

**SUMMARY OF MINUTES
BOARD OF DIRECTORS
MUSKINGUM WATERSHED CONSERVANCY DISTRICT
Held at New Philadelphia City Council Chambers
September 17, 2010, 9:00 a.m.**

A meeting of the Board of Directors of the Muskingum Watershed Conservancy District was held at the New Philadelphia City Council Chambers, John Knisley Building, 150 East High Avenue, New Philadelphia, Ohio, on Friday, September 17, 2010, at 9:00 a.m., pursuant to notice duly given all Directors, and the general public in accordance with law.

1. ROLL CALL

Directors present were: Mr. Boyle, Mr. Horstman, Mr. Parham, and Mr. Pryce.

On motion by Mr. Parham, seconded by Mr. Boyle, Mr. Kokovich was excused.

Present from MWCD staff were Scott Barnhart, Mary Burley, James Cugliari, Tom Fisher, John Hoopingarner, Darrin Lautenschleger, Kelli Karns, Karen Miller, Boris Slogar, and Mark Swiger.

Mr. Horstman, President of the Board of Directors, presided.

2. INTRODUCTION OF VISITORS AND PUBLIC COMMENT

Also in attendance for all or portions of this meeting were: Robert Wilsterman (*Mill Township, Tuscarawas County resident*); Michael O'Donoghue (*Atwood Resort Manager*); and Eric Reip (*New Philadelphia resident*).

Mr. Wilsterman expressed an interest in exploring grant opportunities to aid the Twin City Water and Sewer District and allow more efficient treatment of water. He inquired about any potential involvement from MWCD. Mr. Hoopingarner suggested that Boris Slogar, MWCD Chief Engineer, and John Olivier, MWCD Development Coordinator (responsible for granting writing), will meet with Mr. Wilsterman to discuss his concerns.

3. APPROVAL OF MINUTES

On motion by Mr. Parham, seconded by Mr. Boyle, the minutes of the August 20, 2010, meeting of the Board of Directors were approved.

4. FINANCIAL

Mr. Cugliari presented the financial report for the period ending August 31, 2010. The total revenue for operations excluding Atwood Resort is \$7,771,780.00 with expenses of \$6,763,222.00, resulting in an excess of revenues over expenses of \$1,008,558.00, as indicated on page 3.

General Fund

- Revenues are 51.27% of budget and expenses are 70.95% of budget and nearly \$200,000.00 less than 2009 for the same reporting period.

Conservation Fund

- Revenues are 33.84% of budget. The majority of this budget is still not received as it will occur in the last quarter of the year for Forestry Operations and Sharecrops.
- Expenses are 92.50% of budget and in line with expectations through August.

Recreation Fund – Parks

- Revenues are 91.95% of budget compared to 91.00% in 2009.
- Vacation Cabin revenue is 86.29% of budget and \$18,000.00 ahead of 2009.
- Park Camping revenue is 96.26% of budget and \$66,000.00 ahead of 2009.
- General Park operations have met the revenue budget for the year as well as the Alive Festival revenue.
- Overall expenses in this fund are 68.33% of budget and \$193,000.00 less than 2009.

Recreation Fund – Non Park

- Total revenues are 76.41% of budget compared to 73.72% of budget in 2009.
- All Marina Operations are running in line with budget and ahead of last year's pace.
- Cottage Sites, Club Sites and Multiple Docks are all in line with budgeted revenue.
- Expenses are 74.18% of budget and in total ahead of last year due to our operation of Piedmont Marina.

All other areas of operation are in line with budget. With the recreation season near the end, we will need to streamline expenses to allow for adequate cash flow during the winter months.

Mr. Pryce suggested that a projected "economic engine" for year-end should be prepared for the October meeting.

On motion by Mr. Pryce, seconded by Mr. Parham, the financial report was accepted as presented.

5. PAYMENT OF BILLS

On motion by Mr. Parham, seconded by Mr. Boyle, a report of the payment of bills for the periods ending August 31, 2010, was approved as presented.

6. BUSINESS

6.01 LEASE TRANSACTIONS

On motion by Mr. Pryce, seconded by Mr. Parham, the assignments, cancellations, new leases, farm leases, mortgage consent and agreement cancellations, and mortgage consent and agreements were approved and execution by the proper officers of the MWCD authorized.

