A meeting of the Board of Directors of the Muskingum Watershed Conservancy District was held at the Atwood Lake Park Welcome Center, 9500 Lakeview Road NE, Mineral City, Ohio, on Friday, May 20, 2016, at 9:00 a.m., pursuant to notice duly given all Directors, and the general public in accordance with law.

An open house and ribbon cutting ceremony for the Welcome Center is planned following the meeting with the open house beginning at 2:00 p.m. until 5:00 p.m. and the ribbon cutting at 3:00 p.m.

1. ROLL CALL

Directors present were: Ms. Limbach, Mr. Maupin, Mr. Parham, Mr. Pryce, and Mr. Sprang.

Present from MWCD staff were Scott Barnhart, Barbara Bennett, Adria Bergeron, Mary Burley, Jim Crandall, Jim Cugliari, Tom Fisher, Fred Hammon, John Hoopingarner, Nick Lautzenheiser, Tony Luther, Karen Miller, John Olivier, Jim Pringle, Boris Slogar, Mark Swiger, Scott Tritt, and Jeff Yohe.

Ms. Limbach, President of the Board of Directors, presided.

Mr. Parham was presented with a plaque to commemorate his service as a member of the Board of Directors. He has served two consecutive full terms and is not eligible for reappointment at this time.

2. INTRODUCTION OF VISITORS AND PUBLIC COMMENT

Also in attendance for all or portions of this meeting were: J.D. Long (Harrison News Herald); Zack Morris (Rea & Associates); Brian Craven (Civil Science, Inc.); Al Fearon (MWCD Development Advisory Committee); Terry Fercana (Environmental Design); Sean Logan (Woolpert, Inc./Sean Logan & Associates, LLC); and Brent Winslow (GAI Consultants).

3. APPROVAL OF MINUTES

On motion by Mr. Sprang, seconded by Mr. Maupin, the minutes of the April 22, 2016, meeting of the Board of Directors were approved.

4. FINANCIAL

Mr. Cugliari presented the financial report for the period ending April 30, 2016. The total operating revenue is $9,244,996.00 with operating expenses of $4,066,209.00 resulting in an excess of revenue over expense of $5,178,787.00.

Maintenance Fund-General
- Revenue is 25.85% of budget and up considerably from 2015. Both Use of Water Assets and Interest on Investments are significantly higher than the prior year.
- Expenses are 29.51% of budget and up 17.48% from 2015.

Conservation Fund
- Revenue is 50.96% of budget.
- Mineral Operations-Gas and Oil Royalties is up significantly from 2015. However, we have been informed by Antero Resources that there was an accounting error on the royalty check in April on the Seneca Unit which
resulted in an overpayment. We are working to resolve the issue, however, it is reported in the financials this month.

- Expenses are 24.54% of budget and up 18.88% from 2015.

**Recreation Fund-Parks**

- Revenue is 55.07% of budget and up 3.77% from 2015. This compares to 55.92% of budget in 2015.
- Vacation Cabin revenue is 19.59% of budget and down 17.82% from 2015, primarily due to timing.
- Park Camping revenue is 67.67% of budget compared to 68.23% of budget in 2015. However, revenue is up 4.51% from the prior year.
- Expenses are 23.21% of budget and up 10.41% from 2015.

**Recreation Fund-Non Parks**

- Revenue is 32.32% of budget and down 7.37% from 2015.
- Leased Marina Operations revenue is 31.11% of budget and up 6.91% of budget.
- Piedmont Marina Operations revenue is 40.19% of budget and up 5.04% from 2015. This compares to 43.22% of budget in 2015.
- Seneca Marina Operations revenue is 26.80% of budget and down 23.34% from 2015.
- Cottage Sites, Club Sites, and Multiple Docks revenue are all in line with expectations at this point of the fiscal year.
- Expenses are 29.92% of budget and down 6.96% from 2015. Most of the areas where expenses are down are in the District operated marinas.

**Recreation Improvement Fund**

- Expenses are 11.35% of budget and up 51.44% from 2015.

**Maintenance Assessment Fund**

- Assessment Fund-Revenue Collection is 58.50% of the budget and down 5.33% from 2015. There is only one county left to settle for the first half collection – Morgan County.
- Expenses are 39.70% of budget and 38.66% up from 2015. The main area attributing to the increase in 2016 from 2015 is Sediment Removal where we have expended nearly $3.75 million more in 2016.

