

**Cordry-Sweetwater Conservancy District**  
**Board of Directors Meeting**  
May 20<sup>th</sup>, 2025

**1. Board Members Present:** Mike Leavitt, Randy Brumfield, Jim Maulden, Aaron Parris, Mark Rasdall, Ted Adolay, and Greg Harper

**2. Board Members Present Virtually:** None

**3. Board Members Absent:** None

**4. Also, Present:**

**a. Staff:** Brittany Bay & Nick Johann

**b. CSCD Attorney:** Roger Young

**c.** Estimated 14 freeholders in attendance & numerous online viewers.

**5. Welcome:** Mr. Leavitt called the meeting to order at 7:10 PM

**6. Agenda Modifications:**

**a.** Mr. Leavitt requested to add line item 5bi. Change Order #2 Millennium.

**MOTION:** Mr. Rasdall moved to approve the agenda modifications as requested, motion seconded by Mr. Parris. Motion passed unanimously.

**7. Approval of Minutes:**

**MOTION:** Mr. Parris motioned to approve April 15<sup>th</sup>, Board Minutes, as submitted, seconded by Mr. Adolay. Motion passed unanimously.

**8. Freeholder Concerns:**

**a.** None

**9. Management Reports:**

**a. Director of Finance & Administrative:**

**1.** Mrs. Bay summarized the fund report. The current balance is \$4,960,610.48.

**MOTION:** Mr. Rasdall motioned to approve the financial report subject to audit, seconded by Mr. Maulden. Motion passed unanimously.

**MOTION: Mr. Rasdall motioned to approve the monthly claims subject to audit, seconded by Mr. Harper. Motion passed unanimously.**

**b. Director of Operations:**

1. Mr. Johann summarized his report.
2. Mr. Johann thanked freeholders Chris Buckman and John Zimmer who donated the new Sweetwater gate and installed it.
3. Mr. Johann reviewed Change Order #2 to Millennium for the Cordry Spillway Project.

**Discussion: Mr. Leavitt discussed the breakdown of the Change Order and noted that there was concrete that was not included in the original plans, revisions to the boat ramp extensions, and the gates and bollards. There was discussion over the bollards. There was discussion about going with decorative instead of bollards. Mr. Leavitt noted that there cannot be anything that would impede the path of the emergency spillway. Mr. Rasdall asked if the bollards were necessary. Mr. Leavitt noted that he didn't believe them to be necessary and that he had spoken to Mr. Johann and it could be something they do after the fact. Mr. Brumfield noted that the bollards should be struck from the change order.**

**MOTION: Mr. Parris motioned to approve the Millennium Change Order without the bollards included, seconded by Mr. Brumfield. Motion passed unanimously.**

**10. Commission Reports:**

**a. Building:**

1. Mr. Johann reviewed the variance requests for Kern at 6240 Cardinal Drive. Mr. Johann noted there were no remonstrators. Mr. Young asked if they had received the consents to encroach. Mr. Young noted he needed to review them. Mr. Rasdall asked if they could approve the variance by the Board subject to Mr. Young's approval of the legal documents for encroachment. Mr. Young noted that the project should not begin until all conditions have been satisfied, but that could happen prior to the next Board meeting, and this would allow the freeholder to start sooner.

**MOTION: Mr. Rasdall motioned to approve the Variance Request at 6240 Cardinal Drive (Kern) for approval from the CSCD Board subject to Mr. Young's approval of encroachment documents from both neighbors being satisfied and construction cannot begin until the Board receives word back from Mr. Young they satisfied their legal obligations.**

**Discussion: Mr. Young discussed the importance of recorded documents. Mr. Young noted that once the documents were recorded, he would present them to the Board. Mr. Parris asked if any remonstrators were present. There was discussion over the centerline rule and the free open water rule. The freeholder spoke**