6.02a BUDGET ADJUSTMENTS

On motion by Mr. Pryce, seconded by Mr. Parham, the budget adjustments for the month of August 2010, as recommended and set forth in the above memorandum, were approved

6.02b 2011 MARINE PATROL ASSISTANCE GRANT PROGRAM

On motion by Mr. Pryce, seconded by Mr. Parham, a proposed resolution of authorization to apply for financial assistance through the ODNR Marine Patrol Assistance Grant Program, as recommended and set forth in the above memorandum, was adopted.

6.02c 2011 SAFE BOATING EDUCATION GRANT PROGRAM

On motion by Mr. Pryce, seconded by Mr. Parham, a proposed resolution of authorization to apply for financial assistance through the ODNR Boating Safety Education Grant Program, as recommended and set forth in the above memorandum, was adopted.

6.02d 2011 NAVIGATIONAL AIDS GRANT PROGRAM

On motion by Mr. Pryce, seconded by Mr. Parham, a proposed resolution of authorization to apply for financial assistance through the ODNR Navigational Aids Grant Program, as recommended and set forth in the above memorandum, was adopted.

6.02e ECONOMIC SUMMARY – 2011 PRELIMINARY BUDGET

A preliminary economic summary report for the 2011 budget is attached for your review. This is presented in the format as requested by the Board and provides information for the MWCD operating activities.

The budget presented is very similar to 2010 in that there will be no significant events that will alter the numbers appreciably from 2010.

Staff will continue to work on the 2011 budget with a goal of presenting a draft at the November meeting for review and action to be taken in December for a final budget

6.03a HUMAN RESOURCES SUMMARY

On motion by Mr. Pryce, seconded by Mr. Parham, human resources activities, as recommended and set forth in the above memorandum, were approved.

6.03b REVISED POSITION DESCRIPTION – RANGER SPECIALIST

On motion by Mr. Boyle, seconded by Mr. Parham, proposed changes to the Ranger Specialist position description, as recommended and set forth in the above memorandum, were approved.

6.04 2010 ANNUAL MAINTENANCE ASSESSMENT

In order to maintain the works of the Muskingum Watershed Conservancy District, it is necessary to levy an annual maintenance assessment as set forth in Ohio Revised Code, Section 6101.55. Attached is the Certificate of Annual Levy for the MWCD.

It is recommended that the Board approve a maintenance assessment in the aggregate sum of \$10,110,216.82.

On motion by Mr. Parham, seconded by Mr. Boyle, the following resolution was adopted:

**RESOLUTION OF ANNUAL LEVY
OF THE
MUSKINGUM WATERSHED CONSERVANCY DISTRICT**

Resolved:

1. That on this 17th day of September, 2010, the Board of Directors of The Muskingum Watershed Conservancy District hereby determines, orders and levies a maintenance assessment for the year 2010, in the aggregate sum of \$10,110,216.82 for the account of the Maintenance Fund of said District. That said maintenance assessment shall be duly apportioned to the benefited properties and public corporations in said District in proportion to the benefits and that the amounts of said maintenance assessment imposed upon the properties and public corporations in said District and be recorded in the Conservancy Assessment record of The Muskingum Watershed Conservancy District.

2. That a certified copy of this resolution be recorded in the Conservancy Assessment Record of The Muskingum Watershed Conservancy District.
3. The President and Secretary are directed to certify this Annual Levy to the County Auditors in the District, pursuant to law.
4. That the said amounts of said maintenance assessment shall be collectible and payable in the year 2011 in the sums specified at the same time that the state and county taxes are due and collectible.

On motion by Mr. Parham, seconded by Mr. Boyle, the following certification was adopted:

**CERTIFICATE OF ASSESSMENT RECORD
OF THE
MUSKINGUM WATERSHED CONSERVANCY DISTRICT**

This is to Certify:

1. That on the 20th day of August, 2007, the Court of Common Pleas, Tuscarawas County, Ohio, Conservancy Division confirmed a readjustment of the appraisal of benefits to all the benefited property and public corporations in the Muskingum Watershed Conservancy District.
2. That the said readjustment of the appraisal of benefits to all the benefited lands and public corporations has been recorded in the Conservancy Assessment Record of The Muskingum Watershed Conservancy District which contains a notation of the items of property and the public corporations to which benefits have been appraised, the total amount of benefits appraised against each item or public corporation, and the total assessment levied against each item or public corporation.
3. That the Conservancy Assessment Record of The Muskingum Watershed Conservancy District contains a true and correct record of the benefits approved and confirmed by the Court.

