

**Lake Lemon Conservancy District
Board of Directors Meeting Minutes
Riddle Point Park Shelter House
July 16, 2011**

The July 16, 2011 meeting of the Lake Lemon Conservancy District was held at the Riddle Point Park Shelter House and was called to order by Chairman John Schell at 11:15 a.m.

BOARD MEMBERS PRESENT: John Schell, Marty Mann, Pam Dugan, Tim Specht, Dennis Friesel, Bruce Cassal and Tina Thrasher. ALSO PRESENT: Bob Madden, Manager, Adam Casey, Board Recorder, John Langley, City of Bloomington Utilities; and LLCDC Freeholders. (See Attached) Absent: Rachel Atz, CBU Representative

I. OPENING COMMENTS (Schell)

- Schell thanked all freeholders for attending the meeting.
- Schell also introduced the current Board Members and past Board Members in attendance.
- Schell stated that he has not been in contact with city officials regarding land owned by the CBU nor will he have any such conversations without the expressed authority of the board to do so. Schell went on to state that he will take no unilateral action on behalf of the LLCDC without first discussing it with the board.

II. APPROVAL OF MEETING MINUTES (Schell)

- Approval of June 8, 2011 Board Meeting Minutes has been tabled until the Chairman has a chance to review the tape of the June 8th meeting pertaining to a comment in question. Tim Specht also had a correction to a comment in the June 8th Meeting minutes.

III. TREASURER'S REPORT (Friesel)

- Friesel presented the budget as of June (see attached).

FRIESEL MOTIONED TO APPROVE ALLOWANCE OF VOUCHERS FOR THE MONTH OF JUNE, 2011. SPECHT SECONDED THE MOTION. ALL "AYES". MOTION CARRIED.

- A State of Indiana Workforce Development Audit was undertaken on June, 16th 2011. Friesel stated that the audit was positive and had no remedial recommendations.
- The proposed 2012 budget meeting will take place on Wednesday, July 20th, 6 p.m. at the Benton Township Seniors Center.

IV. MANAGERS REPORT (Madden)

A. Public Awareness: LLCD Board Meetings

- Due to concern that the LLCD board meeting minutes are not detailed enough, 3 options for increasing public awareness of meetings and efficiency of recording board minutes were presented to the board (See Attached).
- LLCD Manager Madden stated that in order for LLCD board meetings to be aired on CATS, he would need to meet with the County Commissioners to determine procedures, protocol and approval.

FRIESEL MOTIONED TO ALLOW MADDEN TO ENTER INTO DISCUSSION WITH CATS AND THE COUNTY COMMISSIONERS. DUGAN SECONDED THE MOTION. ALL "AYES". MOTION CARRIED.

B. Board Resolution 07-11-04: Salary Increase, Lake Biologist/ Office Assistant

- The LLCD Manager introduced Lake Biologist Adam Casey and recommended a pay increase from \$12.50/hr to \$16.00/hr.
- The reason for the increase is that lake biologist Casey has graduated with his masters degree and is now a working professional. Casey has agreed to work for the LLCD through spring of 2012. Casey will begin searching for current Indiana University School of Public and Environmental Affairs students to interview for the position this winter.

FRIESEL MOTIONED TO APPROVE RESOLUTION 07-11-04; INCREASING THE LAKE BIOLOGIST/OFFICE ASSISTANTS WAGE FROM \$12.50/HR TO \$16.00/HR. CASSAL SECONDED THE MOTION. ALL "AYES". MOTION CARRIED. (See Attached)

C. Barge Operations: Update

- Madden re-capped dredging operations to include the completion of the Possum Trot disposal site and the marking of 30 stumps during the lake drawdown. The 30 stumps were removed in the spring.
- During the lake drawdown a channel was dug out for barge access to the new disposal site.
- A significant amount of lake debris was removed in the spring.

D. 2011 Vegetation Control Update (Casey)

- This years nuisance vegetation is considerably less extensive than 2010.
- We are expecting this to result in a significant cost savings for vegetation treatments in 2011.
- Lake treatment types and acreage through July 16th, 2011 are as follows:

2011 Vegetation Treatment

Date	Target Species	Total Acreage
7/22/11	Submersed Species	10.25
7/22/11	Lotus & Spatterdock	20.5

E. Fireworks Event Summary (See Attached) (Casey)

- The 2011 fireworks has been described as the best show to date by many LLCDC Freeholders.
- \$6,056.90 in total donations were received. \$5,486.00 from Freeholders and \$570.90 collected the night of the event
- 84 percent of donation goal was achieved as of 7/16/11.

F. Dam and Spillway Repairs

- Madden would like to form a study group including directors Mann, Cassal and Specht to look at needed repairs to the dam and spillway. (See Attached)

G. Patrol Boat Repairs

- The LLCDC patrol boat broke a piston due to a faulty valve.
- Repairs have been completed and the patrol boat is in good working condition now.

H. Private Use of Dredged Material

- A freeholder, who has previously paid for private dredging has inquired about giving material away to private individuals.
- Some of the material was used by the Brown County Highway Department for the repair of Possom Trot bridge.
- Madden will check out with attorney and insurance agent.

V. Conflict of Interest: Review LLCDC Attorney Report (See Attached) (Cassal)

A. Disclosure Form 236 (Schell)

- In order to assure compliance with state statutes and disclosure form correctness, the LLCDC attorney was asked to review the disclosure form submitted by Schell on June 8th, 2011.
- Schell stated that due to recently receiving the recommendations, he is still in the process of filling out the forms and will have them completed for the August 13th, 2011 board meeting.

B. Response to Director Mann’s Memo (Cassal)

- The LLCDC Attorney was asked to include a response to director Mann’s memo regarding the performance of the LLCDC attorney on the conflict of interest issue.
- The LLCDC Attorney stated she did not research conflict of interest statutes because she was never asked, and her firm will not do work they are not asked to perform.

C. General Application of Conflict of Interest Statute (Cassal)

- It is up to the LLCDC Board of Director’s to enforce their own conflict of interest policy.
- Finally, freeholders with contracts with LLCDC, have no conflict of interest as the statute only applies to public servants (Board Members/Manager).

VI. Director Mann’s Proposed Conflict of Interest Standards (Rules) (Mann)

- Mann has reduced the number of proposed rules to only 2. (See Attached)
- The rules are designed to prevent any future contractual or topical conflicts of interest.
- Schell thinks it is a good idea to create a governance committee consisting of board members and freeholders to deal with issues of governance and conflicts of interest.