Overall, operations are performing in line with budget expectations at the close of the first four months of 2016.

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

5. **PAYMENT OF BILLS**

On motion by Mr. Maupin, seconded by Mr. Sprang, a report of the payment of bills for the period ending April 30, 2016, was approved as presented.

6. **BUSINESS**

6.01a  **LEASE TRANSACTIONS**

On motion by Mr. Pryce, seconded by Mr. Sprang, 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.
6.01b PROPOSED MARINA LEASE REVISIONS

The current marina lease is based on a document developed in the 1940s and 1950s, originally called a “Boat Livery Agreement,” primarily addressing boat rentals and bait and tackle sales. Marina operators have since added boat and motor sales, docking, off-season storage, repair services, and restaurants. Throughout the years, site and public access facility responsibilities have shifted back and forth between marina operators and MWCD, resulting in a varying amount and quality of maintenance and development. Standards, code, and regulatory requirements have changed as well, along with increasing costs of facility development. To better serve the boating public, and to form more of a partnership with marina operators, it is desired to develop a new lease agreement reflecting and addressing the changes outlined above.

Discussions with current marina operators, reviews of similar state and municipal leases, and consultations with Dennis Kissman of Marina Management Services, Inc., and appraiser Gil Snyder, resulted in the development of the recommendations attached. The changes and additions would clarify site responsibilities, address improvements to public boating access facilities, simplify the system of payments to MWCD, reduce and even eliminate many of MWCD’s administrative costs, and through the inclusion of standards, help ensure safe and quality facilities and services. If these recommendations are favorably reviewed, they will be included in a new lease document, and ultimately result in better boating experiences for the public on MWCD reservoirs.

A list of significant changes and additions proposed for a new marina lease were provided to the Board review purposes only (copy on file). No action is required by the Board at this time.

6.01c CHESAPEAKE – CONSENT TO PARTIAL ASSIGNMENT OF DEEP MINERAL RIGHTS

On motion by Mr. Sprang, seconded by Mr. Maupin, a Consent to Partial Assignment of 25% of the working interest in the deep rights of a 209.15 acre lease at Atwood Lake from Chesapeake Exploration to Total E&P USA, Inc., as recommended and set forth in the above memorandum, was approved.

6.01d SOUND ENERGY ASSIGNMENT TO DOVER/ATWOOD CORPORATION

On motion by Mr. Sprang, seconded by Mr. Maupin, assignment of a 50% share of the interest in the shallow rights of a 209.15 acre lease at Atwood Lake from Bruce Levengood to John Levengood, as recommended and set forth in the above memorandum, was approved.

6.02a 2016 NATUREWORKS GRANT APPLICATIONS

On motion by Mr. Maupin, seconded by Mr. Sprang, resolutions of authorization to apply for financial assistance through the Ohio Department of Natural Resources NatureWorks Grant Program for eight projects in the 2017 budget year, as recommended and set forth in the above memorandum, were approved.

6.02b CLEAN OHIO FUND GRANT APPLICATION FOR LAND ACQUISITION AT PLEASANT HILL LAKE

On motion by Mr. Maupin, seconded by Mr. Sprang, a resolution of authorization to apply for the Ohio Public Works Commission’s Clean Ohio Conservation Fund grant program for purchase of property at Pleasant Hill Lake, as recommended and set forth in the above memorandum, was approved.
6.02c  MARINA AUDITS

Zac Morris of Rea & Associates presented an oral report of the audits performed at Atwood Marina East, Leesville Lake, Inc., and Tappan Lake Marina. On motion by Mr. Maupin, seconded by Mr. Sprang, the audit reports were accepted as presented.

6.02d  IT GENERAL CONTROLS ASSESSMENT REPORT

Steve Early, representing the firm of Schneider Downs & Company, Inc., provided an oral report via phone conference regarding a recent assessment of the information technology general controls environment and practices of the MWCD. On motion by Mr. Parham, seconded by Mr. Pryce, the report as presented by Schneider Downs, as recommended and set forth in the above memorandum, was accepted.