**about the safety concern of why they were asking for the variance.**

**MOTION: Motion seconded by Mr. Parris. Motion passed unanimously.**

2. Mr. Johann reviewed the variance requests for Jarvis at 7459 Haw Drive. Mr. Johann noted the Variance was needed because the freeholders completed party deck exceeds the 14' rule by 9". Mr. Johann noted that the contractor, Mark Dowty was present. Mr. Maulden asked if there are other docks on the lake that are too tall. Mr. Johann noted there are grandfathered ones. Mr. Rasdall asked if there were any remonstrators. Mr. Johann noted there were no remonstrators. Mr. Johann noted a neighbor called prior to the variance request being mailed out because their renter called them and they were concerned about the passageway through the cove and the view. Mr. Johann noted he let the owner know they would be getting a variance request in the mail.
3. Mike Dowty introduced himself. Mr. Dowty noted they completed the project over the winter, and the lake was iced over. Mr. Dowty noted that he was unsure if that was the issue or if he just miscalculated and noted either way this was his fault. Mr. Dowty noted the deck was 9" to high and if they were to knock it off it would make it unsafe, and that he was hoping to get leniency for the 9" instead of tearing the whole top off. Mr. Dowty noted that it was a big project. Mr. Leavitt asked Mr. Johann if the approved plans showed the correct height. Mr. Johann confirmed. Mr. Parris noted he could not in good conscience tell them to tear the top off and rebuild this, a mistake was made and there should be potential consequences for that. Mr. Parris suggested a consequence of if the contractor builds something over 14' again they lose their ability to build on the lakes. Mr. Leavitt agreed and noted that it was a good approach. Mr. Parris asked Mr. Young for his thoughts. Mr. Rasdall noted this had been done before with the contractor who had zebra mussels on his boats. Mr. Young noted that the Board could approve the variance request with the qualification they had stated but the problem would be another contractor violates a rule in some way, and someone will say they can't in good conscience make them do this. Mr. Parris noted that the barrier that would hopefully prevent a future contractor from breaking the rules is taking this market away. Mr. Rasdall noted that Mr. Dowty came to the building commission meeting and admitted his mistake, but it also penalizes the freeholders for his mistake. Mr. Young noted this put the Board in a terrible position and that was his concerns, he sympathized with the freeholders, but he represents the Board's interests. Mr. Young noted that the Board is the administrative body and acts as the administrative judicatory body, and they have a lot of discretion but can't be arbitrary. Mr. Young noted that the issue they could run into in the future is similar circumstances, a contractor makes a mistake, and they ask for the same courtesy given to this contractor

and if you don't the court could say that is an arbitrary decision based on past practice. Mr. Parris suggested using the verbiage since it was less than a foot. Mr. Young advised against that verbiage as it would create a standard. Mr. Rasdall noted to prevent this in the future the Board could require a validation inspection once the posts are up. Mr. Young noted that it would not require a rule change, just a procedure inspection.

**MOTION: Mr. Parris motioned to approve the Variance Request at 7459 Haw (Jarvis) for approval from the CSCD Board with the stipulation that should this contractor Mike Dowty make the same mistake again they would be barred from building on Cordry Sweetwater Conservancy District, seconded by Mr. Rasdall. Motion passed unanimously.**

**Discussion: Mr. Young noted that non-conforming use may be rebuilt as long as no more than 51% of the original structure has been damaged. Mr. Young suggested tightening that percentage down in this case. There was discussion on adding this to the motion. Mr. Rasdall suggested 20% for this case.**

**MOTION: Mr. Parris motioned to approve the Variance Request at 7459 Haw (Jarvis) for approval from the CSCD Board with the stipulation that should this contractor Mike Dowty make the same mistake again they would be barred from building on Cordry Sweetwater Conservancy District and the stipulation of non-conforming use may be rebuilt as long as no more than 20% of the original structure has been damaged, seconded by Mr. Rasdall.**

**Discussion: Mr. Johann asked if this should be recorded with the property. Mr. Young noted that variances do not get recorded. Mr. Young noted that it would be Conservancy record. Mr. Parris noted that anything more than 20% damage would require a new rebuild and gave to meet the original requirements of 14'.**

**MOTION: Motion passed unanimously.**

4. Mr. Johann reviewed the building applications.

**MOTION: Mr. Rasdall motioned to approve building applications 25-027, 25-037 and 2-038 for approval from the CSCD Board contingent upon lot owners obtaining all permits required by Brown County and meeting all conditions by the Building Commission, seconded by Mr. Harper. Motion passed unanimously.**