FRIESEL MOTIONED TO APPROVE THE PROPOSED CONFLICT OF INTEREST STANDARDS AS AN ADDENDUM TO THE CURRENT LLCDC CONFLICT OF INTEREST POLICY. NO SECOND.

VII. Public Comment

- Freeholder Barbara Ritter stated she has been circulating a petition requesting Chairman Schell resign from the board.

VIII. NEW BUSINESS / CORRESPONDENCE FOR FUTURE AGENDA

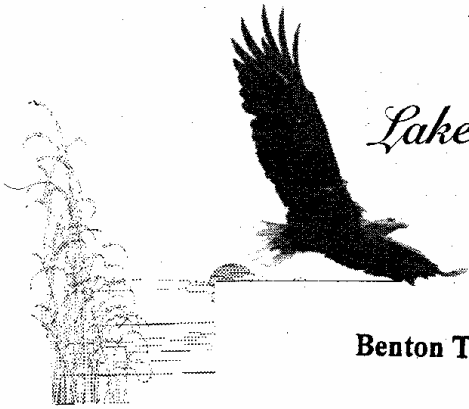
- July 20, 2011 – Board 2012 Proposed Budget Meeting – 6:00 P.M.
Benton Township Senior Citizens Building.

IX. ADJOURNMENT

THRASHER MOTIONED TO ADJOURN THE MEETING. DUGAN SECONDED THE MOTION. ALL “AYES.” MOTION CARRIED. MEETING ADJOURNED AT 12:55 P.M.

Meeting Minutes submitted by:

Adam Casey
Board Recorder



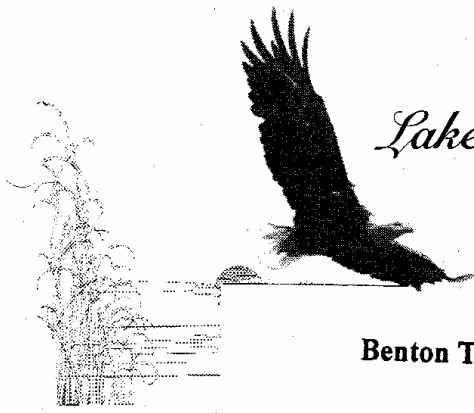
Lake Lemon Conservancy District

MONTHLY MEETING
Benton Township Senior Citizens Building
6:00 PM

Date: 7/16/11

Name	Lake Address	District
Sandy Taylor	806971 Lakeside Dr	
Bob Taylor	"	
Jeff Wimmer	7750 E. Anderson Pt	
Les Wadwinck	9173 E. Southshore Dr.	
Spielmeier	8047 Lakeside	
Paul & Moon Sauer	6173 North Shore Drive	6
Carol & Pete Cook	7669 South Towne Rd	
John & Joyce	7661 John Youngs Rd	
Norm & Joy	7795 Tunnel	
John Langley	CBU	
Karen & Bob Blackwell	4021 Salmon Harbor	7
Mike Blackwell	4071 " "	7
Bob	4193 WATSON RD	7
Clare Bowser	4176 Chertwood LN	M
Louis Bowser	" " "	M
Bill Kinkle	9314 GRAY AVE	
Lori & Tim Henders	Swanson 9316 Gray Ave	
David Galt	7725 N. Tunnel Rd	1
Scott Fison	4120 WATSON DR	1
Andrew Franklin	Descott Rd	
Hank Berman	Wildwood Dr	2

7599 North Tunnel Road, Unionville, IN 47468
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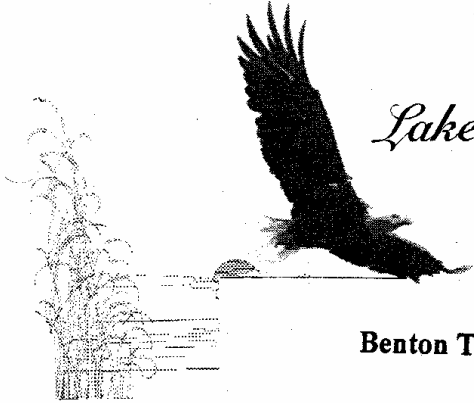
Lake Lemon Conservancy District

MONTHLY MEETING
Benton Township Senior Citizens Building
6:00 PM

Date: 7/16/11

Name	Lake Address	District
John Hagura	John Young Rd	1
Louis Horn	" " "	1
Randy Linden	John Young Rd	1
Harold Friedman	" " "	1
Keger Fiesel	6189 North Shore Dr	6
Frank & Betty Green	7625 N John Young Rd	1
Ann & Dave Gooden	4092 Chetwood Ln	7
Sherry Weber	4689 Point Chalamers Dr	6
William Weber	" "	6
Donald Brush	6117 Southshore	7
Andrea Senger	2981 Sailaway	
Steve Allen	9380 Oak Trail	?
Jed & Kim Dickson	7690 Wilwood Dr	
Mike Sonnenborn	7803 Tunnel	1
STEVEN ARNOOD	7535 LAKEWOOD DR	
Tom STEVENS	6297 N. SHORE	
Ed Horger	8715 N Lakeview	?
Alex Taylor	6173 N Shore Dr	6
Garrett Murray	8002 LAKEVIEW	3
BART ABERNETHY	8040 Freeman Dr	
John Hutchins	7895 Lakeview Dr	

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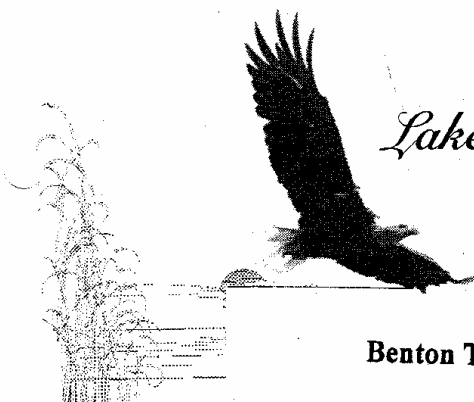
Lake Lemon Conservancy District

MONTHLY MEETING
Benton Township Senior Citizens Building
6:00 PM

Date: 7/16/11

Name	Lake Address	District
Patterson Sutton	Northshore 6953 Spillway	6
Barbara Bitts	7750 Wilkwood Dr	2
Amy & Mury Jackson	7647 John Young Rd	
Bob + Melody Nichols	9400 Herritt Rd	
Amy Barker	9378 Derrett Rd	
Tom Sullivan	8024 N. Lakeridge Dr.	
Baran McNabb	4115 South Shore	
Doret Carol Walter	7650 John Young Rd	1
BARHMAN, A	7700 LAKEWOOD	
JUANITA KELLEY	7701 TUNNEL RD	1
DOUGLAS HAY	8108 Wildwood	
Ed Schoff	9950 Northshore	
Therelle Schoff	"	
RON SKOPELJA	6458 SOUTHSORE DRIVE	#7
CINDY SKOPELJA	"	7
Tom Fluh	6486 " "	7
DAVE SEASTROM	7888 N. Shore	
Mary Resich	6472 Southshore	
Glen Salmon	7017 E Spilling Rd	
Susan Salmon	" " " "	

