

MINUTES

1. Call to order:

A. The Trustees of the Lake Asbury Municipal Service Benefit District (LAMSBD) met in the Lake Asbury Community Center, 282 Branscomb Road, on the above-stated date. Chairman McMillan called the meeting to order at 6:30 p.m.

2. Roll/Quorum:

A. The following trustees were present: Chairman McMillan, Vice Chairman Gaver, Treasurer Kocher, and Trustees Newton, Weisenburger, Pickens, and Bueme - a quorum of seven. Staff present: District Attorney Wayne Flowers, District Engineers Laura Mahoney and John Mahoney, District Accountant Tom Hallquest, and District Secretary Krysta Caprood.

3. Administrative Announcement:

A. Chairman McMillan went over the Administrative announcements.

4. Approval of Minutes:

A. A motion to approve March 2, 2020 Board meeting minutes was made by Vice Chairman Gaver. Seconded by Trustee Weisenburger, with a correction to be made to a name on new business. Carried 7-0.

5. Treasurer's Report:

A. Review May 2020 General Checking and Money Market Account with the Board. Treasurer Kocher presented the Treasurer's Report. A motion to approve the Treasurer's report was made by Trustee Weisenburger. Seconded by Trustee Pickens. Carried 7-0.

B. A motion to approve checks 3551 and 3552 was made by Trustee Weisenburger. Seconded by Trustee Pickens. Carried 7-0. A motion to approve checks 3553-3561 (check 3561 was for a double amount due to not knowing whether the company received the first check) was made by Chairman McMillan. Seconded by Trustee Weisenburger. Carried 7-0.

C. 2020-2021 Fiscal period, Draft Budget; first review for final approval July 2020. Trustee Bueme asks about engineering costs and why it does not include projects, Capital Improvement, etc. Treasurer Kocher stated that it would be discussed at the next meeting. District Attorney Wayne Flowers states that these are preliminary numbers and there will be more accurate numbers in June. The preliminary budget is based on what vendors are doing now. District Accountant Tom Hallquest informed the Board that \$625,000 is budgeted for infrastructure and can be used for the Capital Improvement Plan. This will all be discussed at the workshop. Chairman McMillan stated that he does not want to exclude the fish stock. Treasurer Kocher says that it can be up for discussion for the Board and that changes can be made at the next meeting.

D. Amend Item D, motion by the Treasurer, August 5, 2019: Need advance approval for all future routine District account checks, in the event there was no quorum. Reason: Vice Chairman Petrucci recommended the word "routine" be replaced by "all budgeted items" and for some reason, we did not pick up the error in the minutes. Motion: that this motion be amended to reflect "all budgeted items" and add, "all additional approved items". A motion to need advance approval

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due to no quorum or required payments between Board meetings for all District account checks that are budgeted, Board approved, including all contractors and State/Federal tax related checks was made by Treasurer Kocher. Seconded by Trustee Weisenburger. Carried 7-0.

E. Motion to approve the purchase of a new printer for the District Secretary, not to exceed \$450 was made by Treasurer Kocher. Seconded by Chairman McMillan. Carried 7-0.

F. Review Darla J. Mayo, WEBDESIGN for a new Email Server Proposal that includes: 1 TB of storage space, user friendly, trustees will be able to access via, a web link or install on their phone with an app. No passwords for trustees to lose, but please review for full details. Annual cost is \$157.08. Note: The District Secretary's change in annual Adobe software, a savings of \$150 that wipes out the LAMSBD Email cost. A motion to accept the new Email proposal was made by Treasurer Kocher. Seconded by Trustee Weisenburger. Carried 7-0.

