

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT  
HELD ON SEPTEMBER 18, 2014

The regular meeting of the South Indian River Water Control District was held on September 18, 2014, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Michael Danchuk, Tom Rice, Tom Powell, Michael Ryan and Steve Hinkle. Also present were Amy Eason, engineer; Charles Haas, treasurer; William Capko, attorney; Mike Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Several landowners were also present.

Mr. Danchuk called the meeting to order and the Pledge of Allegiance to the flag was given.

Mr. Haas presented the treasurer's report and recommended Board approval of the monthly expenditures. Mr. Ryan made a motion to approve the monthly disbursements. Mr. Powell seconded the motion and it carried unanimously. Mr. Powell made a motion to adjourn the meeting. Mr. Ryan seconded the motion and it carried unanimously.

There being no further business to come before the Board at this time, the meeting was adjourned.  
ADJOURNED.

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MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT  
HELD ON AUGUST 21, 2014

The regular meeting of the South Indian River Water Control District was held on August 21, 2014, at 7:30 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Michael Danchuk, Tom Rice, Michael Ryan and Stephen Hinkle. Also present were Amy Eason, engineer; Charles Haas, treasurer; William Capko, attorney; Michael Dillon, manager of operations; Laura Bender, public information; and Jane Woodard, secretary. Seven landowners were also present.

Mr. Danchuk called the meeting to order and the Pledge of Allegiance to the flag was given.

Mr. Hinkle made a motion to approve the consent agenda which included the check disbursements and approval of the July 10th minutes. Mr. Ryan seconded the motion and it carried unanimously.

Ms. Bender presented the public information report. News releases and notices were sent out to the media. The website was updated. The summer newsletter is being mailed to the landowners. March 14, 2015, has been set as the date for the next annual landowners day. Mr. Hinkle commented that there have been complaints from landowners who feel the Board is pushing for paving projects. He suggested that paving information should be moved to the back page of the newsletter.

Mr. Haas presented the treasurer's report and discussed the proposed budget for 2014/2015. He presented a chart showing the breakdown of proposed expenditures and outlined ongoing programs and the cost to each neighborhood in the District. He also presented a history of assessments over the last seven years. A landowner asked if road maintenance costs decrease when a road is paved. Mr. Haas stated a portion of the assessment goes into the renewal and replacement fund, so the cost stays the same. There were no other questions from the public. Mr. Haas recommended adoption of the proposed budget. Mr. Hinkle made a motion to approve the resolution with the attached Exhibit A. Mr. Rice seconded the motion and it carried unanimously.

Mr. Dillon presented the manager of operations report. He met with Murray Logan Construction to review the canal work and right-of-way extension which will begin after Labor Day. He has spoken with Terra-Tech and

Aquagenix; both have agreed to extend their contracts for two more years at the same price.

Ms. Eason presented the engineer's report. Petitions have been received for paving 6.4 miles in Palm Beach Country Estates. Two more petitions were received today and will be reviewed. If these roads are included, there will be 7.3 miles in the project. She requested that the Board set a deadline for receiving further petitions so the referendum can be prepared. Discussion followed regarding the best time to work with the Supervisor of Elections, considering the upcoming general elections. Mr. Hinkle made a motion to postpone the referendum because there are landowners who want to petition for dirt roads but they do not have an approved petition to use. Mr. Capko stated his office received two petitions today from landowners wanting dirt roads. He reviewed the District's Special Act and concluded there is no provision for having a referendum to not do something. The Board could adopt a policy that if a petition is received showing more than 50% do not want a paving project, the Board would not need to have a referendum. Anything else would require a change in the District's Special Act which would be costly and difficult to pass. Mr. Hinkle noted there are clusters that do not want paving. Mr. Danchuk suggested the Board can make a decision after seeing the outcome of the referendum. He also did not want to establish a formal policy regarding petitions for dirt roads, noting the Board always has the option to deny paving. Mr. Capko stated the dirt road petitions can be accepted any time because they do not affect the engineer's preparation of the referendum. No specific wording for those petitions is necessary. After further discussion, Mr. Rice made a motion to set a deadline of October 31st for accepting further paving petitions.. Mr. Ryan seconded the motion and it carried unanimously.