5. Mr. Johann reviewed the dredging applications.

**MOTION: Mr. Rasdall motioned to approve the dredging applications D25-008, D25-009, and D25-010 contingent on**

**meeting all conditions by the Building Commission, seconded by Mr. Parris. Motion passed unanimously.**

**b. Ecology:**

1. Mr. Brumfield summarized the Ecology Commission minutes.

**c. Roads:**

1. Meeting canceled.

**d. Security:**

1. Mr. Maulden summarized the Security Commission minutes.

**e. Water:**

1. Meeting canceled.

**11. Old Business:**

**a. Entry Sign Quotes**

1. Mr. Parris reviewed the quotes received to repair the entry wall. There was discussion over the sealer warranty and no warranty for stonework. Mr. Parris noted that the quote for the \$7,230 would be the one he would personally choose. Mr. Leavitt noted he believed based on the work they're doing on the wall that repair would last longer. Mr. Leavitt noted that this was not something that was budgeted for either and Mr. Parris agreed. Mr. Parris noted there was a freeholder interested in helping. Mr. Parris noted they could have this partially paid for by the Conservancy and then do a fundraiser in conjunction with the CSLOA or someone. Mr. Rasdall asked if they could do a GoFundMe page, to allow people to donate what they feel comfortable with if they want too. Mr. Rasdall noted there may be some businesses that would like to donate and have a write-off. Mr. Parris noted he was willing to create the GoFundMe page and post it to social media. Mr. Parris asked if this could be approved then whatever the GoFundMe page doesn't cover the Conservancy could cover the rest of the cost. Mr. Jarret asked when the work would be done. Mr. Jarrett suggested waiting until after Labor Day to complete the work because he has plants and bushes growing against the wall. Mr. Jarret noted that the area has gravel a few inches down and that it should be dug up. Mr. Rasdall asked if the Conservancy had a small tractor. It was noted that the Conservancy has a mini. Mr. Rasdall noted that would be something they could take care of in house they would not need to hire that out. Mr. Maulden asked how this would fit into the budget. There was discussion about contingencies. Mr. Brumfield noted that ecology has \$52,000 that they are not going to use on a grant for the invasives so that could be reappropriated for the \$7,230 for the wall. Mrs. Maulden noted as long as native plants are used in that area.

**MOTION: Mr. Parris motioned to approve the Hillock Masonry bid for \$7,230 paid out of the ecology grant money and plants picked by Brenda Maulden that are native to Indiana minus funding raised from GoFundMe, seconded by Mr. Maulden. Motion passed unanimously.**

**12. New Business:**

**a. Resolution 2025-5 Amending Resolution 2008-15**

1. Mr. Rasdall noted that the intent of this Resolution is to have the same building qualifications for docks and structures on the water, regardless of whether it's occupied by a home it's a vacant lot. Mr. Rasdall noted that when the equal assessment came out, he was asked the question of why this was. Mr. Rasdall noted that boat houses were previously allowed, and they no longer are. Mr. Rasdall noted that they were afraid of people living in boat houses. Mr. Rasdall noted he brought this to the building commission, and they agreed to have the rules the same for all freeholders. Mr. Adolay asked what brought this issue up. Mr. Leavitt noted it was brought up during variance requests. Mr. Rasdall noted that when he built his dock, he felt discriminated against because he didn't have a house, but he paid his taxes and everything else there; but because he didn't have a house he was restricted. Mr. Rasdall noted he no longer had the restriction because he built his house, so he was able to build whatever he wanted too. Mr. Rasdall noted that the Tribbles brought a variance to the Board for the same reason they have a house, but it is across the street from their property, and they were bound by that rule. Mr. Rasdall noted he didn't believe it was a fair rule. Mr. Rasdall noted that this is how it was brought up and he asked why the rule was ever involved in the first place. Mr. Young noted that docks and boathouses are two different plans. Mr. Young noted he believed he sent a letter out mentioning the reason party decks and boathouses were prohibited in 2008-15 was because the Board felt that allowing a boathouse on a vacant lot would violate covenant #1 which prohibits ancillary structures from being built on lots that do not have residence. Mr. Young noted that if the resolution is read that was what the rationale was, and it didn't necessarily apply to docks. Mr. Rasdall noted that boat houses are prohibited totally now. Mr. Young noted that was the reason boat houses were prohibited, not because people were living in them, for the reason that was set out in the resolution. Mr. Young noted that covenant #1 only applies to lots and typically a boat house doesn't sit on a freeholder's lawn, it sits on the District's lawn to which covenant #1 does not apply. Mr. Young noted now whatever could be built on an improved lot could now be built on an unimproved lot. There was discussion on the number of boats and docks. Mr. Rasdall noted this was strictly about not discriminating against people who don't have a house on their property and allowing them to build the same docks. Mr. Maulden noted the problem he had with this is there will be bigger party decks, which could mean bigger parties and there would be no sanitation facilities. Mr. Rasdall noted this already happens. There was discussion over holding tanks.