On motion by Mr. Parham, seconded by Mr. Boyle, the following certification was adopted:

**CERTIFICATE OF ANNUAL LEVY
OF THE
MUSKINGUM WATERSHED CONSERVANCY DISTRICT**

This is to Certify:

1. That on the 17th day of September, 2010, the Board of Directors of The Muskingum Watershed Conservancy District duly levied a maintenance assessment for the year 2010, in the aggregate sum of \$10,110,216.82 for the account of the Maintenance Fund of said District. That said maintenance assessment has been duly apportioned to the benefited properties and public corporations in said District in proportion to benefits and that the amounts of said maintenance assessment imposed upon the properties and public corporations in said District have been recorded in the Conservancy Assessment record of The Muskingum Watershed Conservancy District.
2. That the Conservancy Assessment record of the Muskingum Watershed Conservancy District contains a true and correct record of the Annual Levy of 2010 and of the maintenance assessment for the year 2010 as determined, ordered, and levied by the Board of Directors of The Muskingum Watershed Conservancy District on the 17th day of September, 2010.

3. That the said amounts of said Annual Levy and of said maintenance assessment shall be collectible and payable in the year 2011 in the sums specified at the same time that the state and county taxes are due and collectible.
4. Following here is: (A) The descriptions of the property opposite the names of the owners; and (B) The total amount of the annual levy on each piece of property and on each public corporation for the account of all funds and the amount of each item making up the total.

6.05 LAKE DRAWDOWN SCHEDULE FOR 2010-2011

In accordance with the U.S. Army Corps of Engineers control manuals, the following table shows proposed lake drawdowns for the winter of 2010-2011. This schedule will be presented to the U.S. Army Corps of Engineers and the Ohio Department of Natural Resources for their review and approval.

Reservoir	Normal Pool	Winter Level	Total Drawdown (feet)	Begin 2010 Drawdown	Release Duration (days)	Suggested intermediate refill schedule by March 15, 2011
Atwood	928.00	920.00	8.0	November 15	35	926.00
Charles Mill	997.00	992.00	5.0	December 1	30	995.00
Clendening	898.00	893.00	5.0	November 15	35	896.00
Leesville	963.00	958.00	5.0	November 1	35	961.00
Piedmont	913.00	905.00	8.0	November 15	35	911.00
Pleasant Hill	1020.00	1014.00	6.0	December 1	42	1018.00
Seneca	832.20	824.20	8.0	November 1	35	830.20
Tappan	899.30	891.30	8.0	November 15	35	897.30

NOTE: Due to planned construction at Atwood, Piedmont, Seneca and Tappan we recommend that drawdown continue from 5' to 8' at the same release rate. We also recommend drawdown continue at Charles Mill from 3' to 5'. At that point, the reservoir will be held at the extended elevation until February 15, 2011 and then returned to the normal winter schedule elevations.

- To accommodate autumn boating, fishing and hunting, and to help reduce shoreline erosion, it is recommended that the drawdowns occur on an even release basis and at the rate stipulated above (release duration) so as to reach the intended lowered elevation.
- We request of the U.S. Army Corps of Engineers that refill begin February 15 on those reservoirs that can reasonably meet the intermediate refill date due to the nature of the reservoir, precipitation in that area, etc. For those reservoirs that cannot reasonably meet the March 15 refill date, please continue to begin refill on February 1. This delay will allow MWCD an additional two weeks to address any projects that need to be completed during drawdown, i.e. shoreline stabilization projects, dredging, dock repairs, etc.

This is provided for informational purposes only and requires no action on the part of the Board.

**6.06 PARTNERS IN WATERSHED MANAGEMENT PROGRAM
 CABIN RUN ORPHAN WELL MITIGATION GRANT**

On motion by Mr. Pryce, seconded by Mr. Parham, a PWM grant award in the amount not to exceed \$15,000 for the purpose of plugging a leaking oil well located on Cabin run, a direct tributary to the Muskingum River in Morgan County, as recommended and set forth in the above memorandum, was approved.

6.07 W.E. QUICKSALL AND ASSOCIATES, INC. – ENGINEERING SERVICES

On motion by Mr. Pryce, seconded by Mr. Boyle, Amendment No. 2 to an agreement for professional services with W.E. Quicksall and Associates, and in an amount not to exceed \$62,300, as recommended and set forth in the above memorandum, was approved.

