

**SUMMARY OF MINUTES  
BOARD OF DIRECTORS  
MUSKINGUM WATERSHED CONSERVANCY DISTRICT  
Held at The Stark County Park District, Canton, Ohio  
April 17, 2009, 9:00 a.m.**

A meeting of the Board of Directors of the Muskingum Watershed Conservancy District was held at the Stark County Park District, Canton, Ohio, on Friday, April 17, 2009, 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. Horstman, Mr. Kokovich, Mr. Parham, and Mr. Pryce.

On motion by Mr. Horstman, seconded by Mr. Kokovich, Mr. Tribbie was excused.

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

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

**2. APPROVAL OF MINUTES**

On motion by Mr. Kokovich, seconded by Mr. Parham, the minutes of the March 20, 2009, meeting of the Board of Directors were approved.

**3. INTRODUCTION OF VISITORS AND PUBLIC COMMENT**

Also in attendance for all or portions of this meeting were: Rich Bourgault (*Dublin Management Group*); Sarah Buell (*Stark County Park District*); and Eric Reip (*New Philadelphia resident*).

Ms. Buell welcomed the MWCD to the Stark County Park District. The Exploration Gateway opened approximately two years ago and is believed to be the only park-library partnership of its kind in the country. In addition to the Perry Branch library, the Exploration Gateway features a visitor information center, the Herbert W. Hoover Foundation Science Classroom, and a state of the art video conference room. The Congressman Ralph Regula Canalway Center highlights the significance of the Ohio & Erie Canal.

Outdoor visitors experience scenic overlooks of Sippo Lake and enjoy picnic areas, a gazebo, Children's Garden, and a new trail connecting the Exploration Gateway to the Sippo Lake Marina. The trail features a recycled plastic boardwalk. Complementing the conservation mission of the park district, the building features geo-thermal heating and cooling, which decreases electricity consumption by using the earth's natural 55-degree temperature for cooling in summer and warming in winter as well as many other green, environmentally friendly features.

Ms. Buell invited the Board and staff to join her in a tour of the facility at the conclusion of the meeting.

**4. FINANCIAL**

Mr. Cugliari presented the financial report for the period ending March 31, 2009. The total revenue is \$4,082,254.00 with expenses of \$2,031,033.00, resulting in an excess of revenues over expenses of

\$2,051,221.00 (compared to revenue over expenses of \$1,926,217.00 during the same reporting period in 2008). The total cash balance is \$3,275,934.95 of which \$1,743,445.41 is in the general checking account and business high yield savings account and available for meeting operational needs. There is also a balance of \$1,219,821.30 in the Maintenance Assessment business high yield savings account, recently established to account for maintenance assessment funds received.

**General Maintenance Fund**

- Total revenues are 19.78% of budget in this fund.
- Farm Operations-Sharecrops revenue is ahead of budget as a result of crops harvested from the 2008 season.
- Mineral Operations – Gas and Oil revenues continue to run behind budget and down considerably from 2008.
- Expenses continue to be in line with budget expectations.

**Forestry Fund**

- Forestry revenues are 16.83% of budget and are on track at this point for meeting expectations.

**Recreation Operations – Non Park**

- Revenues are 15.27% of budget at this point and expenses are 25.78% of budget.
- Multiple Docks revenue is 17.68% of budget and ahead of last year. The main reason is due to the timing of the decal application forms being sent out two weeks earlier in 2009 and also we have provided the cottage site lessees with pre-printed information on the applications.
- Other revenue areas are in line with budget expectations and running ahead of 2008 figures.

**Recreation Operations - Parks**

- Park revenues are 43.78% of budget with all revenues running ahead of 2008.
- Vacation cabins are ahead of budget and last year at this point due to timing on receipt of park reports.
- Park camping is 3.8% ahead of last year and in line with budget. At this point seasonal camping is in line with our budget expectations. Transient camper revenue will be the variable in meeting budget for the year.
- Expenses continue to run ahead of last year but are in line with budget.

**Maintenance Assessment Fund**

- Revenues in the Maintenance Assessment Fund are 13.55% of budget. We have received \$1,219,770.00 in assessment fund distributions from five counties.
- Expenses are in line with budget at this point.

Overall, revenues and expenses are in line with our budget expectations as we conclude the first quarter. We will continue to monitor the budget and make adjustments as necessary.

On motion by Mr. Horstman, seconded by Mr. Kokovich, the financial report was accepted as presented.

**5. PAYMENT OF BILLS**

On motion by Mr. Parham, seconded by Mr. Kokovich, a report of the payment of bills for the period ending March 31, 2009, was approved as presented.

**6. BUSINESS**

**6.01a ASSIGNMENTS, CANCELLATIONS, NEW LEASES, FARM LEASES, MORTGAGE CONSENT AND AGREEMENT CANCELLATIONS, AND MORTGAGE CONSENT AND AGREEMENTS**

On motion by Mr. Kokovich, seconded by Mr. Horstman, these 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 Conservancy District authorized.

**6.01b PIEDMONT LAKE RECLAMATION PROJECT**

On motion by Mr. Parham, seconded by Mr. Kokovich, authorization to enter into an agreement with the Division of Mineral Resource Management for an Acid Mine Drainage reclamation project, as recommended and set forth in the above memorandum, was granted. This project represents the first expenditure of maintenance assessment funds. ODNR plans to complete this project in June.

**6.02 BUDGET ADJUSTMENTS**

On motion by Mr. Kokovich, seconded by Mr. Parham, budget adjustments made during the month of March 2009, as recommended and set forth in the above memorandum, were approved.

**6.03a HUMAN RESOURCES SUMMARY**

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

**6.03b COLLECTIVE BARGAINING AGREEMENT**

On motion by Mr. Kokovich, seconded by Mr. Parham, the proposed collective bargaining agreement between the MWCD and the Fraternal Order of Police, as recommended and set forth in the above memorandum, was ratified.

**6.03c DESIGNATION OF DEPUTY SECRETARY**

This memo was withdrawn.

**6.03d GROUP HEALTH BENEFIT PLAN REVIEW**

This memo was withdrawn. Mr. Cugliari reported on the current status of the group health benefit plan and told the Board that staff will be meeting with the insurance agent to discuss any possible changes that may be necessary. The group health benefit plan will be a May agenda item.

**6.04a PURCHASE OF 2009 HONDA ELEMENT**

Invitations to bid for a 2009 Honda Element to be used by GIS and Engineering staff were previously distributed. The bid opening was April 7 at 2:00 p.m. The following dealerships submitted bids for consideration:

<b>Bidder</b>	<b>Outright Purchase Price</b>	<b>2-Year Lease Payment</b>	<b>3-Year Lease Payment</b>
College Hills Honda, Wooster	did not submit		
Park Honda, Akron	did not submit		
Parkway Honda, Dover	\$19,623.54	n/a	\$347.82
Tansky Honda, Zanesville	did not submit		
Waikem Honda, Massillon	\$19,869.50	n/a	n/a

The bid for a 2009 Honda Element has been awarded to Parkway Honda of Dover for an outright purchase price of \$19,623.54. The Board approved this purchase, at a cost not to exceed \$23,000.00, at the March 20, 2009 meeting. The amount is included in the 2009 budget.

No action is required by the Board.

**6.04b PURCHASE OF KOMATSU TRACKHOE**

On motion by Mr. Horstman, seconded by Mr. Kokovich, lease/purchase of a Komatsu trackhoe at a cost not to exceed a total of \$80,000, as recommended and set forth in the above memorandum, was approved.

**6.04c PURCHASE OF DUMP TRUCK (SENECA)**

On motion by Mr. Kokovich, seconded by Mr. Horstman, lease/purchase of a dump truck at a total cost of \$46,110.60 from Humphries Auto City of Dover, as recommended and set forth in the above memorandum, was approved.

**6.04d PURCHASE OF VEHICLES**

On motion by Mr. Horstman, seconded by Mr. Kokovich, lease/purchase of two 2009 Chevrolet Impala police package 4-door sedans at a total cost of \$48,621.60 from Loudonville Motor Company, as recommended and set forth in the above memorandum, was approved.