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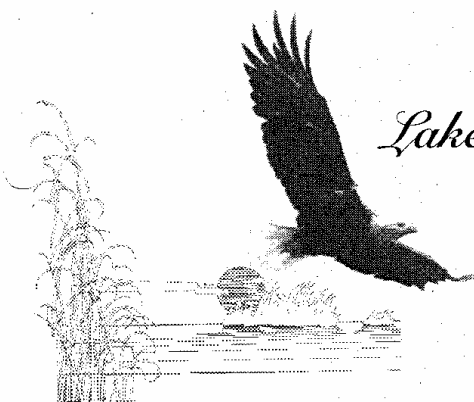
Lake Lemon Conservancy District

MONTHLY MEETING
Benton Township Senior Citizens Building
6:00 PM

Date: 7/16/11

Name	Lake Address	District
Dave Hobson		7
Jennie Payne		7
Ronald Payne		7
GAIL TALL	8920 Southshore	5
Dolores Freiburger	Lakeview Hills	3
Art & Dana Holden	9313 Gray Ave	? 6?
Walt St John	4304 WATSON	7
Paul Mills	7898 LAKEVIEW	
ART HALVEM	6740 E Spillway Rd	2
Donna Ryan		7
MACK THOMAS	7797 N. JOHN YOUNG RD	1
DYOBANCEL	GRAY AVE	
Scott ADAMSON	WALKER CREEK	7

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Lake Lemon Conservancy District

Date: June 30, 2011

ALLOWANCE OF VOUCHERS

(Report of Claims)

(IC 5-11-10-2 permits the governing body to sign the Accounts Payable Voucher Register in lieu of signing each claim the governing body is allowing.) We have examined the vouchers listed on the foregoing accounts payable voucher register and payroll journal, consisting of 7 pages, and except for vouchers not allowed as shown on the Register such vouchers are allowed in the total of \$33,808.71

Dated this 16th day of July, 2011


Signature of Governing Board



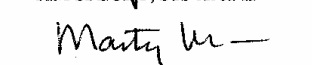
JOHN SCHELL, CHAIRMAN



BRUCE CASSAL, VICE-CHAIR



TIM SPECK, Sub-Area II



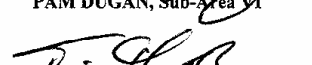
MARTY MANN, Sub-Area III



DENNIS FRIESE, Sub-Area V



PAM DUGAN, Sub-Area VI



TINA THRASHER, Sub-Area VII

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**LAKE LEMON CONSERVANCY
CHECK REGISTER
Peoples State Bank
6/ 1/2011 To 6/30/2011**

<u>REF NO</u>	<u>DATE</u>	<u>TT DESCRIPTION</u>		<u>DIST. AMOUNT</u>
00014280	06/21/11	VC A T & T		-140.39
	1015	PEOPLES STATE BANK	140.39 cr	
	6370	Phone, LDT, Pager, E-Mail	140.39 dr	
00014287	06/22/11	VC ALL ABOUT BOATS		-2,200.00
	1015	PEOPLES STATE BANK	2,200.00 cr	
	6250	Boat/Weed Harvester/Truck	316.58 dr	
	6520	Boat	850.00 dr	
	6730	Patrol Boat	1,033.42 dr	
00014278	06/13/11	VC ANDREWS, HARRELL, MANN, CARMIN		-165.00
	1015	PEOPLES STATE BANK	165.00 cr	
	6320	Attorney	165.00 dr	
00014285	06/21/11	VC ANTHEM BLUE CROSS BLUE SHIELD		-1,215.14
	1015	PEOPLES STATE BANK	1,215.14 cr	
	6040	Health Insurance	1,215.14 dr	
00014269	06/08/11	VC B & B WATER CORP		-37.79
	1015	PEOPLES STATE BANK	37.79 cr	
	6470	Water	37.79 dr	
00014275	06/08/11	VC BLOOMINGTON HARDWARE		-162.70
	1015	PEOPLES STATE BANK	162.70 cr	
	6240	Building & Grounds	162.70 dr	
00014274	06/08/11	VC CITY OF BLOOMINGTON UTILITIES		-10.00
	1015	PEOPLES STATE BANK	10.00 cr	
	6560	Water Testing	10.00 dr	
00014289	06/24/11	VC COMCAST CABLE		-124.60
	1015	PEOPLES STATE BANK	124.60 cr	
	6370	Phone, LDT, Pager, E-Mail	124.60 dr	
00014292	06/30/11	VC FIRST INSURANCE GROUP		-8,816.00
	1015	PEOPLES STATE BANK	8,816.00 cr	
	6450	Insurance	8,816.00 dr	

**LAKE LEMON CONSERVANCY
CHECK REGISTER
Peoples State Bank
6/1/2011 To 6/30/2011**

<u>REF NO</u>	<u>DATE</u>	<u>TT DESCRIPTION</u>		<u>DIST. AMOUNT</u>
00014267	06/08/11 1015 6680	VC GARY BARROW EXCAVATING INC PEOPLES STATE BANK Other Services and Charges	1,500.00 cr 1,500.00 dr	-1,500.00
00014265	06/08/11 1015 6480	VC HOOSIER DISPOSAL PEOPLES STATE BANK Trash	141.83 cr 141.83 dr	-141.83
00014273	06/08/11 1015 6560	VC INDIANA UNIVERSITY PEOPLES STATE BANK Water Testing	3,631.00 cr 3,631.00 dr	-3,631.00
00014293	06/30/11 1015 6541	VC INTEGRITECH EQUIPMENT REPAIR PEOPLES STATE BANK Dredging Equipment Maintenance	844.00 cr 844.00 dr	-844.00
00014288	06/24/11 1015 6250 6520	VC JIM ISON PEOPLES STATE BANK Boat/Weed Harvester/Truck Boat	280.00 cr 130.00 dr 150.00 dr	-280.00
00014271	06/08/11 1015 6251	VC KLEINDORFER HARDWARE PEOPLES STATE BANK Dredging Supplies	29.67 cr 29.67 dr	-29.67
00014283	06/21/11 1015 6480	VC KNIGHTS TRASH REMOVAL PEOPLES STATE BANK Trash	10.00 cr 10.00 dr	-10.00
00014272	06/08/11 1015 6240	VC LOWE'S COMPANIES, INC. PEOPLES STATE BANK Building & Grounds	248.35 cr 248.35 dr	-248.35
00014291	06/30/11 1015 6240	VC LOWE'S COMPANIES, INC. PEOPLES STATE BANK Building & Grounds	153.92 cr 153.92 dr	-153.92
00014284	06/21/11 1015	VC MONROE TUFF-JON PEOPLES STATE BANK	608.00 cr	-608.00