6.08 ATWOOD LAKE RESORT AND CONFERENCE CENTER

This matter was discussed in executive session.

6.9 OTHER BUSINESS

No other business at this time.

7. REPORTS

7.01 DEATH AT CHARLES MILL PARK

On September 4, 2010, at 9:45 a.m., Charles Mill Park registration staff was notified of a possible death on lot 401. Park personnel, along with the Mifflin-Richland Fire Department, responded and found John H. Ratliff, Jr. in his tent and unresponsive. There was no heartbeat detected and the victim was pronounced dead by the Richland County Coroner's Office. John H. Ratliff, Jr. was 49 years old and a resident of Mansfield, Ohio.

His brother, Randy Ratliff, discovered the victim when he tried to awake him for breakfast.

7.02 PARKS REPORT

Members of the Board received a copy of a report of gross receipts for MWCD park facilities for the period ending September 5, 2010.

7.03 UPDATE ON 2010 GOALS

Mr. Hoopingarner reported on the progress of work toward accomplishing the 2010 goals as adopted by the Board of Directors.

1. To implement projects and programs under the Amendment to the Official Plan.
2. To develop financial operating principles.
3. To divest Atwood Lake Resort and Conference Center.
4. To address recreation operations in light of current economic conditions and customer demands.

Mr. Pryce commented on Goal No. 4 – Mr. Barnhart reported that he, Mary Burley, park managers and assistant park managers recently had an opportunity to attend a Disney customer service seminar held in the Sugarcreek area. He commented that this was a tremendous opportunity to learn from one of the leaders in customer service.

Mr. Boyle stated his support for the strategic planning process and would like to see it as a stated goal for 2011.

7.04 USACE ASSESSMENT PROJECTS STATUS REPORT

Mr. Slogar provided the following update on U.S. Army Corps of Engineers (USACE) projects:

- Proposals for construction at Dover Dam have been evaluated and the USACE is preparing to announce award of a contract. The resident engineer's office being constructed adjacent to the Muskingum Area office at Dover Dam is nearing completion. This facility will house staff from the USACE during the dam safety assurance projects on the MWCD dams.
- The Project Partnership Agreement between the Corps and MWCD for the Bolivar Dam rehabilitation project has been drafted and is currently under review by the Corps Division Office in Cincinnati as well as their headquarters in Washington. Execution of the PPA with MWCD will likely occur in late November.
- The Federal fiscal year will begin October 1 and indications are that their budget appropriations will likely match their requests. If so, this means that both the Dover and Bolivar projects will remain on schedule.

7.05 ATWOOD REGIONAL WATER AND SEWER DISTRICT UPDATE

Mr. Parham, who represents the MWCD on the Atwood Regional Water and Sewer District (ARWSD) Board of Trustees, reported that the Board has not met since the last MWCD Board meeting. The next meeting will be held on Monday, September 20.

Mr. Hoopingarner mentioned that MWCD staff will be in contact with ARWSD officials in the near future to discuss some potential changes in sewer service rates for the Atwood Resort in light of its potential closure.

7.06 IMMINENT OR PENDING LITIGATION

At the April 23, 2010, meeting, staff reported that a negligence/liability case, Bush vs. Ashland County, in which MWCD was named as a defendant, had been dismissed relative to MWCD on summary judgment. The period for appeal to this decision has now lapsed and the decision stands.

8. LEGISLATIVE REVIEW

8.01 CURRENT LEGISLATIVE ACTIVITIES

Several meetings have taken place with Congressman Space's office regarding Atwood Resort. In addition, officials of the City of Shelby are in the process of petitioning Richland and Ashland counties for support of reactivation of the Black Fork Subdistrict. A meeting will be scheduled with Senator Bill Harris to discuss this situation.

9. SUBDISTRICTS

9.01 CHIPPEWA SUBDISTRICT – 2010 ANNUAL MAINTENANCE ASSESSMENT

In order to maintain the works of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District, it is necessary to levy an annual maintenance assessment as set forth in Ohio Revised Code, Section 6101.55. Attached is the Certificate of Annual Levy for the Chippewa Subdistrict.

It is recommended that the Board approve a maintenance assessment in the aggregate sum of \$356,196.48. This total is equal to one-half of the one-percent of the total appraisal of benefits for the Subdistrict. The assessment is apportioned, based on the benefits appraisal.

