

**Lake Lemon Conservancy District
Board of Directors Meeting Minutes
Benton Township Senior Citizen Building
January 21, 2009**

The January 21, 2009 meeting of the Lake Lemon Conservancy District was held at the Benton Township Senior Citizen Building and was called to order by Chairman Marty Mann at 6:08 p.m.

BOARD MEMBERS PRESENT: Marty Mann, Dave Hobson, Dennis Friesel, Rex Taylor, Barb Ritter, Bruce Cassal, and Tom Kelly. ALSO PRESENT: Bob Madden, Manager; Scott McWhorter, Board Recorder; and LLCDD Freeholders (see attached sign-in sheet). ABSENT: Rachel Atz, CBU Representative.

I. OPENING COMMENTS (Mann)

- Mann thanked all freeholders for attending the meeting.

II. APPROVAL OF MEETING MINUTES (Mann)

- Approval of December 17, 2008 Board Meeting Minutes.

RITTER MOTIONED TO APPROVE DECEMBER 17, 2008 MINUTES. HOBSON SECONDED THE MOTION. ALL "AYES." MOTION CARRIED.

III. TREASURER'S REPORT (Friesel)

- Dennis Friesel presented the budget as of December 2008 (see attached).
- LLCDD December income: \$21,218.00
- LLCDD December expenses: \$45,009.00
- LLCDD has \$80,000 in CD's, and \$49,000 in the Cumulative Maintenance Fund.
- The Line of Credit with Monroe Bank was discussed.

FRIESEL MOTIONED TO RENEW LINE OF CREDIT, EFFECTIVE DECEMBER 27, 2008, FOR THE AMOUNT OF \$125,000 AT 4.24% INTEREST. RITTER SECONDED MOTION. ALL "AYES." MOTION CARRIED.

- Friesel presented the findings of the 2006-2007 State Board of Accounts Audit. There were no major issues. Minor issue: Board should approve all checks.
- Shirley Watkins CPA, (LLCDD Accountant) is developing a report of claims for 2009.
- The District needs to encumber funds from its 2008 budget to pay Payne Excavating for 2008 Sedimentation Removal. Friesel read the Memorandum of Understanding, dated December 31, 2008 (see attached).

FRIESEL MOTIONED TO APPROVE THE MEMORANDUM OF UNDERSTANDING ALLOWING ENCUMBRANCE OF 2008 FUNDS TO PAY INVOICE FROM PAYNE

EXCAVATING FOR 2008 SEDIMENTATION REMOVAL. RITTER SECONDED. ALL “AYES.” MOTION CARRIED.

IV. Acquisition Project – Brown County

- Mann welcomed Celeste Angebrandt, Brown County Zoning Inspector; and Scott Rudd, previous employee of the Brown County Planning department.
- Celeste is working with FEMA to acquire land along Bean Blossom Creek where homes were damaged by last year’s flood.
- Celeste presented the project, asked for support of the project by the Board, and has asked that the manager write a letter of support to the County Commissioners.

FRIESEL MOTIONED TO SUPPORT THE BROWN COUNTY ACQUISITION PROJECT; PARTICIPATE IN ITS’ PLANNING PROCESS; AND GRANT PERMISSION TO LLCD MANAGER TO WRITE LETTER OF SUPPORT TO COUNTY COMMISSIONERS. HOBSON SECONDED. ALL “AYES.” MOTION CARRIED.

V. Renew 2009 Insurance

- Mann welcomed Frank Eberle from First Insurance Group.
- Eberle discussed LLCD’s 2009 Insurance and Premium Comparisons (see attached).

MANN MOTIONED TO RENEW 2009 INSURANCE WITH FIRST INSURANCE GROUP. KELLY SECONDED. ALL “AYES.” MOTION CARRIED.

VI. Manager’s Report (Madden)

A. 2009 Board Meeting Dates (see attached)

- Madden presented the 2009 Board Meeting Dates, to include the Annual Meeting, which will be held at the Benton Township Senior Citizens Building at 6PM on February 4th, 2009. Additionally, the two Saturday Board Meetings will be held at the Riddle Point Park Shelter on July 18th and August 15th.
- During the March meeting Board members will need to sign the Conflict of Interest Statement.

B. Winter Drawdown Update

- The Sluice gate was opened on December 1, 2008. It took 40 days to lower the lake 6 feet. The sluice gate was closed on January 9th.

C. Legal issues. Update

- The final settlement has been reached in the Brown County Government Litigation. LLCD will receive \$259.17 in lost interest.

D. Special Use Agreement

- Madden presented the Special Use Agreement with the Indiana University Women's Rowing Team (See Attached).

KELLY MOTIONED TO APPROVE THE SPECIAL USE AGREEMENT WITH INDIANA UNIVERSITY. CASSAL SECONDED THE MOTION. ALL "AYES." MOTION CARRIED.

E. 2009 Board Election. Update

- Bruce Cassal, District 1, unopposed
- Tom Kelly and John Schell, District 4
- Marty Mann, Chairman, appointed three freeholders as election clerks: 1) Randy Pruden, 2) Marge Ison, and 3) Hank Berman.

F. Lake Biologist

- Scott McWhorter will be graduating in May 2009, and will be leaving the Conservancy for a position with the EPA in Chicago. The interviewing process has begun for his replacement.

VII. Public Comment

- N/A

VIII. NEW BUSINESS / CORRESPONDENCE FOR FUTURE AGENDA

- **Annual Meeting February 4, 2009, 6:00 PM.**
- **Director Voting, 5:00 PM to 6:00 PM.**

IX. ADJOURNMENT

KELLY MOTIONED TO ADJOURN THE MEETING. RITTER SECONDED THE MOTION. ALL "AYES." MOTION CARRIED. MEETING ADJOURNED AT 8:24 P.M.

Meeting Minutes submitted by:

Scott McWhorter
Board Recorder



Lake Lemon Conservancy District

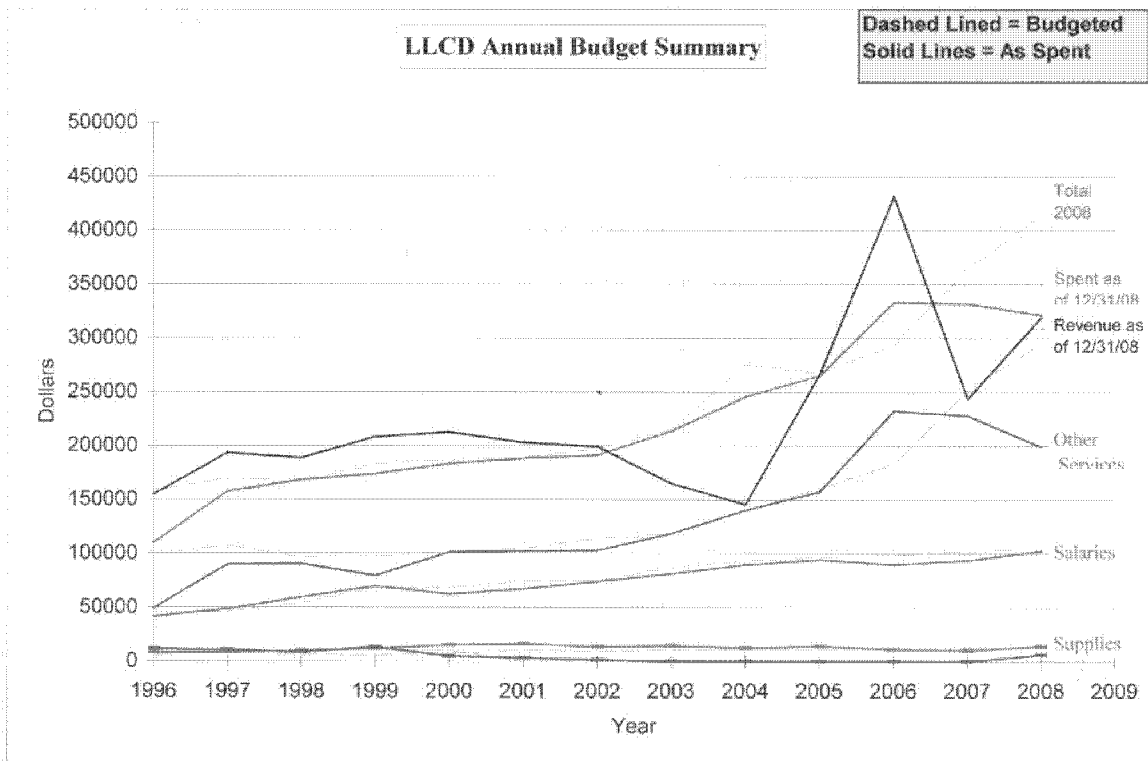
PLEASE SIGN IN

**Benton Township Senior Citizen's Building
6:00 p.m.**

Date: January 20th, 2009

Name	Lake Address	District
Randy & Maranel Pruden	7667 N. John Young Rd	1
Spencer & Jill Leiter	7331 Spillway	
Scott Rudd	Guest -	
Celeste Angebrandt	Guest - Br. Co. Plan Commission	
Sam Patterson	6271 North Shore	

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



I. December 2008 Summary

1. Income:	\$21,218	Watercraft Permits \$10 Launch Fees \$5 Lease Agreements: - Marina & Club \$11,078 Interest: \$125 Fishy Tourney: - Park Res. - Donations - Park Admin Fees - Brown County Taxes (advance) \$10,000
2. Expenses:	\$45,009	Salary/Benefits: \$5,813 Supplies: \$36 Professional Services \$645 Dam Spillway Inspect \$850 Debt Service \$481 Dredging \$33,176 Water Testing \$1651
3. Investments:	a) \$80,000 in CD's General Fund Invested. b) \$45,187 in five CD's for Cumulative Maintenance Fund. c) Re-Borrowed \$56 k from line of credit on Dec.23. Total Loan now \$125,000 @ 4.24% (down from 5.75%). NEED BOARD RESOLUTION FOR THIS LOAN d) Still not enough to pay Dick Payne Bill → e) Received \$75,648.14 on Jan 13, 2009 for Monroe County '07 payable '08. TOO LATE to Pay Payne in 2008 → another motion?	



Lake Lemon Conservancy District

December 31, 2008

Memorandum of Understanding

The Lake Lemon Conservancy District (LLCD) Board of Directors will be encumbering \$75,400.00 from the District's 2008 Budget (Expense Account 6660) to pay Invoice Number 362, dated September 6, 2008 from Payne Excavating for 2008 Sedimentation Removal from Lake Lemon.

The encumbrance is due to lack of sufficient funds in the District's checking account on December 31, 2008 to pay this invoice.

Approved by Motion of the LLCD Board of Directors on January 21, 2009.

Attest,

Bob Madden, Manager
Lake Lemon Conservancy District

CC Department of Local Government Finance
Shirley Watkins, CPA; LLCD Accountant

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

March 31, 2009

Lake Lemon Conservancy District

PREMIUM COMPARISON

	<u>2007</u>	<u>2008</u>	<u>2009</u>
General Liability	19,059	17,920	17,065
Commercial Property/Crime	726	723	619
Employee Dishonesty-Position Bond	275	275	275
Inland Marine	204	192	236
Commercial Auto	713	741	741
Worker's Compensation	1,436	1,744	1,539
Commercial Umbrella	7,476	6,776	7,209
	\$ 29,889	\$ 28,371	\$ 27,684

NOTES

Blue Chip Policy effective 10/17/07-1/1/11 for a total premium of \$3,322

2007 Premiums include GL & Work Comp Audits

2009 Premiums do not include building coverage increases.



Lake Lemon Conservancy District

To: LLCDD Board of Directors
From: Bob Madden
Date: January 1, 2009
Subject: 2009 Board Meetings

1. Monthly Board Meetings, Benton Township Senior Citizens Building, 6:00 PM
(All Wednesdays):

January 21; March 18; April 15; May 20; June 17; September 16; October 21;
November 18; December 16

2. **Annual Meeting** at Benton Township Senior Citizens Building:

February 4th (Wednesday), 5:00 PM to 6:00 PM Election Voting;
6:00 PM, Start of Meeting

3. Monthly Board Meetings, Riddle Point Shelter House, 11:00 AM (Saturdays):

July 18th (Annual Picnic); August 15th

4. 2010 Budget Board Meetings, Benton Township Senior Citizens Building, 6:00
PM (Wednesdays):

July 22, Special Board Meeting on 2010 Budget

September 2, Public Hearing on 2010 Budget

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

SPECIAL USE AGREEMENT

This Agreement is made by and between the **City of Bloomington Utilities** (hereinafter "CBU"), **Lake Lemon Conservancy District** (hereinafter "LLCD") and **Indiana University** (hereinafter "IU").