**LAKE LEMON CONSERVANCY
CHECK REGISTER
Peoples State Bank
6/1/2011 To 6/30/2011**

<u>REF NO</u>	<u>DATE</u>	<u>TT DESCRIPTION</u>		<u>DIST. AMOUNT</u>
	6490	Port- O-Lets	608.00 dr	
00014270	06/08/11	VC N. ANDERSON LAWN CARE LLC		-1,812.50
	1015	PEOPLES STATE BANK	1,812.50 cr	
	6310	Grass	1,812.50 dr	
00014276	06/08/11	VC NAPA AUTO PARTS		-365.14
	1015	PEOPLES STATE BANK	365.14 cr	
	6251	Dredging Supplies	365.14 dr	
00014290	06/28/11	VC RECREATION SUPPLY COMPANY		-153.37
	1015	PEOPLES STATE BANK	153.37 cr	
	6290	Signs & Nautical Markers	153.37 dr	
00014277	06/13/11	VC SCHELL MARINA		-828.96
	1015	PEOPLES STATE BANK	828.96 cr	
	6600	6% Marina Permit Sales	828.96 dr	
0014282	06/21/11	VC SOUTH CENTRAL REMC		-441.95
	1015	PEOPLES STATE BANK	441.95 cr	
	6460	Electric	441.95 dr	
00014279	06/13/11	VC STAPLES CREDIT PLAN		-113.74
	1015	PEOPLES STATE BANK	113.74 cr	
	6440	Other	4.32 dr	
	6160	Printer, Copier & Computer Sup	24.99 dr	
	6130	Daily Permits	84.43 dr	
00014281	06/21/11	VC VERIZON WIRELESS		-48.32
	1015	PEOPLES STATE BANK	48.32 cr	
	6370	Phone, LDT, Pager, E-Mail	48.32 dr	
00014286	06/21/11	VC VISA		-200.83
	1015	PEOPLES STATE BANK	200.83 cr	
	6170	Miscellaneous-Other	19.99 dr	
	6180	Postage	55.84 dr	
	6200	Regular Gas	125.00 dr	

**LAKE LEMON CONSERVANCY
CHECK REGISTER
Peoples State Bank
6/1/2011 To 6/30/2011**

<u>REF NO</u>	<u>DATE</u>	<u>TT DESCRIPTION</u>		<u>DIST. AMOUNT</u>
00014268	06/08/11	VC WATKINS ACCOUNTING		-450.00
	1015	PEOPLES STATE BANK	450.00 cr	
	6300	Accounting Services	450.00 dr	
00014266	06/08/11	VC YOUNG TRUCKING		-105.00
	1015	PEOPLES STATE BANK	105.00 cr	
	6510	Building & Grounds	105.00 dr	

TOTAL TRANSACTIONS: -24,838.20
=====

BC - Bank Check	0.00
BD - Bank Deposits	0.00
BI - Bank Interest or Credit	0.00
BS - Bank Service Charge	0.00
BT - Bank Transfer	0.00
BX - Bank Exchanges	0.00
EC - Payroll Check	0.00
VC - Direct Disbursement	24,838.20
VP - Check/Cash Disbursement	0.00

LAKE LEMON CONSERVANCY Payroll Summary June 2011

	ADAM, CASEY		Alexander, Meredith M		Hopkins, Joseph S		JACOB,...
	Hours	Rate	Jun 11	Hours	Rate	Jun 11	Hours
Employee Wages, Taxes and Adjustments							
Gross Pay							
Salary			0.00			0.00	
HOURLY PAY-6110	150	12.50	1,875.00			0.00	
Reg. Pay-6090			0.00			0.00	
Reg. Pay-6070			0.00			565.25	150.5
Reg. Pay-6100			0.00	32.5	12.00	390.00	0.00
Total Gross Pay	150		1,875.00	32.5		390.00	150.5
Deductions from Gross Pay							
Insurance			0.00			0.00	
Total Deductions from Gross Pay			0.00			0.00	
Adjusted Gross Pay	150		1,875.00	32.5		390.00	150.5
Taxes Withheld							
Federal Withholding			-173.00			0.00	-8.00
Medicare Employee			-27.19			-5.66	-8.20
Social Security Employee			-78.75			-18.38	-23.74
IN - Withholding			-63.75			-13.26	-19.22
Monroe Co.			-19.50			0.00	-5.90
St. Joseph co			0.00			-4.05	0.00
Total Taxes Withheld			-362.19			-39.35	-65.06
Net Pay	150		1,512.81	32.5		350.65	150.5
Employer Taxes and Contributions							
Federal Unemployment			15.00			3.12	4.52
Medicare Company			27.19			5.66	8.20
Social Security Company			116.25			24.18	35.05
IN - Unemployment Company			10.45			2.20	3.20
Total Employer Taxes and Contributions			168.89			35.16	50.97

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LAKE LEMON CONSERVANCY Payroll Summary June 2011

	JACOB, MORROW L		Mann, Hunter C		PATRICK, CAMPBELL		ROBERT, MADDEN E	
	Rate	Jun 11	Hours	Rate	Jun 11	Hours	Rate	Jun 11
Employee Wages, Taxes and Adjustments								
Gross Pay								
Salary		0.00						0.00
HOURLY PAY-6110		0.00						0.00
Reg. Pay-6090		0.00	34.75	14.00				0.00
Reg. Pay-6070	10.00	1,505.00				134	9.50	1,273.00
Reg. Pay-6100		0.00						0.00
Total Gross Pay		1,505.00	34.75			134		1,273.00
Deductions from Gross Pay								
Insurance		0.00						0.00
Total Deductions from Gross Pay		0.00						0.00
Adjusted Gross Pay		1,505.00	34.75			134		1,273.00
Taxes Withheld								
Federal Withholding		-164.00						-130.00
Medicare Employee		-21.82						-18.46
Social Security Employee		-63.21						-53.47
IN - Withholding		-51.17						-43.28
Monroe Co.		-15.70						-13.28
St. Joseph co		0.00						0.00
Total Taxes Withheld		-315.90						-258.49
Net Pay		1,189.10	34.75			134		1,014.51
Employer Taxes and Contributions								
Federal Unemployment		12.04						10.19
Medicare Company		21.82						18.46
Social Security Company		93.31						78.93
IN - Unemployment Company		8.50						7.19
Total Employer Taxes and Contributions		135.67						114.77