On motion by Mr. Pryce, seconded by Mr. Parham, the following resolution was adopted:

**RESOLUTION OF ANNUAL LEVY
CHIPPEWA SUBDISTRICT OF THE
MUSKINGUM WATERSHED CONSERVANCY DISTRICT**

Resolved:

1. That on this 17th day of September, 2010, the Board of Directors of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District hereby determines, orders and levies a maintenance assessment for the year 2010, in the aggregate sum of \$356,196.48 for the account of the Maintenance Fund of said Subdistrict. That said maintenance assessment shall be duly apportioned to the benefited properties and public corporations in said Subdistrict in proportion to the benefits and that the amounts of said maintenance assessment imposed upon the properties and public corporations in said Subdistrict be recorded in the Conservancy Assessment Record of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District.
2. That a certified copy of this resolution be recorded in the Conservancy Assessment Record of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District.
3. The President and Secretary are directed to certify this Annual Levy to the County Auditors in the Subdistrict, pursuant to law.
4. That the said amounts of said maintenance assessment shall be collectible and payable in the year 2011 in the sums specified at the same time that the state and county taxes are due and collectible.

On motion by Mr. Pryce, seconded by Mr. Parham, the following certification was approved:

**CERTIFICATE OF ASSESSMENT RECORD
CHIPPEWA SUBDISTRICT OF THE
MUSKINGUM WATERSHED CONSERVANCY DISTRICT**

This is to Certify:

1. That on the 15th day of July, 2002, the Court of Common Pleas, Tuscarawas County, Ohio, Conservancy Division for the Chippewa Subdistrict of the Muskingum Watershed Conservancy District confirmed a readjustment of the appraisal of benefits to all the benefited property and public corporations in the Chippewa Subdistrict of the Muskingum Watershed Conservancy District.
2. That the said readjustment of the appraisal of benefits to all the benefited lands and public corporations has been recorded in the Conservancy Assessment Record of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District which contains a notation of the items of property and the public corporations to which benefits have been appraised, the total amount of benefits appraised against each item or public corporation, and the total assessment levied against each item or public corporation.

3. That the Conservancy Assessment Record of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District contains a true and correct record of the benefits approved and confirmed by the Court.

On motion by Mr. Pryce, seconded by Mr. Parham, the following certification was approved:

**CERTIFICATE OF ANNUAL LEVY
CHIPPEWA SUBDISTRICT OF THE
MUSKINGUM WATERSHED CONSERVANCY DISTRICT**

This is to Certify:

1. That on the 17th day of September, 2010, the Board of Directors of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District duly levied a maintenance assessment for the year 2010, in the aggregate sum of \$356,196.48 for the account of the Maintenance Fund of said Subdistrict. That said maintenance assessment has been duly apportioned to the benefited properties and public corporations in said Subdistrict in proportion to benefits and that the amounts of said maintenance assessment imposed upon the properties and public corporations in said Subdistrict have been recorded in the Conservancy Assessment Record of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District.
2. That the Conservancy Assessment Record of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District contains a true and correct record of the Annual Levy of 2010 and of the maintenance assessment for the year 2010 as determined, ordered, and levied by the Board of Directors of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District on the 17th day of September, 2010.
3. That the said amounts of said Annual Levy and of said maintenance assessment shall be collectible and payable in the year 2011 in the sums specified at the same time that the state and county taxes are due and collectible.
4. Following here is: (A) The descriptions of the property opposite the names of the owners; and (B) The total amount of the annual levy on each piece of property and on each public corporation for the account of all funds and the amount of each item making up the total.

EXECUTIVE SESSION

On motion by Mr. Boyle, seconded by Mr. Parham, the Board of Directors entered into executive session at 10:30 a.m. to discuss matters related to ORC §121.22 (G) (2). On roll call: Mr. Boyle-yes; Mr. Horstman-yes; Mr. Parham-yes; and Mr. Pryce-yes. On motion by Mr. Parham, seconded by Mr. Pryce, the Board returned to open session. The executive session ended at 12:07 p.m.

10. ADJOURN

There being no further business, on motion by Mr. Pryce, seconded by Mr. Boyle, the meeting of the Board of Directors was adjourned. The next regularly scheduled meeting is Friday, October 22, 2010, at 9:00 a.m. at the New Philadelphia City Council Chambers.

09/17/2010

Approved 10/22/2010