6.03a  HUMAN RESOURCES SUMMARY

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

6.03b  SEASONAL AND VARIABLE HOUR EMPLOYEE STAFFING PLAN REVISION

On motion by Mr. Parham, seconded by Mr. Sprang, a proposed revision to the 2016 Seasonal and Variable Hour Employee Staffing Plan, as recommended and set forth in the above memorandum, was approved.

6.04a  PIEDMONT STORAGE BUILDINGS IMPROVEMENTS

On motion by Mr. Sprang, seconded by Mr. Pryce, a contract with Edge Contractors in the amount of $58,840.00 for improvements to storage buildings near Piedmont Marina, as recommended and set forth in the above memorandum, was awarded.

6.04b  PLEASANT HILL PARK SANITARY COLLECTION SYSTEM IMPROVEMENTS – FINAL DESIGN

On motion by Mr. Pryce, seconded by Mr. Sprang, a contract with Stantec Consulting Services, Inc., in the amount of $195,433.00 for final design of the Pleasant Hill Park sanitary collection system improvements, as recommended and set forth in the above memorandum, was awarded.

6.04c  SENECA PARKSIDE BEACH CONCESSION BUILDING REPLACEMENT – FINAL DESIGN

On motion by Mr. Maupin, seconded by Mr. Parham, a contract with GPD Group, Inc., in the amount of $53,245.80 for final design of the Seneca Parkside beach concession building replacement, as recommended and set forth in the above memorandum, was awarded.

6.04d  SENECA PARKSIDE TERMINAL PUMP STATION AND FORCE MAIN TO SENECAVILLE WWTP – FINAL DESIGN

On motion by Mr. Sprang, seconded by Mr. Maupin, a contract with GPD Group, Inc., in the amount of $105,393.80 for final design of the Seneca Parkside terminal pump station and force main to Senecaville WWTP, as recommended and set forth in the above memorandum, was awarded.
6.04e TAPPAN PARK ADA RESTROOM AND SHOWER HOUSE – CONTRACT AWARD

At the March 18, 2016 meeting, the Board authorized staff to solicit bids and enter into a construction contract for construction of a new restroom and shower house at Tappan Lake Park. The proposed building is 2,657 square feet and includes men’s and women’s restrooms, a laundry facility and a family restroom. Heating and cooling design allows for portions of the building to be shut down during the off-season while maintaining function.

This building design will be used as the prototype for “stick built” restrooms throughout MWCD parks. Final design was completed by ms Consultants from Columbus.

Sealed bids were received and opened Thursday, April 28, 2016 (results of the bid opening are one file). The MWCD engineering and recreation departments have elected to accept Alternate No. 1 (dormer construction) and decline Alternate No. 2 (non-perform portions of tile work). The low bid from CCI Construction of Canton for the total amount of $853,759.00 has been reviewed and found to be acceptable.

Construction will begin as soon as possible, with a substantial completion date established 210 calendar days from the notice to proceed.

This is provided for informational purposes only and no Board action is required.

6.05 COOPERATIVE WORK AGREEMENT – ODNR / ODA 2016 WORK PLAN

On motion by Mr. Maupin, seconded by Mr. Sprang, the 2016 Work Plan as part of the Cost-Share Cooperative Work Agreement between MWCD and the Ohio Department of Agriculture, as recommended and set forth in the above memorandum, was approved.

6.06 MARKETING PARTNERSHIP

On motion by Mr. Pryce, seconded by Mr. Sprang, a Promotion Agreement with General RV for a marketing campaign which includes a 2016 Coachman Clipper camper and a complimentary seasonal campsite for one season at an MWCD campground to the winner, as recommended and set forth in the above memorandum, was approved.

6.07 BOARD OF APPRAISERS APPOINTMENT

On motion by Mr. Parham, seconded by Mr. Sprang, a recommendation to the Conservancy Court for appointment of Thomas A. Roe to the MWCD Board of Appraisers, as recommended and set forth in the above memorandum, was approved.

6.08 2016 ANNUAL REPORT OF OPERATIONS

On motion by Mr. Sprang, seconded by Mr. Pryce, the 2015 Annual Report of Operations, as recommended and set forth in the above memorandum, was approved for presentation to the Conservancy Court.

6.09 OTHER BUSINESS

BUCKEYE TRAIL ASSOCIATION

Mr. Hoopingarner informed the Board that Ted Lozier has been nominated to serve on the Board of Directors of the Buckeye Trail Association.
OWDA LOAN FUND

Mr. Hoopingarner reported that the Finance Work Group – Mr. Sprang, Mr. Hoopingarner, Mr. Cugliari, Mr. Crandall, and Ms. Bennett – met recently and one of their discussion items was the potential Ohio Water Development Authority (OWDA) Loan Fund that had been proposed to the Board. The recommendation of the Finance Work Group is that, due to the unpredictable state of oil and gas revenues, consideration of establishing the OWDA Loan Fund be postponed until a later time. When this proposal was initially discussed, an amount of $25 million was considered for this purpose, but with the change in economic conditions, setting aside that amount might preclude other priority items (Park Master Plan) that are planned.

Ms. Limbach suggested that the OWDA Loan Fund be an agenda item for Board discussion in a couple of months and mentioned the potential of using revenue from water sales as a source of funding for this purpose.

7. REPORTS

7.01 MARINAS REPORT

A Summary of Marina Operations report for the period ending April 30, 2016, was distributed to Board members.

- Bob Schraedly, owner of Pleasant Hill Marina, recently completed the installation of a new main dock at that facility.
- The Dockside Restaurant at Seneca Lake Marina surpassed last month’s Easter Sunday event, with over 500 customers at their Mother’s Day buffet.
- The thirty new slips just added to Seneca have been filled. The marina’s waiting list had grown to 75. We will begin exploring the possibility of further slip additions for the 2017 season.
- A new fuel dispenser was installed at Piedmont.
- Ohio Clean Marina program staff performed a final inspection of Piedmont Lake Marina. Piedmont passed with flying colors and became the first marina on MWCD waters to be certified as an Ohio Clean Marina.
- The 2014 Piedmont project that included a new launch ramp and related facilities, a new seawall, ADA accessible walkways, and many storm water best management practices, was the feature of a presentation at the 2016 Ohio Storm Water Conference in Cincinnati. A poster was developed outlining the various facets of the project. A copy of the poster was provided to Board members.
- New Ohio EPA-required water system start-up procedures were put in place at Leesville Petersburg, Tappan, Clendening, and Piedmont marinas.
- Both Shawn Tharp, new Marina Manager at Clendening, and Dylan Sayre, new Assistant Marina Manager at Seneca, began their new assignments.
- The new walkway for our house boaters at Seneca has been very well-received.
- The owners of Tappan Lake Marina have completed repairs to their waste water treatment plant. An EPA inspection will take place May 10.
- A recent search for an Army Corps of Engineers consent document, instead turned up a letter from Bryce Browning, dated May 5, 1938, regarding a request to place a “refreshment stand” at Senecaville Dam. The letter outlined the recent decision of the Board of Directors to begin accepting bids for “the operation of
concessions at the various dams.” This decision eventually led to our current concession agreements and marina leases. A copy of this rather historic letter was provided to the Board members.

7.02 UTICA ROYALTY REVENUE REPORT

Utica royalty revenue is currently generated by 41 wells on adjacent private property. The MWCD’s proportional share of the wells varies significantly (a chart outlining this information was provided to the Board and a copy is on file).

Utica royalty revenue increased significantly from March 2016 ($358,911.28) to April 2016 ($1,807,470.49).

Some individual items of note:
- The four wells on Ascent’s RH Hamilton N MRF HR unit began paying first royalties.
- Antero Resources has informed the MWCD that an accounting error on the Seneca Unit has resulted in an overpayment. Staff is working with Antero to determine the exact cause and the amount.
- The Ohio Market Report prices posted for $/barrel of Ohio Oil/Condensate on May 10, 2016
  - Marcellus Utica Medium $43.66
  - Marcellus-Utica Light $38.18
  - Marcellus – Utica Condensate (Formerly ALS) $26.66

7.03 THE OHIO STATE UNIVERSITY WILDLIFE RESEARCH PROJECT

The MWCD will be partnering with The Ohio State University, ODNR-Division of Wildlife, and IVM (Integrated Vegetation Management) Partners for a study project aimed at improving wildlife habitats along pipeline rights-of-way. The project will improve habitat conditions for songbirds and native pollinators on and along shale gas pipeline rights-of-way, by removing some grasses and shrubs, mowing, controlling weeds, and promoting species favorable to pollinators and songbirds.