**6.04e FINANCE SOFTWARE PACKAGE**

On motion by Mr. Kokovich, seconded by Mr. Parham, purchase of new accounting software from Creative Microsystems, Inc., of Englewood, Ohio, at a total cost of \$52,615.00, as recommended and set forth in the above memorandum, was approved.

**6.04f PURCHASE OF MANUFACTURED CABIN AND OFFICE**

Mr. Horstman inquired whether it is necessary to obtain any approvals from the State of Ohio since these buildings are to be used by the public.

On motion by Mr. Kokovich, seconded by Mr. Horstman, purchase of manufactured buildings for locations at Charles Mill and Pleasant Hill from Lakeside Cabins of Shiloh, Ohio, at a total cost of \$17,876.00, as recommended and set forth in the above memorandum, was approved contingent upon the determination of the question about state approval. Mr. Hoopingarner asked Mr. Slogar to determine the necessity for state approval of such facilities.

**6.04g FIREWORKS EXHIBIT CONTRACT**

On motion by Mr. Kokovich, seconded by Mr. Horstman, an agreement for providing fireworks displays for the 2009 season with Pyrotecnico of New Castle, PA, at a cost of \$34,470.00, as recommended and set forth in the above memorandum, was authorized.

**6.04h ATWOOD PARK AMPHITHEATER SITE PREPARATION**

On motion by Mr. Kokovich, seconded by Mr. Parham, award of a contract for site clearing and preliminary grading and seeding for an amphitheater site at Atwood Lake Park at cost not to exceed \$25,000.00, as recommended and set forth in the above memorandum, was authorized.

**6.04i PROFESSIONAL SERVICES – STANTEC CONSULTING SERVICES, INC.**

On motion by Mr. Kokovich, seconded by Mr. Horstman, an agreement with Stantec, Inc., for providing professional engineering services associated with the continued implementation and operation of the maintenance assessment, as recommended and set forth in the above memorandum, was authorized. The Board requested that staff keep them advised of any such consulting services that are necessary during the term of this agreement (expires December 31, 2009).

**6.04j SHARE CROP MATERIALS**

On motion by Mr. Kokovich, seconded by Mr. Horstman, purchase of share crop materials for the 2009 season from Didingier at an estimated cost of \$137,280.51, as recommended and set forth in the above memorandum, was approved. Due to the many variables that can impact an agricultural operation, it may be necessary to purchase more or less than currently planned or to purchase different materials altogether.

**6.05 IMPOUND POLICY**

On motion by Mr. Parham, seconded by Mr. Kokovich, the proposed operational policy entitled “Impound Policy,” as recommended and set forth in the above memorandum, was adopted and the existing “Impounded Personal Property Policy” rescinded.

**6.06 GENERAL LIABILITY INSURANCE RENEWAL**

On motion by Mr. Horstman, seconded by Mr. Kokovich, renewal of the general liability insurance and membership in The Ohio Plan at an annual premium of \$153,065.00 for the period of May 1, 2009 through May 1, 2010, as recommended and set forth in the above memorandum, was authorized.

**6.07 ANNUAL REPORT OF OPERATIONS 2008**

On motion by Mr. Kokovich, seconded by Mr. Horstman, the narrative section of the Annual Report of Operations 2008, as submitted to the Board and recommended and set forth in the above memorandum, was approved and staff was authorized to proceed with preparation of the formal report for presentation to the Conservancy Court.

**6.08 PROJECT PARTICIPATION AGREEMENT: USACE FOR DOVER DAM**

On motion by Mr. Parham, seconded by Mr. Kokovich, a letter, addressed to the U.S. Army Corps of Engineers, establishing the MWCD’s intent and ability to serve as the non-Federal sponsor of the Dover Dam Safety Assurance project was approved for signature by the President of the Board. This letter does not financially or legally obligate the MWCD or the Federal Government.

The Project Partnership Agreement states that estimated total projects costs are \$103,465,000 of which the MWCD share will be 3.45% or an estimated total of \$3,570,000. MWCD’s source of funds for the sponsor’s cost share is the maintenance assessment.