LAKE LEMON CONSERVANCY Payroll Summary June 2011

	ROBER...		Scudder, Jarod V		Skaggs, Ryan D		TOTAL	
	Jun 11	Hours	Rate	Jun 11	Hours	Rate	Jun 11	Hours
Employee Wages, Taxes and Adjustments								
Gross Pay	4,409.42						4,409.42	
Salary	0.00		0.00		0.00		150.00	
HOURLY PAY-6110	0.00		0.00		0.00		34.75	
Reg. Pay-6090	0.00		0.00		0.00		486.50	
Reg. Pay-6070	0.00		0.00		0.00		3,343.25	
Reg. Pay-6100	0.00	45.25	12.00		12.00		81.75	
Total Gross Pay	4,409.42	45.25	543.00		48.00		617.50	
Deductions from Gross Pay								
Insurance	0.00		0.00		0.00		0.00	
Total Deductions from Gross Pay	0.00		0.00		0.00		0.00	
Adjusted Gross Pay	4,409.42	45.25	543.00		48.00		617.50	
Taxes Withheld								
Federal Withholding	-504.00		-26.00		0.00		-1,005.00	
Medicare Employee	-63.94		-7.87		-0.70		-160.89	
Social Security Employee	-185.19		-22.81		-2.02		-466.00	
IN - Withholding	-149.92		-18.47		-1.63		-377.24	
Monroe Co.	-45.86		-5.67		-0.50		-111.48	
St. Joseph co	0.00		0.00		0.00		-4.05	
Total Taxes Withheld	-948.91		-80.82		-4.85		-2,124.56	
Net Pay	3,460.51	45.25	462.18		43.15		617.50	
Employer Taxes and Contributions								
Federal Unemployment	0.00		4.34		0.38		53.49	
Medicare Company	63.94		7.87		0.70		160.89	
Social Security Company	273.38		33.67		2.98		687.91	
IN - Unemployment Company	0.00		3.07		0.27		37.63	
Total Employer Taxes and Contributions	337.32		48.95		4.33		939.92	



Lake Lemon Conservancy District

To: LLCD Board of Directors
From: Bob Madden
Subject: Board Meetings
Date: July 16, 2011

Per the Board's request of June 8, 2011, the following options are presented for discussion by the Board for increasing public awareness and interest in LLCD Board Meetings.

Option 1- Audio Taping of Board Meetings

Equipment- Cost: \$400.00 to \$500.00. Digital recording device with two (2), 360 degree microphones.

Practicality- Produces high quality recordings which can easily be stored on a cd and uploaded to our web-site.

Option 2- Video & Audio Taping of Board Meetings

Equipment- Cost: Approximately \$500.00 for a camcorder (if we use separate audio device) and \$15.00-\$40.00 for a tripod.
> \$1000.00 for a camcorder with a microphone input plus >\$200.00 for an external microphone.

Practicality- We **will not** be able to upload video files of our meetings to our website due to the size of the video files and data upload restrictions of our web-site. Video could be stored on DVD-R disks and would be available by request only.

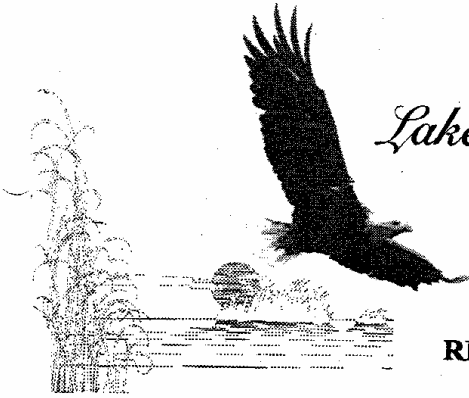
Option 3- Community Access Television Services (CATS)

According to Martin O'Neal, Production Manager for CATS, in order for CATS to tape and televise LLCD Board Meetings, approval must be obtained from the Monroe County Commissioners.

Equipment- No cost. Provided by CATS

Practicality- CATS personnel would video tape board meetings. The meetings would be aired at various times on Comcast channel 14. Video of meetings would also be archived on CATS web-site.

7599 North Tunnel Road, Unionville, IN 47468
Phone 812/334-0233 • Fax 812/335-0038



Lake Lemon Conservancy District

RESOLUTION 07-11-04

The Board of Directors of the Lake Lemon Conservancy District (the "District") hereby adopts the following Resolution as the resolution and act of the Directors of the District. This Resolution will be filed with the records of the District as the duly authorized action of the Board of Directors.

WHEREAS, the Board duly approved its 2011 Annual Budget by Resolution 10-10-02 on the 20th day of October, 2010;

WHEREAS, as a part of Resolution 10-10-02, the 2011 Statement of Salaries and Wages to Be Paid Officers and Employees was duly approved and adopted by the Board;

WHEREAS, the current Biologist/Office Assistant has graduated from Indiana University with a professional degree and the District may retain him as an employee with the LLCD in a professional capacity;

WHEREAS, the Directors have determined that it is in the best interest of the LLCD to retain the current Biologist/Office Assistant and increase the hourly wage to appropriately compensate for the duties performed; and,

WHEREAS, increasing the hourly wage for the Biologist/Office Assistant requires amendment of the prior Resolution adopted by the Board;

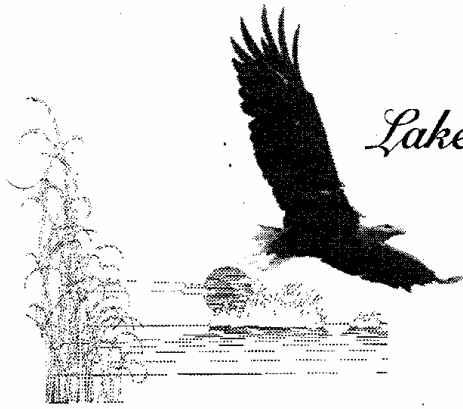
NOW THEREFORE, it is resolved by this Board of Directors as follows:

IT IS RESOLVED, that the District does hereby amend the 2011 Statement of Salaries and Wages to Be Paid Officers and Employees such that the line item for "Biologist/Office Assistant" shall be increased from \$12.50/hour to \$16.00/hour for the remainder of Calendar Year 2011.