**MOTION: Mr. Rasdall motioned to approve Resolution 2025-5 Amending Resolution 2008-15, seconded by Mr. Brumfield. Motion passed unanimously.**

**b. Resolution 2025-6 Amending Resolution 2024-20**

1. Mr. Leavitt noted they took the pontoon length down to 24' but didn't define which part was 24'. Mr. Leavitt noted that the intent of this Resolution is to clarify pontoons can be 24'. Mr. Brumfield noted the problem that is happening is a pontoon that is marketed as a 22' model has an overall length over 24'. Mr. Rasdall noted that the pontoons were only 21'7". Mr. Adolay asked if pontoons were going to be measured. Mr. Rasdall noted that they do not want to measure anything. Mr. Brumfield noted that if it's marketed or advertised as a 24' model or less it is good to go. Mr. Rasdall noted the intent was not to restrict the 22' models it was to get the 26' or 28' off the lake. Mr. Rasdall noted that if something was added there that it is designated by JDPower or the manufacturer as a 24' model it takes out the measuring, and that was the whole point in making it easier on the office. Mr. Young noted that it is not how he amended the resolution he revised it to be based off what the manufacturer represented its length to be. Mr. Leavitt noted that what they ran into was the overall length being listed beyond the requirements, but it was only a 22' model.
2. Freeholder Shane Pennington noted that his pontoon boat was a 22' model but the manufacturer stated length as 24'3". Mr. Rasdall noted that Mr. Pennington's boat brought light to the error made in what the rule actually meant to what they intended it to mean. Mr. Pennington noted he felt comfortable purchasing the boat because the toon length and deck length were under, but the manufacturer length showed 24'3". Mr. Young noted this proposed resolution did not accommodate that and he would have to rewrite the Resolution based on what the Board comes up with. Mr. Pennington asked if a freeholder was in this situation and they could request a measurement. Mr. Rasdall noted that with what they were trying to pass it would take that out because it would be a 24' model or less. Mr. Rasdall noted that Mr. Pennington's boat was a 22' model so he would be good.
3. Mr. Young noted that he had written rules and legislation for the last 50 years. Mr. Young noted the boat length rule has been amended for now the 4<sup>th</sup> time in a year. Mr. Young noted that this tells him this is either a bad rule if it must be amended 4 times or it's not a rule at all. Mr. Leavitt noted most of that is because of the continual change on the speedboat side. Mr. Young suggested that they could consider crafting a rule that works in most cases and reserving the right to grant waivers from the strict application of the rule under circumstances where the strict application will result in unreasonable hardship to a freehold. Mr. Young noted if this was done the Board wouldn't have to change the rule 4 times in 8 months to accommodate a unique situation. Mr. Young noted the Board would have a good rule of general application that would work in most situations and the right to grant waivers for the unique circumstances. Mr. Rasdall noted if they changed the rule to model length it would take care of this unique situation. Mr. Young noted that it would take care of this situation until the next unique situation comes up. Mr. Adolay discussed 21' model speed boats.

Mr. Maulden noted that it would be 20' they do not want 21'. Mr. Parris discussed using toon length not the model number. There was discussion over toon length. A freeholder had discussion with the Board.

**MOTION: Mr. Parris motioned to approve Resolution 2025-6 Amending Resolution 2024-20 as amended by Mr. Young to stipulate toon length of 24' or less, seconded by Mr. Rasdall. Motion passed unanimously.**

**13. Board Members Concerns**

- a. Mr. Maulden noted boating season really starts this weekend and he wanted everyone to have a safe and fun boating season.

**14. Adjourn (8:36 PM)**

**MOTION: Mr. Parris moved to adjourn, seconded by Mr. Harper. Motion passed unanimously.**

Respectfully submitted,



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Ted Adolay, Board Secretary

Date Submitted: