

## ANNUAL MEETING MINUTES

### BOARD OF DIRECTORS OF THE FALLING WATERS CONSERVANCY DISTRICT

February 10, 2025: TIME: 6:00 p.m.: Executive Cottage Homes Clubhouse located at 682 Verdano Terrace, Crown Point, IN 46307

Members Present: Dave Cullom, Mark Langbehn and Don Plumb. Also present included: Attorney Nathan Vis, and Financial Secretary Karen Giesler.

1. Meeting opened at 6:00 p.m. with the reciting of the Pledge of Allegiance.
2. Attorney Vis explained this is the annual meeting and Dave Cullom was the only person to turn in a nominating petition, so he will remain on the board until February 2028.
3. Attorney Vis administered the oath of office to Dave Cullom.
4. Attorney Vis explained the next step was to organize the board.

Mark Langbehn nominated Dave Cullom for Chairman, following a second by Don Plumb. Dave Cullom accepts, nomination carries, 3-0.

Chairman Cullom nominated Mark Langbehn for Vice-Chairman, following a second by Don Plumb. Mark Langbehn accepts, nomination carries, 3-0.

5. Attorney Vis opened the floor to the public.
6. Being no comments from the public, the floor is closed to the public.
7. Vice-Chairman Langbehn made a motion to close the annual meeting, following a second by Director Plumb. Motion duly carries, 3-0.
8. Annual Meeting adjourned by Chairman Cullom at 6:05pm.

## REGULAR MEETING MINUTES

### BOARD OF DIRECTORS OF THE FALLING WATERS CONSERVANCY DISTRICT

February 10, 2025: TIME: 6:05 p.m.: Executive Cottage Homes Clubhouse located at 682 Verdano Terrace, Crown Point, IN 46307

Members Present: Chairman Dave Cullom, Vice-Chairman Mark Langbehn and Director Don Plumb. Also present included: Attorney Nathan Vis and Financial Secretary Karen Giesler.

#### 9. Approval of Minutes:

Director Plumb made a motion to approve the minutes from January 13, 2025, following a second by Vice-Chairman Langbehn. Motion duly carries 3-0.

#### 10. Operators Report:

Chairman Cullom explained that Operator Gertzen was not able to make it, everything on the check list looks good, some glass sleeves for the plant were ordered, sludge removal will probably be starting again in March and the generator is running and tested once a week.

Vice-Chairman Langbehn reported that the operator cleaned the inside of the treatment plant.

#### 11. Secretary Report:

Vice-Chairman Langbehn confirmed that the certificate of deposit started out at \$250,000.00 and reported that the district has made \$20,433.00 so far.

Director Plumb made a motion to accept the financial report for January following a second by Vice-Chairman Langbehn. Motion duly carries, 3-0.

Vice-Chairman Langbehn made a motion to approve the claims presented, following a second by Chairman Cullom. Motion duly carries, 3-0.

#### 12. Attorney Report:

- A. Attorney Vis reported that the conservancy district has to submit to the court, a copy of the minutes and financials from the previous year and that has been completed.
- B. Attorney Vis explained that the cottage homes have offered a lease use for the building, all questions on it have been answered and it is in good order to finalize.

#### 13. Board:

- A. Vice-Chairman Langbehn explained that he talked to the landscaper and they will come out this spring to re-seed where the electric was run by the gazebo. It may need a load of black dirt after the ground settles.
- B. Vice-Chairman Langbehn explained that he contacted REMC and applied to get power near Lake Verbena and Lilys Pond to eventually be able to install fountains.

#### 14. Any other matters the board wishes to discuss:

Director Plumb explained that a question was asked at the last meeting, if anyone on the board has a relative that works for a business that makes money from FWCD and his thoughts went directly to contractors and excavators that run the utilities, and his answer was no. However, then he realized that DVG was a business that made money from FWCD and



his son works for them as an employee, so he stands in full disclosure and he prepared a response that is attached to the minutes as part of the record. The response also includes information about the three strips of land that are owned by the FWCD, that are for the purpose of lake access.

There was further discussion about conflict of interest and how it would be filed with the state if one existed, but this is not one that is needed.

Attorney Vis explained that it came to his attention that an anonymous letter was received, the allegations in it were troubling, he has prepared a response that he read and is attached to the minutes as part of the record along with a letter from Attorney Kvachkoff who represents the company named in the anonymous letter. It is his recommendation that the board does not spend any more time on that letter, he will report if he receives any information on where it came from and further action can be taken at that time.

Chairman Cullom explained that a mission statement was developed in 2018 and he reviewed what was on it, what has been added to it, what has been done and what still needs to be done.

Director Plumb suggested that the board should get some costs estimates on ditching and he explained the areas that need to be done to make a good pathway for water to flow.

Secretary Giesler will attach a copy of the mission statement and capital plan to the agenda moving forward.

Open floor to the public:

Zac explained that it was disappointing to hear about the anonymous letter when the community should want growth, upholding property values and the harmonious of the community. When people are villainized and criminalized by volunteering is disappointing, the board members are not paid. The community should be desirable to live in.

Mr. Berta commented the goals are spot on and questioned if the scoping of the sewers validates that any issues that may occur with the roads would not be due to faulty sewers?

There was further discussion about the televising of the sewer lines.

Mr. Berta questioned the research on the ponds and if there was any action that was going to be taken to study some proactive actions to enhance the pond environments?

There was further discussion about the study on the ponds, it was recommended that homeowners try not to put fertilizer near the lakes and the board will try and get some more research done on the lakes.

Mr. Berta explained who he is and he intended to address some matters, he agrees with what was said about the letter, it is easy to assume that the letter came from him and his wife, he received the letter in the mail just like everyone else received one in the mail, his wife came to a meeting and asked a question, that question was asked because of what happened between his home and the Zurn home, it was steaked, flags and indicators that there was an issue, people stopped and asked what was going on, he explained to them about the tree that has been a problem for his neighbor and himself, they were afraid the limbs will come down and damage their property, the board will not remove them, he agrees with keeping the trees, they trimmed them down and the limbs just grew back, they want the tree down because of potential damage to their house, on board member came by and there was yelling going on, the resolution is the board said they could trim them back at the homeowners expense which cost him and his neighbor thousands of dollars, he will continue to peruse that, he contacted DNR seeking clarification of who's responsibility it is to maintain trees that are on conservancy district property and he was told it is the conservancy districts responsibility. He understands that it means that it is the districts responsibility to trim the trees, it is the boards responsibility to make a decision of what should be done, the board was clear that it was his responsibility to pay for it to have that job done and that is what they did, but he does not agree with that, but he respects that decision. He is talking about the tree that can do damage to his home. His family has invested just under forty-thousand dollars on conservancy district property with the approval of the board, he does maintain conservancy property in back of his home, it enhances the land, as a result of the contentious relationship that occurred between the board and his wife at that meeting, he assumes the attorney drafted that letter at the direction of the board, he read a letter they received from the attorney, he described a time that he volunteered on the HOA board and there was accusations about a conflict of interest, he does not see any issue with Director Plumb's son working for DVG, when the HOA incident happened he thought it was unfair and a stain on the community, he hopes the resident that sent the anonymous letter out is found.

There was further discussion about how to move forward by talking and listening to each other.



Mrs. Davis explained that she was humiliated when it was said that she bought land for a discount just to live out here and she knew that part of her land was in the water, so it was a lie.

There was further discussion about what was said.

A freeholder explained that she walks a lot and the grates for the storm sewers get covered with debris and she tries to clean some of them out and she was wondering if the conservancy district cleans them.

Vice-Chairman Langbehn responded that the conservancy does hire someone twice a year to go around and clean them to try and keep up with it.

There was further discussion about the televising that was for the sewer system only and the flow that runs under Levanno needs to be corrected.

Zac questioned if the board can confirm if the board has addressed any risk concerns about people on the ice?

Attorney Vis explained that the conservancy is a municipality, this has been an ongoing conversation with the insurance company for years, the board has put up signage and the district sends notices out during the winter.

There was further discussion about the ice on the lake.