Ms. Eason reported she is still negotiating with the contractor regarding the improvements for the Margaret Berman Park.

Mr. Dillon discussed the need for the 128th Trail drainage improvement, noting there is roadway flooding with no place for the water to go. Also, four cross drains under the road are heavily vegetated. Ms. Eason reported that an application for funding this project was submitted to the Loxahatchee River Preservation Initiative.

Ms. Eason reported on the Motor Coach Resort issue. After meeting with the Loxahatchee River District, the applicant has requested postponing any vote at this time. Discussion with LRD included pipe size and the position of the sewer force main. At the request of the petitioner, Ms. Eason will hold off on any further presentation regarding this matter. Mr. Hinkle made a detailed statement regarding the development of the RV park. He stated the property was annexed into the District to benefit a landowner, but it did not benefit the District. The annexation jeopardized an active lawsuit that had been filed by the Jupiter Farms residents. It was Mr. Hinkle's opinion that the District should take responsibility for ignoring the Jupiter Farms neighborhood plan, preserve the rural zoning, and require LRD to use the north side of Indiantown Road for any water and sewer connections. After further discussion by the Board, Ms. Eason suggested a workshop for the Board members and the applicant. Mr. Capko suggested it should be a special meeting, not a workshop. Mr. Danchuk suggested a special meeting in October with the provision that the applicant pays all associated expenses for the meeting.

Ms. Eason stated the water quality contract is up for renewal and recommended continuing it for one year. Mr. Hinkle made a motion to extend the contract. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Capko requested a motion to approve the contracts with Logan Construction. Mr. Hinkle made a motion to approve the contracts. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Danchuk discussed the park in Palm Beach Country Estates. He stated funding was always going to be voluntary but at the last meeting the Board voted to assess approximately \$40/year for the improvements. He stated he now does not feel comfortable with the District spending that much on a park without a referendum from those paying for it. He requested a re-vote to approve only the pavilion, not the basketball courts. Mr. Ryan stated the pavilion is definitely needed as it will bring another generation into the park. Mr. Rice commented that the first objections regarding the park were not brought up until the last Board meeting. There

had never been an objection before so the Board did not feel a need for a referendum. Ms. Laura Bender, as a landowner, stated the park was always going to be improved with voluntary funds raised. Landowners were not asked how they wanted the original \$125,000 spent. After further discussion, Mr. Danchuk made a motion to reconsider the previous vote regarding the improvements. There was no second to Mr. Danchuk's motion.

There being no further business to come before the Board at this time, the meeting was adjourned.  
ADJOURNED.

Attachment as requested by Mr. Hinkle:

#### RV Park

- All matters with the development of the RV Park fall solely on SIRWCD and the 5 Board of Supervisors who voted to annex this property into the District for the benefit on one property owner wanting to develop their land and this annexation had no direct benefit for the District.
- The District through legislation had this parcel annexed into the District without consulting the residents of the District.
- At the time of Annexation, Jupiter Farms Residents, Inc. and Jupiter Farms Environmental Council which were representing the community of Jupiter Farms had an active law suit against Palm Beach County to prevent the development of this property that was surrounded by natural areas that provides water shed through Cypress Creek to the Loxahatchee River.
- The property prior to the district's Annexation, did not have a plan for surface water and could not let it enter the natural areas surrounding the property. By annexing this property into the District, SIRWCD paved the way for the individual property owner to receive approval from the county for development because the surface water would now flow into Canal 1. Thus the community of Jupiter Farms had to dismiss their law suit against the county by the actions of SIRWCD.
- Note that the community is still paying off this legal debt.
- Note that Jupiter Farms is zoned as Rural Tier and as a Rural Tier there are no services such as water and sewage to be installed. This has also been emphasized by the Jupiter Farms Neighborhood Plan with Palm Beach County.
- Now the land development wants the District to assist them in bringing sewage to the property by allowing developer and the Loxahatchee River District to use District Lands.
- Now the Loxahatchee River District wants to ignore the Rural Tier and Neighborhood plan of Jupiter Farms by fishing for commercial users between the shopping center and the RV Park.
- This fishing/encroachment by Loxahatchee River District would have never occurred if the SIRWCD had not annexed this property into the district.
- The District should take full responsibility for ignoring the Jupiter Farms Neighborhood Plan and stand up in preserving the Rural Tier zone.
- The District needs to use all means to require Loxahatchee River District to use the North Side of Indiantown Road.