## **OTHER BUSINESS**

### **LAKE MANAGEMENT PLANS FINALIZED FOR TAPPAN AND SENECA LAKES**

The Ohio Department of Natural Resources (ODNR) Division of Watercraft and MWCD will be presenting the finalized lake management plans that will impact watercraft operations on Tappan and Seneca lakes beginning with the 2009 boating season in two open house meetings on Sunday, May 3.

The meetings are scheduled for Seneca Lake from 2:00 to 4:00 p.m. in the Secrest Senior Center located at 201 High Street, Senecaville, Ohio. The Tappan Lake meeting is scheduled from 6:00 to 8:00 p.m. in the Activity Center at Tappan Lake Park located at 84000 Mallernee Road, Deersville, Ohio.

The lake plans will be presented in an “open house” format rather than a formal presentation, with representatives from both agencies available to answer questions and respond to concerns. Both Tappan and Seneca are MWCD lakes managed in partnership with ODNR.

The agencies have conducted several public meetings over the past year to discuss options for each lake to seek input from boaters and others who utilize the lakes before the lake management plans were developed. Public comments and recommendations were carefully balanced with public safety concerns and resource protection issues in the crafting of these management plans.

Mr. Kokovich stated that he has received many positive comments from constituents about the process utilized in development of the lake management plans.

### **OSPREY NEST AT ATWOOD**

Mr. Parham said he is pleased to see that a photograph of the Osprey at Atwood Reservoir is included in the annual report.

## **7. REPORTS**

### **7.01 SUMMARY OF MARINA OPERATIONS**

Members of the Board received a Summary of Marina Operations report through March 31, 2009.

### **7.02 MAINTENANCE ASSESSMENT STATUS UPDATE**

Mr. Cugliari stated that maintenance assessment revenue has been received from all but three counties to date. The process of determining and prioritizing projects to be done with maintenance assessment funds is ongoing.

Mr. Slogar reported that there are several projects which are currently being reviewed:

- Flood mitigation project in Brown Township, Carroll County
- Detention basin at the Fairhope Nature Preserve, Stark County
- Lick Run Acid Mine Drainage project, Piedmont Lake; and
- Flood warning system for the Marietta area.

Mr. Slogar also reported that the U.S. Army Corps of Engineers is being requested to refine their cost

estimates for projects to be considered by the MWCD in order to facilitate the planning and implementation process.

**7.03 IMMEDIATE OR PENDING LITIGATION**

There were no updates at this time.

**7.04 FACILITIES/INFRASTRUCTURE PROJECT FINANCIAL UPDATE**

Mr. Slogar reported on the progress of development of a facilities/infrastructure project summary. The Engineering staff is currently compiling the necessary information to develop a program of maintenance and upgrade of the MWCD recreational facilities. Mr. Pryce requested that the Board receive a report when this project summary is completed.

**7.05 UPDATE ON 2009 GOALS**

Mr. Hoopingarner reported on the progress of meeting the “Goals for 2009” as adopted by the Board on January 23, 2009.

- Progress continues with the implementation of the maintenance assessment – project selection and prioritization is ongoing.
- The financial report and MWCD accounting has been reconfigured to separate the maintenance assessment funds from the recreation funds.
- Negotiations continue with Kent State University regarding the Atwood Resort property. There is also a great deal of interest from development companies in this property.
- The organizational structure as it relates to the new emphasis on the maintenance assessment continues to be a focus of management.
- The implementation of the reorganization of the parks areas continues. Focus will be on marketing and feedback from customers.

**8. LEGISLATIVE REVIEW**

**8.01 CURRENT LEGISLATIVE ACTIVITIES**

Mr. Hoopingarner reported that meetings with legislators are scheduled as necessary.

There is no pending legislation to date that would affect the operation of conservancy districts.

**9. SUBDISTRICTS**

No business at this time.

**10. ADJOURN**

There being no further business, on motion by Mr. Kokovich, seconded by Mr. Parham, the meeting of the Board of Directors was adjourned. The next regularly scheduled meeting is May 22, 2009, at 9:00 a.m. at the Frontier Power Company headquarters in Coshocton, Ohio.