IT IS FURTHER RESOLVED that all other salaries and wages included in the 2011 Statement of Salaries and Wages to Be Paid Officers and Employees shall remain as stated in Resolution 10-10-02, except as expressly amended by this Resolution.

IT IS FURTHER RESOLVED, that any prior decisions and/or resolutions of this Board of Directors which are inconsistent with the Resolution adopted hereby, shall be null and void and this Resolution shall supersede any prior resolutions to the extent not inconsistent herewith.

7599 North Tunnel Road, Unionville, IN 47468
Phone 812/334-0233 • Fax 812/335-0038



Lake Lemon Conservancy District

2011 Fireworks Financial Summary as of 7/10/11

Income :

Income Source	Amount (\$)
Freeholder Donations	\$ 5,486.00
Gate Bucket (Day of Event)	\$ 570.90
Total*	\$ 6,056.90

*Note: 2010 Donations were: \$6590.91

Expenses :

Expenses	Amount (\$)
Cost of Show	\$ 6,500.00
Security Staff	\$ 96.00
Port-o-Let	\$ 60.00
Solicitation Mailing (Includes Postage)	\$ 537.18
Total	\$ 7,193.18
NET (Revenue – Expense)*	\$ -1,136.28

*Note: 2010 expenses were \$ 7,151.02

*Note: During 2010, \$1,030.00 was received between 7/6/10 & 9/14/10

2011 LLCD Fireworks Budgeted at \$ 7,000.00

7599 North Tunnel Road, Unionville, IN 47468
Phone 812/334-0233 • Fax 812/335-0038

Scheduled Recommended Tasks for LAKE LEMON DAM

County	Deadline Date	State Id	Dam Name	Next Inspection Date =	Done	Completion Date
Monroe				10/5/2012		

Recommendation Track Code = 53-1_INSPC_9/25/2006_1

10/1/2007 53-1 LAKE LEMON DAM

Yes 11/26/2007

- Description:**
1. Visually monitor the possible seepage condition at the toe of the embankment. Report any changes to a dam engineer immediately. On-going. Continuous
 2. Remove the small brush and trees in the embankment along the water's edge. (During 2007 season) October 1, 2007
 3. Fill ruts in crest to facilitate drainage. (During 2007 season) October 1, 2007
 4. Remove vegetation from the left wall of the stilling basin. (During 2007 season) October 1, 2007
 5. Repair scoured area in the channel bottom downstream of the stilling basin. (During 2007 season) October 1, 2007
 6. Regrade or ditch area downstream of the right groin to facilitate surface drainage. (During 2007 season) October 1, 2007

Notes: All items were satisfactorily completed. See report letter dated November 26, 2007.

Recommendation Track Code = 53-1_INSPC_9/25/2006_2

10/1/2008 53-1 LAKE LEMON DAM

Yes 10/07/2008

- Description:**
7. Repair the missing joint filler in the outlet pipe during the next inspection in two years. October 1, 2008

Notes: Repaired on October 7, 2008 by GDS Construction Co., Inc. See letter dated October 9, 2008

Recommendation Track Code = 53-1_INSPC_9/25/2006_4

10/1/2008 53-1 LAKE LEMON DAM

No

- Description:**
9. Prepare an emergency action plan for the project. (Suggest completion prior to next inspection or by October 1, 2008. May consider using IDNR guidelines currently under development.) October 1, 2008

Notes: Continued until 2009 -10.

Recommendation Track Code = 53-1_INSPC_9/25/2006_5

10/1/2008 53-1 LAKE LEMON DAM

Yes 02/06/2009

- Description:**
- The next inspection should be submitted prior to October 1, 2008.

Notes: Received Inspection Report on February 6, 2009 for inspection performed on October 7, 2008. Late.

Wednesday, December 15, 2010

Sorted by deadline date.

Page 1 of 3

County **Deadline Date** **State Id** **Dam Name** **Next Inspection Date = 10/5/2012** **Done** **Completion Date**

Recommendation Track Code = 53-1_INSPC_10/7/2008_1

10/30/2010 53-1 LAKE LEMON DAM

No

Description:

RECOMMENDATIONS

1. Visually monitor the possible seepage condition at the toe of the embankment. Report any changes to a dam engineer immediately.
2. Fill new ruts in the crest to facilitate drainage.
3. Remove new vegetation from around the stilling basin.
4. Repair scoured area in the channel bottom immediately downstream of the stilling basin. It is anticipated that large riprap will be needed. The design velocities for the outflow will need to be evaluated to properly size the riprap.
5. Monitor the area downstream of the right abutment groin for standing water following high pool events.
6. Following high pool events, monitor the channel bottom immediately downstream of the ogee spillway's end sill for signs of additional erosion.
7. Inspect the interior of the outlet pipe again within six years. More frequent inspections may be needed, however, if conditions warrant.
8. Prepare an emergency action plan (EAP) for the project.

Notes:

A report of the status of completion for the engineer recommendations should be presented in detail in the next biennial inspection report and should include dates of completion and a detailed description of the work performed or to be continued.

Continued and routine tasks

Recommendation Track Code = 53-1_INSPC_10/7/2008_2

11/1/2010 53-1 LAKE LEMON DAM

Yes

12/14/2010

Description:

Perform a required Biennial inspection and submit report to IDNR by November 1, 2010.

Notes:

A report of the status of completion for the engineer recommendations should be presented in detail in the next biennial inspection report and should include dates of completion and a detailed description of the work performed or to be continued.

Received report on December 14, 2010

Recommendation Track Code = 53-1_INSPC_9/25/2006_3

10/1/2012 53-1 LAKE LEMON DAM

No

Description:

8. Inspect the interior of the outlet pipe again in six years. More frequent inspections may be needed if conditions warrant. October 1, 2012

Notes:

Continued until 2012.