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#### MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON JULY 10, 2014

The regular meeting of the South Indian River Water Control District was held on July 10, 2014, at 7:30 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Michael Danchuk, Tom Rice, Michael Ryan, Stephen Hinkle and Thomas Powell. Also present were Amy Eason, engineer; Charles Haas, treasurer; William Capko, attorney; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Fourteen landowners were also present.

Mr. Danchuk called the meeting to order and the Pledge of Allegiance to the flag was given.

Mr. Hinkle made a motion to approve the consent agenda including check disbursements and approval of the May 8th minutes. Mr. Ryan seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. News releases and notices were sent out to the media. She confirmed a notice was given to the *Palm Beach Post* and *Jupiter Farmer*. The website was updated. Work has begun on the next newsletter. A letter to the RV development was drafted.

Mr. Haas presented the treasurer's report. He discussed the six optional construction projects not included in the proposed budget. Three are in Jupiter Farms, particularly the widening of Canal #2 along Jupiter Farms Road. Three are in Palm Beach Country Estates, including park improvements.

Mr. Haas discussed the assessment rates for these optional projects. Mr. Danchuk noted there is only a 1% increase in the proposed budget before adding any optional assessments. He stated the Jupiter Farms projects have value and need to be done over the next five years. The projects in Palm Beach Country Estates, i.e. culverts and maintenance bridge, should be discussed further.

The park needs to be looked at since it was supposed to be a non-taxed park with the community raising money to support it. Mr. Powell stated the park has been around for years with a lot of landowner involvement and it should have priority. Mr. Ryan and Mr. Hinkle agreed the park should be a priority. Mr. Rice made a motion to move forward with all the park improvements as previously discussed, i.e. racquetball court, basketball court and pavilion, financed over five years. Mr. Powell seconded the motion. A lengthy discussion followed including comments from the landowners present. Mr. Kevin Baker, landowner, stated there will be more fund raisers for other things in the park's plan. In response to landowner concerns, Mr. Capko explained that under the District's Special Acts charter, the District can own, operate, receive and maintain property for park and recreational purposes in Palm Beach Country Estates. Ms. Michelle Kincade, landowner, suggested the courts and pavilion could generate rental revenue. After further discussion, the motion carried unanimously.

The Board discussed the proposed maintenance bridge in Palm Beach Country Estates. From a maintenance standpoint, Mr. Dillon stated this would have minimal impact. The Board discussed specifications, cost, alternatives and benefits of the various optional projects. Mr. Dillon stated the projects involving Canal #2 and 175th are critical. Canal #2 does not require a culvert; 175th requires widening the bank on the west side and securing the bank on the east side. Mr. Hinkle stated Canals #2 and #7 have importance; Mr. Dillon agreed from an operation and maintenance standpoint. Mr. Hinkle made a motion to proceed with projects 1 and 3 in Jupiter Farms, financed over five years. Mr. Ryan seconded the motion. Mr. Haas noted these projects would not affect the budget as the District can borrow from itself. The projects are being charged a 4% interest rate which is higher than what the District can get at a bank. The motion carried unanimously. The Board agreed to discuss the culvert and bridge projects in Palm Beach Country Estates if there are cheaper options.

Mr. Dillon presented the manager of operations report. He had a meeting with the insurance representative who is expecting a 12% hike in premiums. After looking at many options, Blue Cross/Blue Shield is competitively priced. Mr. Haas noted the District has until December to make a decision and they will continue to look at other options. Ms. Eason presented the engineer's report. The 17th Plan of Improvements is complete including two OGEM roads in Jupiter Farms and four asphalt roads in Palm Beach Country Estates. She presented the final pay request from Lynch Construction. Mr. Ryan made a motion to approve the request. Mr. Hinkle seconded the motion and it carried unanimously.

Ms. Eason reported the next proposed road improvement project now includes .5 miles of OGEM and 6.4 miles of asphalt since additional petitions have been received. She has begun preparation of the referendum package. The estimated cost is \$385,000/mile for a total cost of \$2,464,000. The estimated assessment would be \$954/parcel at 5% for 12 years. Mr. Hinkle noted there are other petitions circulating to maintain the dirt roads. He questioned the

course to take if one of these petitions is received for the same road that has a petition for paving. Mr. Capko stated those petitions to maintain a dirt road are not for an improvement and this is a non-issue. Mr. Hinkle stated the petitioners feel a dirt road is an improvement for their lifestyle. Mr. Danchuk stated if such a petition is received, the Board will have to make a decision at that time. Mr. Capko stated those petitions would be useful as evidence of the community's desires, but would have no effect on prohibiting a petition for paving that meets the 35% requirement. The District would have to change the Special Act charter to consider a negative action. Mr. Powell noted that the landowners are not required to use a specific form or language for a petition, and they can petition for anything. It was Mr. Capko's opinion at this time that the language on those petitions is not valid under the current state law and the District's Special Act. Mr. Ryan noted these landowners want to set aside their roads and preserve them as dirt roads that can never be paved. Mr. Hinkle wanted to delay proceeding with roads that may also have a petition to keep them as dirt roads. Mr. Capko was asked to provide a formal opinion regarding this issue, including legal fees involved. Mr. Powell made a motion to add the additional petitioned roads to the referendum. Mr. Rice seconded the motion and it passed with Mr. Hinkle and Mr. Ryan voting against it.

Ms. Eason stated there are two roads with contradicting petitions: 154th Court and 88th Trail. The referendum is ready to go to Mr. Capko and then to the Supervisor of Elections. Mr. Capko noted that the Supervisor of Elections requires a 30-day notice. Mr. Danchuk suggested moving forward now and discussing the issue again at the next meeting before the referendum actually goes out to the landowners. The Board agreed that no referendum will go out before the next meeting.

Ms. Eason reported the Jupiter Motorcoach Resort applicant submitted an application to the District on June 12th for culvert connection, i.e. a drainage permit. She reviewed the initial application and requested additional information. The applicant has responded and she is still reviewing the application. She asked the Board to consider their request to use the District's right-of-way for utilities, and presented their statement of hardship. Mr. Hinkle did not agree with the hardship presented. He noted that if the Resort uses the north side of Indiantown Road, they do not need a permit from SIRWCD. He was not in favor of the Resort using SIRWCD property. Mr. Ryan felt the hardship letter needs to be directed to the Loxahatchee River District. Mr. Randall Henderson, representative for the Resort, again discussed the situation and the reasons for requesting the permit. He stated if the Resort does not hit their target of January, it would be another 18 months before returning to the issue. Ms. Eason clarified the location and showed an aerial view. After a lengthy discussion, Mr. Hinkle made a motion to deny use of SIRWCD's right-of-way. Mr. Ryan seconded the motion. Mr. Powell questioned why this would be detrimental to the District. He also noted the District would be receiving revenue for use of the right-of-way. Ms. Eason noted her expenses to date total approximately \$6,000. There was some confusion as to the location being discussed. Ms. Eason suggested meeting with Loxahatchee River District and the applicant to get more accurate information. Mr. Hinkle agreed to table his motion until further information is available.

Mr. Hinkle inquired if the Board could set a policy requiring temporary culverts and some type of silk screening to prevent surface water runoff during construction. Ms. Eason will look into the NPDES program and erosion control requirements. Mr. Powell noted the District is responsible for keeping the drainage unobstructed, and it has the authority to require culverts. Mr. Capko stated F.S. 298 prohibits blocking the works of the District and violators are subject to paying damages. Mr. Dillon has the authority to enforce this as part of his job.

