

Motion: Mr. Moebs made a motion to retain the two previously passed changes to the employee health insurance program for 2011, seconded by Mr. Noe. Motion failed, with 2 votes for and 3 votes against.

Motion: Mrs. Boyle made a motion to amend the employee health insurance program to include spouse carve out effective 1 January, 2011, seconded by Mr. Kolar. Motion carried with 3 votes for, 1 vote against and 1 abstention.

Motion: Mr. Moebis made a motion to table the motion by Mrs. Boyle, seconded by Mr. Noe. The Chair refused to recognize this motion due to difference of opinion as to whether a vote was necessary or not.

J. New Business

1. CompuTrain software system is still not working as needed. Mr. Fenwick stated the employees would like to return to the previous company utilized which is AVC Technology.

Discussion: Mr. Noe was cautious about returning to AVC Technology due to the fact that the employees were not satisfied with this company at the time it was being utilized. Mr. Kolar noted the previous software is still currently on the office computers. Mrs. Anderson stated the water system would not be a problem to revert back to the previous system, but the general ledger would need to be re-input. Mary and Christine would be able to assist with this if necessary. Mrs. Anderson expressed interest in returning to AVC Technology.

Motion: Mr. Kolar made a motion to convert to AVC Technology, seconded by Mrs. Boyle -- motion carried, with 4 votes for and 1 vote against.

K. Lake and Dam Issues or Board Concerns:

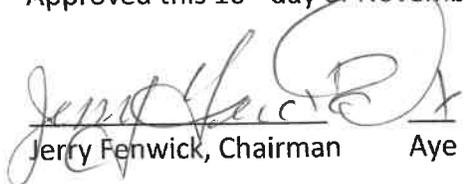
1. Low water levels are a good time for freeholders to clean rip rap from their property.
2. Cordry Dam still has the spot that is soft from seepage.
3. Election of Board Members for areas 3 and 7. Candidates for these positions must turn in their forms at the CSCD office by December 1, 2010.
4. Mr. Noe suggests that information be placed in the newsletter about how to get absentee ballots and those freeholders should contact the CSCD office to obtain ballots. The Board of Directors decided the deadline for documents for the newsletter to be turned into Christine Clark would be 15 November, 2010.
5. Mr. Moebis stated one swipe of mowing along main roads is not adequate for safety purposes for the Conservancy District. Mr. Collins was instructed to return to the previous mowing process.

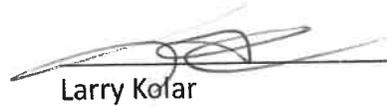
L. Adjournment:

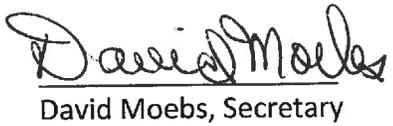
Motion: Mr. Kolar made a motion to adjourn at 10:15 pm, seconded by Mr. Moebs -- motion carried unanimously.

Minutes respectfully submitted by Christine Clark.

Approved this 16th day of November 2010, at Nineveh, IN.


Jerry Fenwick, Chairman Aye Nay

 Aye Nay

 Aye Nay

None
Open Position Aye Nay

 Aye Nay

Cheryl Boyle Aye Nay

 Aye Nay

Attest:

David Moebs, Secretary