6. Delegation of tasks by Chairman McMillan:

A. Chairman McMillan wanted to delegate tasks for each Board member and have the District Secretary make notes of it. Trustee Weisenburger asked if there was a list of those jobs and Chairman McMillan stated the jobs as follows: Record keeping, website, contracts, county, insurance, engineers, and EAP. Trustee Weisenburger would like to have trustees assigned to particular jobs at the next meeting so, a discussion can be had and the appropriate person can be chosen. The topic of insurance was raised by Treasurer Kocher. He stated that Trustee Weisenburger was in charge of that, but needed his help in the past. Trustee Weisenburger was concerned that Chairman McMillan is not available all of the time and questions what to do in an emergency. Chairman McMillan is concerned with how much communication is going on behind the scenes and violation of Sunshine Law. He feels that if each Trustee is assigned a task, it would eliminate other questions or concerns. Treasurer Kocher says that each task should have a backup and Trustee Weisenburger agreed. Chairman McMillan does not agree that every job needs a backup. Treasurer Kocher believes that the Board has no direction and brings up creating a procedural manual that would define what each Trustee does and how a meeting should be run. Chairman McMillan does not agree with having a procedural manual written. He brings up the past three months of emails received from Treasurer Kocher along with the bullying and harassment. Chairman McMillan is concerned about contractors being contacted about contracts that do not need to be addressed at this time. Treasurer Kocher has sent out various emails that were not of his concern even informing people that Chairman McMillan is stressed from his job and then listed his job and position. Chairman McMillan states that when these emails are sent out, none of the trustees are able to respond because of Sunshine Law, but Treasurer Kocher does reply to the emails. Chairman McMillan says that he hears from vendors every day because of the harassment from Treasurer Kocher. Chairman McMillan used the Groundworks contract as an example. Treasurer Kocher states that speaking of contracts with the vendors is part of his job. Trustee Weisenburger again brings up the procedural manual being created. Chairman McMillan has an issue with assigning two people to each task because it could become a violation of the Sunshine Law. Trustee Weisenburger gives her reasons as to why she believes that two people should be assigned to each task. Chairman McMillan is concerned about the nitpicking and possibly running vendors off. He wants to be productive and do good things for the community. Trustee Weisenburger wants a procedural manual completed and tasks assigned. Chairman

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McMillan does not want to waste months on the manual when tasks need to be assigned now. Trustee Pickens would like to have information given to her before the monthly meetings and she receives updates from Treasurer Kocher and she likes it. Chairman McMillan states that the District Secretary sends out the agenda in advance each month and she asks for suggestions or corrections. Trustee Bueme asks Laura Mahoney if Toco Engineering would send out their agenda items/information a few days in advance of the meetings. Laura was very receptive to that idea and could get it to the Board five days in advance of the meetings. Trustee Bueme spoke up about others communicating for others on important items. He does feel that there needs to be a point of contact and would like to see some team building occur. He thinks the procedural manual can be kept simple without having to make it long. He states that the chain of command is unacceptable and that people should not be contacted outside of their realm without approval or notifying the Chairman. Trustee Pickens feels like job descriptions would be better suited instead of a procedural manual. Treasurer Kocher agrees with Trustee Pickens and thinks that job descriptions should be made available in a procedural manual. He is agreeable to a basic manual. **A motion to create a Job Description Manual was made by Vice Chairman Gaver. Seconded by _____.** Carried 7-0. District Attorney Wayne Flowers let the Board know that the Chairman typically assigns positions and takes input from the Board and is not sure that a procedural manual is needed. The Job Description Manual will also need to be posted on the website and notes will need to be taken. Debbie Barrett in the audience spoke up about the Board going around and around, wasting time, and how jobs just need to be assigned without a procedural manual. There was back and forth between the Chairman and Treasurer and nothing seemed to be accomplished before moving on to the next item.

7. **Staff Reports:**

A. **District Engineer:**

1. Activities completed by Toco Engineering, LLC: There was no data collected, initiated draft agenda and received comments back (in the process of completing it and will need a point of contact), completed Capital Improvement Plan, initiated PowerPoint presentation for workshop, discussed apparent low bidder of Geotechnical Assessment of Dams contracts with Trustee Bueme, researched law engineering reports by Law Engineering from December 1988 (it includes: inspections of the dams, geotechnical borings for each dam, and analysis of 6 borings), received information from Mactec Engineering/Consulting (aka Law Engineering) on a visual check in report of the dams in 1994 (no detailed analysis or borings were completed at that time) , the lake valve question that was raised during the last meeting was not pursued because, they feel like the Capital Improvement Plan and Geotechnical Assessment of Dams need to be addressed first. Trustee Bueme is comfortable with Legacy to do the Geotechnical Assessment of Dams within a certain amount of time and that company would save the Board money. **A motion to accept Legacy as the contractor to complete the Geotechnical Assessment of Dams was made by Treasurer Kocher. Seconded by Chairman McMillan. Carried 7-0.** Toco Engineering will work with District Attorney Wayne Flowers to get the contract completed.