Attorney Vis assured that the board was not insinuating that the Berta's wrote the anonymous letter and he agrees the community needs to move forward.

There was further discussion about moving forward and having respect for each other.

Being no more business before the board, Chairman Cullom made a motion to adjourn, following a second by Vice-Chairman Langbehn. Motion duly carries, 3-0.

Meeting adjourned by Chairman Cullom at 7:15 pm.



Chairman



Secretary



Vice-Chairman

4/7/25

Date



## Response to Tina Berta

February 5, 2025 dlp

First:

At our last Board meeting Tina Berta questioned the Board if anyone has a relative that works for a business that makes money from the FWCD. My thoughts went directly to thinking of excavators and contractors that run the facilities that we deal with. So, my answer was no. However, after the fact, I realized that DVG in fact was a business the FWCD has used, and that my son is employed by DVG.

So, at this time, I stand corrected, in full disclosure, my son is an employee, not an owner, of DVG.

DVG is an engineering and land surveying firm in Crown Point that was first employed by the FWCD about eight years ago, before my involvement as a Board member. In recent years we have used Adam McAlpine for all engineering requirements, however, he is not a Surveyor. At Dave Cullom's request I recently asked DVG to perform some survey work for the CD.

I also want to add that I observed the request by Mrs. Berta to make sure that my response was recorded in the minutes of the meeting. This raised a question in my mind as to what prompted the inquiry in the first place. Is there a suspicion that a board member may be in violation of some ethics standard? Or that the Board may be acting inappropriately?

Second:

I also want to clarify Mrs. Berta's claim that the ten-foot-wide parcel between the Berta's lot and the Zern's lot is for utility purposes only. It, in fact, is not an easement but is owned by the FWCD. Inside the north side of Berta's lot there is a five-foot-wide easement for utilities with the same being present inside the south side Zern's lot. Between the two five-foot-wide easements lay a ten-foot-wide part of a parcel platted as Outlot CSW1 which is the Outlot that surrounds Lake Wrenan, (large lake). It extends from the R/W of Levanno Drive to the area of the lake.

I should also point out that Outlot/C which surrounds the Intraginare Basin, (small lake), also has two ten-foot-wide parts that run between Lot 149 & Lot 150 and Lot 153 & Lot 154. These ten-foot-wide parts extend from the area of the lake to the R/W of Cirque drive. It becomes abundantly clear all three ten-foot-wide parts are intended for Lake access. There is absolutely no question the FWCD in fact owns Outlots C and CSW1 in fee simple.



*Sep from instance → Mr. Plum →*

## Falling Waters Conservancy District Meeting Speaking Notes

This past Friday, an anonymous letter appears to have been sent to a wide variety of people located within the Falling Waters community. Not only is it sad ~~and pathetic~~, that someone would go through the hassle of developing an anonymous letter, ~~and then traveling to Illinois to drop it into the mail, to avoid being seen,~~ but sad and pathetic that they would take hearsay, and place it into writing, now turning it into libel ~~and slander~~. On a Board, where the three Board members volunteer their time, not only during meetings but in countless hours during the month, all without being paid, saving the community thousands of dollars, it is sad ~~and pathetic~~ to now need to take time to respond to this slanderous and libelous communication.

**1. There is an allegation, that the members of the Board have failed to disclose a conflict of interest, that one or more of them may have with one of their members.**

Upon review of the numerical amount stated in paragraph one, it appears that the person being cited, is Kevin Mish.

As many are aware, Kevin Misch is a valued vendor of the Board, and will frequently perform small construction jobs for the District, at a rate far cheaper than otherwise could be obtained.

In addition, Kevin Misch performs the task of ensuring that taps into our system are performed correctly. This is done at a rate, that we would be unable to achieve elsewhere.

I have contacted each of the Board members, and they have assured me in writing, that none of them maintain a business partner relationship with Mr. Misch or one of his companies. Thus, the question remains where is this anonymous source or sources gleaming this information.