There will be nine treatment areas along pipelines corridors at both Clendening and Tappan lakes. Each treatment area will be approximately 200 feet in length along one side of the right-of-way. Pre-treatment data (songbird community, plant community, native bees/pollinators, reptiles/amphibians), along with 2 years of post treatment data will be collected.

No funds have been requested at this time. MWCD’s involvement is strictly as a landowner, allowing the treatments.
7.04 EVALUATION OF CURRENT SHARE CROP PROGRAM

Mr. Swiger presented a report to update the Board on the MWCD farm lease program. Of a total of 1,864 acres, 1,373 acres are under share crop leases and 491 acres are leased on a cash basis.

- Under a share crop lease: 1) Crop (corn or soybeans) are divided equally; 2) MWCD pays 60 to 70% of the material costs; 3) the lessee provides all the manpower and equipment to plant and harvest the crop; and 4) MWCD pays all of the material costs on the acreage where the crop is totally lost due to flooding.
- Under a cash rent lease, terms are based upon: 1) size of the field; 2) soil type; 3) terrain; and 4) agricultural base on the county (interest).

Historically, based upon the last 15 years, the net revenue per acre under the farm lease program is $69.00 per acre.

Flood events at Mohawk during the growing season were illustrated with graphs. Many variables influence the acres of crop loss: time of year; crop type; acres planted; duration of the flood event; and/or temperature.

Two options were presented for the future of the farm lease program: 1) share crop operations continue as is; or 2) change lease method of flood prone farm fields – cash rent at a set price per acre; flexible cash rent based on yield and price; net share lease in which the producer provides all inputs and MWCD receives a percentage of crop, i.e. 90/10 or 80/20.

Alternative uses for the areas under farm lease were listed:

- **Possibility:** let it revert to its natural state; trails; alternative recreation use park; or wildlife specific habitat plantings.
- **Complicating factors:** mosquitos; illegal dumping; noxious weeds/invasive species.
- **Ruled out (for now):** establish wetlands due to the soil type is not supportive; plant trees but flood frequency is unpredictable; alternative crops, i.e. pasture, hay, truck crops (high input costs).

Special considerations/impacts of changes in the current farm lease program: 1) four families, multigenerational operations are built around acreage, equipment, manpower, income; 2) taking acreage out of production could be perceived negatively by the farm community; 3) remove additional acreage from tax roll; and 4) reduced food source for wildlife.

Suggested next steps were: 1) form a small group and invite Board participation to explore and evaluate options; 2) present a recommendation at the August/September Board meeting; and 3) communicate decisions to farm lessees and implement adopted approach.

7.05 RECREATION MARKETING REPORT

Due to time constraints, this report was postponed until the next meeting.

7.06 2016 GOALS

Due to time constraints, this report was postponed until the next meeting.
7.07 MASTER PLAN UPDATE

Mr. Slogar distributed a written report to the Board on the Master Plan Implementation.

Program Status

- Detailed design contracts have been authorized for the following 2016 projects: Atwood Campground Area 20 and Sanitary Sewer System, Pleasant Hill Area 22 Campground, Tappan East Campground, and Seneca P-13 and P-21A Campgrounds.
- Pending Board approval, consultants will also begin detailed design on the following additional 2016 projects: Pleasant Hill Park Sanitary System improvements, Seneca Parkside Force Main to Senecaville WWTP and Seneca Parkside Beach Concession/Restroom Building.
- The Engineering Department is working on the in-house design of improvements to the special events parking areas and a new lift station for Atwood Lake Park.
- A tentative agreement has been reached between MWCD and the Village of Perrysville for wastewater treatment from Pleasant Hill Lake Park. Negotiations between MWCD and the Village of Senecaville are ongoing for a similar agreement covering wastewater treatment from Seneca Lake Parkside. We anticipate requesting Board approval for both agreements at the July 2016 meeting.