Ms. DeNinno will handle obtaining new shirts for the staff.

Mr. Kevin Baker, landowner, suggested that a majority of landowners on a road could sign a statement requesting a moratorium against road paving, stating they will always vote against paving for as long as they own the property. That would be an indication to the Board that a referendum would not be needed for that road. The Board will consider this suggestion.

Another landowner suggested requiring a 75% vote to pass a referendum. The Board noted that the requirement recently increased from 25% to 35%.

Ms. Susan Kennedy, landowner, requested that information regarding the application for a sewer line needs to be provided to the residents in Jupiter Farms. Mr. Hinkle agreed.

There being no further business to come before the Board at this time, the meeting was adjourned.  
ADJOURNED.

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MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT  
HELD ON MAY 8, 2014

The regular meeting of the South Indian River Water Control District was held on May 8, 2014, at 7:30 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Michael Danchuk, Tom Rice, Michael Ryan, Stephen Hinkle and Thomas Powell. Also present were Amy Eason, engineer; Charles Haas, treasurer; Terry Lewis, attorney; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary.

Mr. Danchuk called the meeting to order and the Pledge of Allegiance to the flag was given.

Mr. Hinkle made a motion to approve the March 27th minutes as submitted. Mr. Ryan seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. As previously discussed, an informational letter has been prepared regarding the roadway petitions, subject to Board approval. News releases and notices were sent out to the media. The website was updated.

Mr. Haas presented the treasurer's report. He presented a preliminary budget. There have been no changes in services but there are adjustments in assessments. He noted the District has been drawing down some of the fund balances by not assessing for the full cost of the programs. However, this process is coming to fruition in the next few years. He also noted there is a significant item for health insurance. He noted Palm Beach Country Estates' water distribution bonds have a rising debt service requirement. These bonds will be ten years old in 2016, at which time the District should be able to re-establish a more level debt service. Mr. Danchuk was concerned about employee health insurance costs. Mr. Rice stated he does not want to take benefits away from employees. Mr. Dillon stated he is working closely with the District's insurance advisor.

The Board discussed an increased budget for the park. Mr. Powell noted that the plan for the park has been approved and the Board now needs to see funding numbers. Mr. Haas discussed the possibility of borrowing from the sinking fund for road renewal and replacement, repaying the loan with interest.

Mr. Hinkle inquired about maintenance on perimeter canals in Jupiter Farms at Randolph Siding and 134th, and the corner of Canal #2. Mr. Hinkle noted that the developer of the Burt Reynolds Ranch may be willing to help with trail access in the community and cost sharing. Mr. Dillon will get cost estimates for culverts at Alexander Run and 150th, and Randolph Siding and 134th. Mr. Ryan discussed the north end of 85th and public access to Riverbend. Estimates on projects discussed will be obtained by Mr. Dillon and Ms. Eason, and presented to the Board. Mr. Haas noted this could impact the maintenance budget.

Mr. Haas discussed the contract with auditors Grau & Associates whose fee will increase \$1,500 over the next three years. He recommended accepting their proposal. Mr. Hinkle made a motion to accept the auditor's proposal. Mr. Powell seconded the motion and it carried unanimously. Mr. Haas requested approval of disbursements of \$244,893 to Lynch for the 17th Plan, and \$44,757 to Murray Logan for work on the Hatcher Bridge and Canal #12.

Mr. Haas noted these disbursements comprise the warrant list. Mr. Rice made a motion to approve the disbursements. The motion was seconded and carried unanimously.

Mr. Dillon presented the manager of operations report. He noted one operator has left the District but David Duckett has been re-hired.

Ms. Eason presented the engineer's report. The 17th Plan of Improvements is complete. The final cost for OGEM is \$76,567; the final cost for asphalt is not available yet. New road petitions to date include .5 miles of OGEM and 2.3 miles of asphalt. The oldest petition is dated June 18, 2013. There are other petitions out that have not yet been submitted. There is no policy that establishes a time period to submit petitions. After a brief discussion by the Board, Mr. Powell made a motion to authorize and instruct the staff to proceed with a referendum only on the petitions for asphalt paving. Mr. Rice seconded the motion and it carried unanimously. Mr. Hinkle was concerned about what corner lots are involved and landowners who have access to two roads. Ms. Eason will check on this information and report back to the Board.