Turning to paragraph 2, in paragraph 2 there is an allegation that the "same partners above have dealt in backroom deals to dig out Lily's Pond". Thus, making educated deduction, it appears that the anonymous writer of this letter believes that Kevin Misch is an owner of the partnership that Dave Cullom has formed, who is developing custom homes within the community.

*read 7*  
I have reached out to Doug Kvachkoff, a respected real estate and business attorney in Crown Point, to obtain from him a written communication on whether or not Kevin Misch is in any related to Mr. Cullom's entity. He is not, and I am going to preserve in the minutes, the written communication from Mr. Kvachkoff that outlines that Mr. Misch has no part or parcel in this developing community.

Thus, it would appear that based upon hearsay that someone in the community has heard, they have rushed to judgment, they are sadly mistaken, and they have sent out this sad ~~and pathetic~~ letter. Please note, their allegations are false, and now that they have put them into writing, it now constitutes slander, libel, and defamation.

Beyond the above, prior to the Board authorizing digging out Lily's Pond, the original development documents of the community were assessed. This was to be one of the blue spaces



under the control of the Conservancy District. As anyone in excavation, or land development knows, a body of water if not tended to over time will have the banks fill in with sludge and dredge and overgrown brush. That is the case with Lily's Pond. Thus, when a new developer came forward, desirous to improve that area, there was the recognition that the pond was not up to the development standards, as originally intended. Recognizing the benefit, that was both given to the Conservancy District as well as to the developer owning the lots, it was agreed to share this cost equally. Three bids were obtained and the cheapest was procured, with the cost agreed to be split. No less than six homes back up to this development, and the development of this area accelerates (a) tap-ons and (b) high ends homes contributing to the community. With these six homes, over \$18,000 in tap-on fees is added into our coffers and ongoing revenue. Anytime that a municipality partners with or makes improvements in a particular area, no doubt citizenry can kick and scream and claim that one person or persons are being benefited to another. It is no different, than if the District grants persons adjacent to a lake, more beneficial access to that lake or to improve their lots, or if we clean overlooks or oversights near particular properties, and other improvements. As this was part and parcel of the original development plan, and have become overgrown, contrary to the allegations, no studies on drainage, renderings, wildlife studies needed to be assessed.

Lastly, it appears that there is a potshot at me, that somehow I have been integral to these backroom dealings.

Again, sad and pathetic, and that is why I have taken the additional effort to reach out to Dough Kyachkoff, to have him send me a letter so that it is not just me stating this. For the past two decades, the Conservancy District has had annual audits with the Department of Local Government Finance, and never has there been a shred of evidence, that there is any backroom dealings or self-dealings.

The Board is taking every effort, to maintain transparency, and also note, the Board is taking steps to preserve evidence as to this libelous, defamatory and slanderous letter. Letters of protection have been sent to the post office where it was sent from, requesting copies of video footage, and should community members ascertain who it was that sent this, please forward said information to my attention.

Goal 2018  
To Dig This out

25K saved

# Douglas R. Kvachkoff

Attorney at Law

325 N. Main St.

Crown Point, Indiana 46307

(219)662-2977

Fax(219)662-6866

[doug@indianatitlenetwork.com](mailto:doug@indianatitlenetwork.com)

February 8, 2025

Nathan Vis  
Attorney at Law  
12632 Wicker Ave.  
Cedar Lake, IN 46303

By Email: [ndv@nvis.com](mailto:ndv@nvis.com)

original by U.S. Mail

Re: Falling Waters Conservancy District

Dear Mr. Vis:

It is my understanding that you are the attorney advising the Falling Waters Conservancy District.

Please be advised that I represent DSKL LLC, which is managed by Dave Cullom. As you are  
probably aware, DSKL LLC has purchased lots in Falling Waters for the purpose of building new  
homes for prospective purchasers.

Mr. Cullom has become aware of an anonymous letter sent to members of the community implying  
an improper financial situation based on the mistaken belief that a board member has a financial  
interest in the company.

Please be advised that neither Kevin Misch, nor any other board member, has any financial interest  
in, nor any influence over, DSKL LLC.

If you have any questions or comments, please feel free to contact me.

Sincerely

Douglas R. Kvachkoff