Individual Project Status

- Atwood Lake Park Welcome Center  
  - The project was substantially complete with only punch list work remaining.
- Atwood Lake Park Trail, Phase I  
  - Additional crosswalk markings will be installed by a separate contract as soon as weather permits.
- Tappan ADA Restroom and Shower House  
  - Bids were opened for the project on April 28, 2016. CCI Construction of Canton was awarded the contract for the amount of $853,759. The project will be substantially completed within 210 days after notice to proceed.
- Atwood Lake Bridge and Trail Phase II  
  - Dennison Bridge has completed installation of the bridge railing. The contractor is waiting for delivery of temporary cofferdams needed to allow completion of the curved portions of the bridge wing-walls. The substantial completion date is set for June 30, 2016.
- Tappan East Campground Sanitary Sewer Improvements  
  - The project is approximately 80% complete. Most of the sanitary sewer pipe has been installed and construction of the lift station will proceed shortly. Completion is scheduled for July 6, 2016.
- Atwood Campground Area 20 Tree Clearing  
  - Work was substantially completed on March 31, 2016. Final restoration work is nearly complete and is scheduled to be done by May 26, 2016.

7.08 DREDGE PROGRAM STATUS – TAPPAN LAKE DREDGING PROJECT

- The Phase 2 contract has been signed and a small amount of dredging has begun just below the Deersville Road causeway.
- Dredges have been launched at Clear Fork Bay and Beaverdam Run Bay, although they are waiting to complete the dredge material relocation area site work before pumping will begin in these areas. Booster pumps have also been installed at multiple locations along U.S. Route 250. Much site preparation work has been completed to date at Deersville Road, as the open pit dewatering basins are near completion and pumping could begin to this location as early as this weekend.
- PCI has had two filter presses at the Addy Road DMRA site set up for test runs, but has found it difficult to optimize the system due to variation in the dredge slurry consistency. They are considering the use of geobags or open pits in lieu of presses at Addy Road, plus are looking for other possible locations near the lake to allow more flexibility in the dredging operation.
7.09  USACE PROJECTS STATUS REPORT

Bolivar Dam
- Seepage barrier: all panels on lower part of work platform are complete (98% complete). There are five panels at upper platform left to complete.
- Work on impervious clay blanket to wrap up this week at upstream side of left abutment.
- The contractor is working on tying in electrical work to backup generator at project office.
- Demobilization to begin soon.
- Gate repairs/modifications: repairs are progressing well. Shop inspection to be held next week. First gate to be delivered on May 26.

Dover Dam
- Work continues on completing as-built drawings with the contractor.
- Foundation report is now complete (this includes a summary of all geotechnical information on the project including recent drilling and anchor settings).

Zoar Levee
- Awaiting approval for dam safety modification report by end of May. The project will then move on to design phase.

Mohawk Dam
- Working through final two alternatives for modifications to dam. Goal is to brief USACE team in mid-June on final selected course of action.

Muskingum 729 Watershed Assessment
- Working on finalizing details for stakeholder meetings throughout watershed. Meetings will be held mid-June.

7.10  ATWOOD REGIONAL WATER AND SEWER DISTRICT UPDATE

Mr. Parham reported that there was no meeting of the Board of Trustees this past month.

7.11  IMMINENT OR PENDING LITIGATION

Attorney Pringle reported that the court has ruled in favor of the MWCD in the case of Muskingum Watershed Conservancy District, Plaintiff, v. Leatra Harper, Steven Jansto and Leslie Harper, Defendants.

8. SUBDISTRICTS

No business at this time.

9. EXECUTIVE SESSION

On motion by Mr. Sprang, seconded by Mr. Parham, the Board of Directors entered into executive session at 12:30 p.m. to discuss matters related to ORC §121.22 (G) (2) (3). On roll call: Ms. Limbach–yes; Mr. Maupin–yes; Mr. Parham–yes; Mr. Pryce–yes; and Mr. Sprang–yes. The executive session ended at 1:58 p.m.
10. ADJOURN

There being no further business, on motion by Mr. Parham, seconded by Mr. Sprang, the meeting of the Board of Directors was adjourned. The next regularly scheduled meeting is Friday, July 22, 2016, at 9:00 a.m. at a location to be determined. The MWCD Conservancy Court will convene on Saturday, June 4, 2016, at 10:00 a.m. in the Tuscarawas County Courthouse.

05.20.2016, km
Approved 07.22.2016