WITNESSETH:

WHEREAS, the CBU owns certain real estate located in Monroe and Brown Counties, Indiana, which real estate includes Lake Lemon, which real estate is leased to the LLCD; and,

WHEREAS, the LLCD is responsible for the operation and management of Lake Lemon, which management includes regulation of lake access and boating operations; and

WHEREAS, IU desires to secure a special use permit for access to Lake Lemon for a rowing course; and rowing events;

NOW, THEREFORE, in consideration of the recitals and of the respective covenants, representations, warranties and agreements herein contained, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the parties agree as follows:

1. Lake Lemon Conservancy District (LLCD) and the CBU hereby issue a special use permit to IU to conduct competitive rowing events on Lake Lemon. This Agreement commences on February 1, 2009 and shall be for a one year term. It may be renewed by written agreement of the parties.
2. Based on prior agreement of the parties, IU has installed fixtures in Lake Lemon to create a rowing course on Lake Lemon. If the use of such fixtures is to be discontinued by IU or the special use permit terminated for any reason, IU shall be responsible for removing all fixtures within a reasonable period of time, which obligation shall survive termination of this Agreement. All operation and maintenance costs associated with the use of the fixtures shall be the sole responsibility of Indiana University. The parties acknowledge that in addition to the fixtures installed in Lake Lemon, as referenced above, IU may utilize temporary event fixtures, which fixtures shall be installed and removed on the day of the rowing event by IU.
3. IU shall add the LLCD and CBU as "additional insureds" on its insurance policy and shall hold harmless and indemnify LLCD and CBU for any and all claims and liability resulting from use under this special use permit which will include damages, expenses and attorney fees. Provided, however, IU's obligation to hold LLCD & CBU harmless and indemnification shall be limited to the exposure of and liability of Indiana University as an instrumentality of the State of Indiana (e.g., actions and conditions as to which Indiana University is immunized by the Indiana Tort Claims Act, exemption from punitive damages, the ability to defeat a claim by reason of contributory negligence or fault of claimant), so that Indiana University's liability to hold harmless shall not exceed what might have been its liability to any claimant after all appropriate defenses had been raised by Indiana University. The minimum coverage for its insurance policy shall be

One Million Dollars (\$1,000,000.00). Certificate of Insurance is Due by February 27, 2009.

- 4. IU shall be solely responsible for providing and maintaining sanitary facilities, parking assistance, clean-up following an event, repair of any property damage resulting from an event on Lake Lemon and shall provide other event-related assistance at Riddle Point Park and Lake Lemon as reasonably requested by LLCD and CBU.
- 5. IU shall pay to LLCD a special use permit fee of Two Hundred and Fifty Dollars (\$250.00) per event, which amount shall be paid in full by April 1, 2009. No additional daily use or launch fees shall be charged for watercraft involved in the events. IU will provide LLCD a Spring event schedule no later than February 1st (attached) and a Fall event schedule no later than September 1st for any additional events on Lake Lemon. All events and dates must be approved, in advance, by LLCD.
- 7. In the event of a breach of this Agreement the non-breaching party may:
 - 1) Terminate this Agreement immediately;
 - 2) Seek any remedy available in law or equity.

In the event of a breach of this Agreement, the breaching party shall be responsible for the costs and reasonable attorney's fees of the non-breaching party.

- 8. This Agreement shall be governed by and construed under the laws of the State of Indiana.
- 9. This Agreement contains the entire agreement between the parties and shall be amended or modified only by written instrument signed by three parties hereto.

THE PARTIES, intending to be bound, have executed this SPECIAL USE AGREEMENT this ____ day of _____, 2009.

INDIANA UNIVERSITY:

LAKE LEMON CONSERVANCY DISTRICT

By: _____

By: _____

Name Printed: _____

Bob Madden
Manager, Lake Lemon Conservancy District

Address: _____

CITY OF BLOOMINGTON UTILITIES

By: _____
John Langley, Assistant Director