County	Deadline Date	State Id	Dam Name	Next Inspection Date =	Done	Completion Date
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Recommendation Track Code = 53-1_INSPC_10/5/2010_1

1/1/2012 53-1 LAKE LEMON DAM

No

Description: RECOMMENDATIONS

1. Remove isolated small trees along the shore.
2. Fill any animal borrows on the embankment with competent, well compacted material. Monitor animal activities on the embankment.
3. Monitor the area downstream of the right abutment groin for standing water following high pool events and after periods of heavy rain.
4. Monitor the area along the downstream toe near the midpoint of the embankment for possible seepage. Report any changes to a dam engineer immediately.
5. Repair scoured areas in the channel bottom immediately downstream of the end of the stilling basin concrete slab. It is anticipated that large riprap will be needed. The design velocities for the outflow will need to be evaluated to properly size the riprap.
6. Monitor the stability and erosion condition of the banks of the outlet channel downstream of the stilling basin concrete slab. Clear excessive debris in the outlet channel regularly.
7. Inspect the interior of the outlet pipe beneath the embankment again within four years. However, a more frequent inspection may be needed if conditions warrant.
8. Replace or repair the ladder at the gatewell.
9. Replace or repair the trash rack at the intake conduit.
10. Remove the small tree and what appeared to be "mud dauber's nests" on the lower end of the right training of the principal spillway. Repair the concrete surface, if necessary.
11. Seal all joints and cracks in the training walls of the principal spillway. Visually monitor for any additional settlement or displacement of the principle spillway.
12. Remove and clear what appeared to be iron bacteria from the outlet pipes at the downstream toe of the spillway.
13. Following high pool events, monitor any channel erosion downstream of the ogee's end concrete sill.
14. A recent file review indicates that an emergency action plan (EAP) has not yet been prepared as recommended in the 2008 inspection report. It is recommended that an EAP be prepared as soon as possible.

Notes: Report status of the engineer recommended tasks in the next biennial engineering inspection.

Recommendation Track Code = 53-1_INSPC_10/5/2010_2

12/1/2012 53-1 LAKE LEMON DAM

No

Description: The next biennial inspection must be performed within 2 years, and is expected to be submitted prior to December 1, 2012.

Notes:

Wednesday, December 15, 2010

Sorted by deadline date.

Page 3 of 3

discharges. If the condition worsens, it is anticipated that properly-sized riprap could be placed immediately downstream of the end sill to armor the area.

CONCLUSIONS

Based on our observations, it appears that the project condition has not changed significantly since the 2008 inspection, where the overall surficial condition of the project was determined to be 'Satisfactory'.

RECOMMENDATIONS

1. Remove isolated small trees along the shore.
2. Fill any animal borrows on the embankment with competent, well compacted material. Monitor animal activities on the embankment.
3. Monitor the area downstream of the right abutment groin for standing water following high pool events and after periods of heavy rain.
4. Monitor the area along the downstream toe near the midpoint of the embankment for possible seepage. Report any changes to a dam engineer immediately.
5. Repair scoured areas in the channel bottom immediately downstream of the end of the stilling basin concrete slab. It is anticipated that large riprap will be needed. The design velocities for the outflow will need to be evaluated to properly size the riprap.
6. Monitor the stability and erosion condition of the banks of the outlet channel downstream of the stilling basin concrete slab. Clear excessive debris in the outlet channel regularly.
7. Inspect the interior of the outlet pipe beneath the embankment again within four years. However, a more frequent inspection may be needed if conditions warrant.
8. Replace or repair the ladder at the gatewell.
9. Replace or repair the trash rack at the intake conduit.
10. Remove the small tree and what appeared to be "mud dauber's nests" on the lower end of the right training of the principal spillway. Repair the concrete surface, if necessary.
11. Seal all joints and cracks in the training walls of the principal spillway. Visually monitor for any additional settlement or displacement of the principle spillway.
12. Remove and clear what appeared to be iron bacteria from the outlet pipes at the downstream toe of the spillway.

C.D.S. Construction Co., Inc.
7400 Distribution Drive
Louisville, KY 40258
(502) 937-8061

October 11, 2010

Lake Lemon Conservancy District / City of Bloomington
7599 North Tunnel Road
Unionville, Indiana 47468

ATTN: Bob Madden - Phone: (812) 334-0233 Fax: (812) 335-0038

RE: Dive Inspection - Sluice gate and sluice gate well inspection, 42" intake conduit and intake grate inspection.

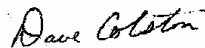
CDS dive crew arrived on the job site 10/5/2010 at 11:00 am EST. The sluice gate was in the closed position. The gate well was roped off and the gate well unlocked and opened. At this point fall protection was implemented in the gate well area. Temporary ladders were installed in the gate well because of poor ladder conditions. The sluice gate was raised about 4" to remove bottom sediment. After about ten minutes the gate was closed and the diver entered the water. The diver followed the gate stem down, inspecting all gate stem guides and couplings. All were found to be secure. The diver arrives at the gate and starts his gate inspection.

All gate frame and lift bracket bolts were checked for tightness. No problems were encountered at this time. (End of 42" gate inspection)

The diver exits the gate well and proceeds into the 42" intake conduit approximately 150'. At this point, the diver enters the concrete intake box on the bottom of the lake. The concrete walls and floor are in good condition. The steel bar screen that keeps logs and debris from entering the sluice gate well are showing signs of needing attention. The bars are about 4" apart and consist of 3" steel bar stock about 1/4" thick. They rest on four - 4" H-beams. The flat bars are rusted almost half way through and should be replaced in the next couple of years. This will keep large logs from entering the gate well and possibly causing damage to the gate structure.

Diver exits the 42" conduit and returns to gate well and exits the water.

Respectfully,



Dave Colston
Diving Supervisor

July 7, 2011

Bob Madden
Lake Lemon Conservancy District
7599 North Tunnel Road
Unionville, IN 47468

This correspondence is attorney work product and is confidential and protected from disclosure by the attorney-client privilege. This correspondence is intended for the named recipient and the elected directors of the LLC only.

RE: LLCDC Conflict of Interest Policy
Indiana Criminal Conflict of Interest Statute
Our File No.: 11820-42

Dear Bob:

The Lake Lemon Conservancy District Board of Directors ("Board") has asked our firm to address the three (3) issues noted below for its July 2011 Board of Directors Meeting. Greg Bullman and Angela Parker have prepared this second opinion letter for the Board, taking into account the firm's letter issued on June 3, 2011, a response to the same from Director Marty Mann, and discussion with LLCDC Manager Bob Madden regarding the Board's directives and requests for the July 2011 Board meeting.

1. Review of Form 236, as submitted by Director John Schell;
2. Response to June 7, 2011 Memo from Director Marty Mann; and
3. General Application of Conflict of Interest statute within District.

1. Issue One: Conflict of Interest Form tendered by Director John Schell

The Board first asked us to review the conflict of interest form (SBA Form 236) tendered by John Schell and dated June 8, 2011. The Board wishes to know whether it should "accept" Schell's form pursuant to Indiana Code §35-44-1-3(d)(5). After reviewing the document, we recommend that the board refuse to accept Schell's draft in its current form, and instead ask him to revise and resubmit it.