Ms. Eason presented photos of the improvements at Canal #2 at the Hatcher Bridge, Canal #1 and Canal #12. Mr. Lewis noted it could be advantageous to make Tallahassee aware of these accomplishments in the District. He will advise local elected officials who may be able to get the attention of the Governor. Ms. DeNinno was instructed to put a presentation together which would include projects over the past year.

Ms. Eason met with Palm Beach Motor Coach Resort representative regarding their application for a permit. She discussed requirements and requested a plan. It is the District's policy that they need to show hardship. Mr. Danchuk stated SIRWCD should not pay for anything and nothing should affect the Jupiter Farms residents. They have reduced the pipe size to 8" and will make another presentation to the Board in June. Mr. Lewis stated the Board has the right to express its concerns to the Town of Jupiter regarding the use of the right-of-way, and to the Loxahatchee River District regarding thesewer. Mr. Rice made a motion authorizing and instructing the attorney to send the appropriate letters. Mr. Hinkle seconded the motion and it carried unanimously.

Mr. Hinkle reported a letter was received from the Girl Scouts regarding putting in a sidewalk along Haynie Lane in front of the school. This would involve filling in the swale and other engineering issues. Mr. Powell noted the easement could be expanded with a sidewalk placed on the other side of canal. There would be an expense and hydraulic issues and he questioned if the District even has authority to do this. Mr. Lewis stated there is no legislative authority to build a sidewalk as requested. Mr. Danchuk thought the County might be willing to partner with SIRWCD or with the school district. After further discussion, the Board agreed that there is no way to assess for the cost, it is cost prohibitive and the District currently has no authority to construct a sidewalk.

Mr. Lewis presented the attorney's report. He stated the Governor has vetoed the District's legislation even though there was no other opposition. Apparently the Governor believes this would add power to a single purpose district. However, Mr. Lewis has been able to amend some general law in Chapter 298. A section has been added to the powers to construct and operate Recreational facilities. Mr. Lewis is willing to give an opinion that the District has adequate authority to build out the park.

Mr. Lewis also commented on the issue of the Motor Coach Resort discussed earlier. He explained that Jupiter Farms is designated for rural land use based on development density which will not change even if water and sewer lines are extended.

The Board agreed there will be no June meeting and the next Board meeting will be July 10th.

Mr. Kevin Baker, landowner, questioned how the Board wants to proceed regarding the park. Mr. Powell suggested the Board should resolve what it is going to do before the budget is discussed further. Mr. Baker stated the pavilion is top priority, and he and Mr. Berman will submit a proposal at the next Board meeting. Ms. Eason noted the site plan was approved but a building permit is still required. Mr. Dillon will get bids for the pavilion.

There being no further business to come before the Board at this time, the meeting was adjourned.  
ADJOURNED.

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MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT  
HELD ON MARCH 27, 2014

The regular meeting of the South Indian River Water Control District was held on March 27, 2014, at 7:30 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Michael Danchuk, Tom Rice, Michael Ryan, Stephen Hinkle and Thomas Powell. Also present were Amy Eason, engineer; Charles Haas, treasurer; Terry Lewis, attorney; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Ten landowners were present.

Mr. Danchuk called the meeting to order and the Pledge of Allegiance to the flag was given.

Mr. Danchuk called for approval of the January minutes and the monthly disbursements. Mr. Hinkle made a motion to approve the minutes as submitted. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Rice made a motion to approve the monthly disbursements. Mr. Ryan seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. News releases and notices were sent out to the media. The website was updated. The spring newsletter has been mailed. A report on the Annual Landowners Family Day held on March 15th was given.

Mr. Haas presented the treasurer's report. He requested approval of transfers necessary to pay notes that are due April 1st. Mr. Rice made a motion approving this request. Mr. Ryan seconded the motion and it carried unanimously.

