

## REGULAR MEETING MINUTES

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

January 13, 2025: TIME: 6:30 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: Operator Derek Gertzen and Financial Secretary Karen Giesler. Attorney Nathan Vis attended by phone.

1. Meeting opened at 6:30 p.m. with the reciting of the Pledge of Allegiance.
2. Approval of Minutes:  
Vice-Chairman Langbehn made a motion to approve the minutes from December 9, 2024, following a second by Chairman Cullom. Motion duly carries 3-0.

3. Operators Report:

Operator Gertzen reported that everything at the plant operations wise is all good. There is some housekeeping that needs to be done and it will be done this week. They are still on track to have the UV done; they are just waiting until spring. As soon as it warms back up a little bit, they will start back up on removing the sludge.

4. Secretary Report:

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

Secretary Giesler reported that the CD is up for renewal on January 17, 2025.

Vice-Chairman Langbehn made a motion to renew the CD, following a second by Director Plumb. 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.

5. Attorney Report:

- A. Director Plumb explained there are a couple of phrases in the proposed ordinance where reference was made to perpendicular corners, but the corners are not perpendicular, the corners that are perpendicular lines run into the lake, the lines are perpendicular to the water's edge. Adjacent is used, but that means near, so the word adjoining should be used instead because they are touching.

There was further discussion about the proposed ordinance using district green and blue space.

Vice-Chairman Langbehn made a motion to approve Ordinance 2025-01 with the proposed changes, following a second by Chairman Cullom. Motion duly carries, 3-0.

- B. Attorney Vis explained at the last meeting there was discussion about drains within twenty feet behind the curb and that ordinance was approved subject to putting it in writing. The board should have a copy before them of Ordinance 2024-05.

There was further discussion about Ordinance 2024-05.

Chairman Cullom made a motion to approve Ordinance 2024-05, following a second by Director Plumb. Motion duly carries, 3-0.

- C. Attorney Vis explained that the annual submission to the court is due. He has all of the documentation and will submit that as soon as he receives December's minutes after the meeting.

Chairman Cullom explained that the board needs to have an executive meeting. The board and attorney can look at their schedule and decide on a meeting date.

6. Board:

- A. Vice-Chairman Langbehn reported that the fountain for the big lake was sent out to be repaired and it is now back in the treatment plant and will be reinstalled this spring.

- B. Vice-Chairman Langbehn explained the roadway from the main road to the treatment plant has some very large ruts, so he has asked for quotes to put some gravel down for now because the operators have to use that road every day. The board can decide what to do further to fix it this spring.

There was further discussion about getting quotes for blacktop now and the board can work on a budget to decide what all should and can be done this year.

- C. Vice-Chairman Langbehn explained that there is a question about who is responsible for erosion control.

There was further discussion about erosion control and protecting the lakes.

- D. Vice-Chairman Langbehn explained that the FWCD is in the process of an agreement with the HOA and cottage homes HOA for using the building for the meetings at no charge in return for not paying HOA dues or conservancy district sewer bills.

There was further discussion about the agreement and meetings.

7. Open Floor to the Public:

Mrs. Davis questioned why she did not receive a coupon payment book and stated that she has a check to turn in for her payment, she would like a receipt and a book sent to her.

Secretary Giesler will send her another book.

Mrs. Berta questioned the board if anyone has a relative that works for a business that makes money from FWCD?

The board members responded that they do not.

Mrs. Berta stated that at the June 2022 FWCD board meeting, it was discussed placing a roadway between the Berta and the Zurn property, this was referenced more than once and Mr. Plumb stated "we own it." She distinctly recalls when the topic in reference was brought up by Mr. Hollenbeck when she moved there, that the property belonged to the FWCD and was for utility purposes only. It was not for a boat launch or a walkway, in fact nobody could walk from the front of the road to the back to the conservancy district through her house, that was done by Mr. Hollenbeck and she just wanted to make that clear.

Vice-Chairman Langbehn responded that it says on the map that it is an outlot.

Mrs. Berta stated that he said nobody is to be coming through there, no boats, no nothing, that is for utility purposes only.

Director Plumb responded that there are no restrictions on the plat.