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2. Proposed next actions: Laura will be attending a grant/writing workshop and bring back all information, the hard maps will be brought to the next meeting, a meeting needs to be made with the Sand's and Chairman McMillan (Friday morning was decided on), the well on Mr. Sand's property needs to be looked at and a decision will need to be made on whether to cap it or not facilitate the workshop, conduct a site visit at 487 Branscomb Rd to review county road repair, and research pump/generator costs related to drawdown schedule.

3. Items recommended for Board consideration: Establish a new date for Board workshop (a workshop date will be scheduled for June 1st at 6:30pm and a draft of the workshop will be sent out individually), a decision needs to be made on the Geotechnical Assessment of Dams bids, and a decision needs to be made on the task order for the updated Draw Down Analysis. District Engineer John Mahoney took a look at the pipes. Chairman McMillan made a motion for Toco Engineering to take over the Inundation Study and have Trustee Bueme be the contact for Toco Engineering for questions. Seconded by Vice Chairman Gaver. Carried 7-0. This will prevent overlapping requests. A motion to make Trustee Bueme the point of contact with anything concerning the EAP was made by Chairman McMillan. Seconded by Treasurer Kocher. Carried 7-0. Treasurer Kocher volunteered to finish his portion of the EAP. Per Mr. Lowe, 757 Lake Asbury Dr.: pre fab weir installed by the county at his retention pond was not properly installed. Mr. Lowe advised that there are water leaks under the weir into Lake Ryan. Chairman McMillan would like for Toco Engineering to look at it.

B. District Attorney:

1. District Attorney Wayne Flowers still has not made contact with Doug Jones despite, trying on several occasions.
2. It is not the responsibility of LAMSBD to send letters to the dam dwellers informing them of fire ant control although, it would not be a bad idea to send them one.
3. District Attorney Wayne Flowers informed the Board of the upcoming seats that will be available this year and what steps to take if the Trustees plan on filing for the seats.
4. A refresher will be given at the Board meeting in August concerning, Sunshine Law.

C. Secretary:

8. Trustee Reports:

A. Chairman:

1. Chairman McMillan is still in the process of working with Toco Engineering to contact the county on work that needs to be completed on or near the lakes.
2. An alligator has been spotted in the South lake and Lake Ryan, but it has not been confirmed if it/they have been caught.
3. Both Chairman McMillan and Trustee Bueme spoke to UMX about going down to inspect the valves and they were adamant about not going down. A gentleman from the audience asked if the lake has been lowered. Trustee Bueme reminded him that both of the valves leak and that there has not been any rain.

B. Vice Chairman:

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C. **Treasurer:**

1.

D. **Trustees:**

9. **Unfinished Business:**

10. **New Business:**

A. Comments from district members:

1. Donnie Wright, 401 Lake Asbury Dr., He had men on his property that said they were from FEMA and he wants to know who knew that they were coming onto his property. Treasurer Kocher said that they were not supposed to be on his property. Mr. Wright wants to make it clear that if anybody is going to be on his property, he wants advance notice and that for the company to have a certificate of insurance. Trustee Bueme will send out an email letting them know that residents need to be notified from here on out.

2. Sue Caputo, 478 Branscomb Rd., She wants to know when the dip on Wesley Rd. will be fixed. Chairman McMillan hopes that it will be done soon and will speak to the next commissioner about it.

3. Allison Bramlitt, 359 Lake Asbury Dr., She is concerned about people emailing her about dam conspiracies, the thought of her property being taken away from her, and wants to be included in the EAP, as far as being contacted about anything that the lake residents are contacted about. Laura Mahoney informed her that the Geotechnical Assessment Analysis would give them a better idea of the conditions of the dams since she is being told that they are failing.

4. Wade Bramlitt, 359 Lake Asbury Dr., He is concerned about surveyors coming onto his property without his consent. He also wants to know when the borings will be done. Toco Engineering let him know that they would only be on the dams and right of way.

11. **Adjournment:** Chairman McMillan made a motion to adjourn at 8:40pm.

Krysta Caprood
District Secretary

Mark McMillan, Chairman