400 West Seventh Street | Suite 104 | P.O. Box 2639
Bloomington, IN 47402-2639
Phone: 812.332.4200 | Facsimile: 812.331.4511
afp@ahmcp.com | www.ahmcp.com

To complete Form 236 for the *Marina/Club Agreement*, the Board should, once again, ask Schell to list the agreement as a "single transaction" under Question 4. It appears that the parties sign a new *Marina/Club Agreement* each year. Filing as a "single transaction" will make it simple for the parties to remember that, before Schell Marina signs the agreement each year, John Schell must submit Form 236 to the Board for approval. For purposes of completing Question 6 of the form, the Board should ask Schell to describe the *Marina/Club Agreement* as allowing access and use of Lake Lemon for commercial marina operations, which we understand to be the stated purpose for the agreement. Then, for Question 7, the Board should ask Schell to disclose all of the "profits or benefits" that he stands to gain under the agreement. The *Marina/Club Agreement* is what allows Schell Marina to undertake all of its operations as a commercial marina on the lake. Bloomington Municipal Code 11.04.410 ("No dock, pier or boat ramp shall be placed upon or operated upon the waters of the lake for fee or profit . . . except as specifically authorized by license, lease or concession with the city or the LLCD."). Thus, the "benefits or profits" that Schell stands to make from it are Schell Marina's "benefits or profits" for the entire year. The Board should ask Schell to disclose all "benefits or profits" that Schell Marina makes from all marina operations for the entire year.

We realize that the terms "profit" and "benefit" are not necessarily synonymous. "Profit" could be understood as a net amount after expenses. "Benefit" could be interpreted as a gross amount. Unfortunately, neither term is defined by Form 236 or by the conflict of interest statute.² It will be up to Schell, obviously, to report the amount of Schell Marina's "profit or benefit" each year. Because the terms are undefined, the Board cannot give him specific instructions for doing so unless it adopts a policy to further define the terms of compliance. We recommend, however, that the Board ask him to be sure that the amount of profits or benefits he lists for Question 7—whatever that amount is—corresponds to a tax return, profit and loss statement, or some other accounting prepared for Schell Marina. That way, Schell's figures can be supported if he is ever faced with an audit on the question. As with Schell's disclosure for the *Service Agreement for Sale of Boat Permits*, for future years his disclosure for the *Marina/Club Agreement* should be submitted to and accepted by the board *before* the contract is finalized and signed. Ind. Code §35-44-1-3(d)(5).

¹ In Question 7 of his draft, Schell listed the marina fees and boat slip fees that Schell Marina pays to LLCD each year under the *Marina/Club Agreement*. But the State Board of Accounts wants to know how much money Schell earns from LLCD, not how much money he pays to LLCD. The marina fees and boat slip fees are irrelevant and need not be disclosed on the form.

² At best, the statute defines the term "pecuniary interest," which it defines as follows: "A public servant has a pecuniary interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of the public servant or a dependant of the public servant." Ind. Code §35-44-1-3(g). This is not terribly helpful, however, when one must specify a dollar amount for Question 7 of Form 236.

As to Mann's second topic, the statute was not misquoted. In fact, the letter from counsel quoted the section of the statute in full on page 7 of the letter. Nor are we confused about the statute's meaning. As with all criminal statutes, ignorance of the law is never an excuse. But on the other hand, the conflict of interest statute does not set forth a "strict liability" standard, either. The statute contains a "knowing or intentional" element. It was appropriate to point that out. But to clarify, the "knowing or intentional" element applies to whether Schell knowingly or intentionally had a pecuniary interest in a contract with LLCD, not to whether he knowingly or intentionally broke a law. Any ignorance of the law's existence by Schell, or anyone else, is irrelevant.

As to Mann's third topic, the advice on the potential liability of directors other than Schell does not conflict with itself. The meaning of paragraph 4 of page 3 should be clear from the context of the letter. But, to clarify, one director's failure to follow Indiana's Conflict of Interest statute should not expose the rest of the board (or any other board member) to criminal liability. The second sentence that Mann quoted from our June 3rd letter confirms this. The statute does not contemplate action against "other board members."

As to Mann's fourth topic, there is nothing confusing about the Board's right to enforce its conflict of interest policy. The Conservancy District Act gives the Board the power to enact policies to govern its own affairs. Ind. Code § 14-33-5-20; *see also* Ind. Code § 14-33-6-13. The board duly enacted its conflict of interest policy. With the policy in place, the Board clearly has the right—and indeed the obligation—to enforce the policy when one of its members has a conflict of interest. We did not intend to place blame, point fingers, or cause then-serving Board members to be defensive when discussing this topic in the original opinion letter. But we are obligated to point out that the conflict of interest policy is not self-enforcing. For it to work, the Board must take action. Each year, John Schell discloses the conflict that his ownership of Schell Marina, LLC creates. Thus, when any contract with Schell Marina comes before the Board, the Board must ask Schell not to participate in the discussion or vote on that contract. It is as simple as that. The Board members cannot afford to be confused on this issue. If it comes up, the board must be ready to enforce the policy.³

Lastly, as to Mann's fifth topic, a decision as to whether to invite counsel to attend any given meeting or otherwise be available generally for counsel is up to the sound discretion of the Board. Counsel only attends meetings when invited and we will not comment on that internal decision here. That is the Board's decision to make based on its needs, the cost of implementing such a plan and how counsel could best serve the needs of the LLCD.

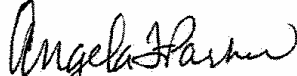
³ The advice given on this issue was in no way conflicting. The June 3, 2011 letter's reference to a board member's "right" to be heard on page 5 of the letter was made in response to Mann's own proposed rule, which would have prevented members from speaking at any time—including to constituents outside of meetings. That proposed rule has no relation to the board's existing policy, which affects conduct only inside of board meetings.

July 7, 2011
Page 7

meeting. After acceptance, the form must be submitted to the State Board of Accounts and filed with the Monroe County Clerk. The Board must accept the form prior to "final action" (signed) the contract or purchase. The form must then be filed with the State Board of Accounts and Clerk no later than fifteen (15) days after the contract is signed.

Please let us know if you have any further questions on the matters discussed by this letter.

Very truly yours,



Angela F. Parker
Gregory A. Bullman

Enclosure

331775/11820-42

Lake Lemon Conservancy District
Conflict of Interest Policy
Proposed Rules
(July 2011 Revisions)

1. LLCD Board members and management employees are disqualified from entering into any business agreements or other business relationships with the LLCD unless the LLCD Board determines that it is not practical to obtain the subject goods or services from other sources.
2. LLCD Board members and management employees shall recuse themselves from voting on LLCD policies or actions identified by the LLCD Board as creating an appearance of a conflict of interest. The subject individual shall be allowed to participate in LLCD Board meeting discussions on the matter as a freholder or member of the public.