Mrs. Berta stated that is not what Mr. Hollenbeck said.

Chairman Cullom questioned if he put that in writing.

Mrs. Berta responded that is what he said and to ask him.

Vice-Chairman Langbehn responded that he does not know what Mr. Hollenbeck said, he was not here and he does not know if that is the gospel just because Mr. Hollenbeck said that.

Mrs. Berta stated that she just wanted to make that clear, he was the attorney at the time and they were concerned about it and he told them it is not a roadway, you cannot put a road there because there is only how many feet.

Director Plumb explained that it is not a road, it is an owned strip of land, its part of an outlot that belongs to the lake and it's a platted outlot.

Vice-Chairman Langbehn explained that he mentioned that the FWCD was looking to put a boat launch for the person that takes care of the lakes because all of the property around the lakes were sold and they found one, but that was one that they were looking at.

Mrs. Berta questioned what would make the board think that it was resident friendly?

Chairman Cullom responded that Mr. Ramirez has one next to his house.



Mrs. Berta responded that she does not care about that, she just knows what was said when she moved in.

Vice-Chairman Langbehn questioned if she has that in writing.

Mrs. Berta responded that she would have to go and see Mr. Hollenbeck and that FWCD had the meeting and has the minutes, she just wants to make it clear, she has had enough of that and she wants to put it to rest.

Director Plumb explained that whatever is on the plat is what is allowed or disallowed.

Mrs. Berta stated that Mr. Hollenbeck, the attorney at the time said it is not anywhere to put boats through or people running in between, that is not what the purpose of that was, the purpose was for utility purposes only and she just wanted to make that clear.

Vice-Chairman Langbehn responded that he questions what utilities would they take to the lake.

Mrs. Berta responded that she does not know, and to ask Mr. Hollenbeck and all that she knows is that property is not to be used for roads because it is two and a half feet.

Vice-Chairman Langbehn responded that it is a ten-foot-wide strip all the way down.

Director Plumb responded that it is a ten-foot strip and the Zurn's are encroaching on that and they are in violation of the site setback.

Mrs. Berta responded that is not her concern, she is not getting into that, she is just saying that it is not for people or boats to go through from Levanno to the lake.

Director Plumb would recommend that she get the recorded plat out and read the restrictions on the plat.

Mrs. Berta stated that she owns it.

Director Plumb responded that she does not own that ten-foot-wide strip.

Chairman Cullom responded that he does not want to continue this conversation because there is no legal here and he would like to put it to rest.

Mrs. Davis stated that she did not know that thirty feet of her land was in the lake and Mr. Plumb said so what, but she did not know that when she purchased the house.

Director Plumb responded that she may have received a discount because part of the lot was in the lake, if she would have had a survey done, she would have known that part of her land was in the lake and it has been that way since day one and was never hidden from anybody and he was asked by her when she bought that place to help her get Misch out there to fill in that property, he tried to help her and he called Misch and she chose not to.

There was further discussion about some of the lots along that area that are in the lake that have been that way since day one.

Mrs. Davis questioned who pays for the roads to get iced?

Vice-Chairman Langbehn responded that the HOA does that throughout the subdivision, the cottage homes pay an extra fee for the driveways to be done.

There was further discussion about what to put on the roads for the ice and possibly using beet juice or sand.

A freeholder questioned if a discharge line for the sump pump can be run to the property line as long as it is twenty feet back from the road?

Vice-Chairman Langbehn clarified that he is talking about if someone ran it to someone else's property line.

Director Plumb responded that cannot be done unless there is a swale there or some other kind of drain that is in place that heads for a catch basin, otherwise it should be out in the yard somewhere. When the plans are submitted, it is supposed to show where they are going to discharge the sump water and downspouts. Nine times out of ten they show it in an original position in the yard, but then it is not done that way. The concern of the conservancy district is that they do not want the curbs being torn up or the streets being iced from someone's sump pump because it is unsafe.

Chairman Cullom explained that he found information from National Geographic that says using beet juice can wash off in water ways and track germs in the process, these germs can take oxygen away from fish.

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 6:49 pm.

Chairman

Secretary

Vice-Chairman

Date

2/10/2025