The annual financial report was forwarded to the Board and receipt was acknowledged. Mr. Haas requested Board direction as to continuing the contract with the auditors, Grau & Associates. He stated this is a good relationship and the fees are well below market. He recommended entering into negotiations with the auditors to see what charges will be for the next three years, and the Board agreed.

Mr. Dillon presented the manager of operations report. The Liebherr 912 wheeled excavator has been sold for \$18,000. Excess material from the 17th Plan was used to improve dirt roads in Palm Beach Country Estates. Mr. Dillon met with the engineer and contractor to review the 17th Plan's asphalt roads in Palm Beach Country Estates.

Mr. Terry Lewis reported on the status of the District's local legislation regarding recreational property. The Governor does not appear to be happy with the legislation. Mr. Lewis will report to the Board when more details are available. If the bill does not pass, Mr. Lewis is willing to give the Board an opinion that there is implied power to develop the park. He believes SIRWCD has the right to hold, control and maintain recreational property. Mr. Lewis presented a proposed construction contract between SIRWCD & Logan. Ms. Eason will discuss this in her report.

Ms. Eason presented the engineer's report. The 17th Plan of Improvements which included 0.4 miles of OGEM paving and 1.5 miles of asphalt paving had an estimated cost of \$666,500. The OGEM project has been completed at a final cost of \$76,000. The asphalt has been completely installed but seeding, sod and mulch work still need to be completed. Ms. Eason discussed the proposed plan of improvements with several petitions verified at the 35%

requirement (164th Court North for OGEM and five roads for asphalt). Several other petitions are circulating. Mr. Danchuk felt it would be economically feasible to wait for a larger project and the Board agreed.

Ms. Eason discussed an operation and maintenance project. There are areas in the canals used as access that need riprap stabilization. Canal #2 at Hatcher Bridge is used for access and additional riprap is needed under the bridge. She recommended a low bid contract with Murray Logan for \$23,800.

Canal #12 and Canal #1 have erosion from a structure which needs work. She recommended a low bid contract with Murray Logan for \$18,497. Mr. Rice made a motion to approve the contract for these two projects. Mr. Hinkle seconded the motion. Ms. Eason stated there is a structural report from Palm Beach County as to the stability of the bridge. Following a brief discussion, the motion carried unanimously.

Ms. Eason stated requests are sometimes received from landowners regarding the ownership of a right-of-way. A cursory examination of the property is conducted but sometimes a title search is necessary. She requested Board direction as to conducting title searches. The Board agreed that if more than a cursory examination is necessary, the engineer should come to Board for approval before proceeding. Mr. Lewis suggested the landowner should conduct the title search to back up any claim.

Ms. Eason discussed the speed humps in Palm Beach Country Estates. When the County receives a complaint from a landowner, they conduct a study and decide if traffic calming devices are warranted. A landowner on 69th has complained and the County issued a petition requiring 60% of the residents to be in favor of traffic calming measures. Mr. Powell asked why the Board is discussing this because it is a County road and the District does not have authority to place speed humps. It has been deeded to the County and they maintain the road. Mr. Hinkle believes all residents using the road should have a say. After a brief discussion, the Board agreed to do nothing until a petition passes and they will decide what to do at that time.

Ms. Eason noted at the intersection of 79th and 159th a landowner on 79th wants paving along the frontage. She presented slides of the area in question. She recommended no paving through that intersection. Mr. Ryan noted that County roads have a concrete edge and since this is a cross street, it should have come around the corner with an apron facing each way. Mr. Danchuk asked Ms. Eason to check on how many landowners on 79th approved the project on the north and south sides.

Mr. Ryan also asked why the OGEM project on 90th didn't go all the way to Riverbend. Ms. Eason noted the question came up before about the concrete strip on 79th which does not have much traffic and that is why it was not paved through. No landowner present had any concerns.

Ms. Eason then introduced the developer of Palm Beach Motor Coach Resort. She explained that on the north side of Jupiter Farms Road, the developer wants to install a water line and a force main within the Canal #1 right-of-way. Currently the utility ends at the shopping center. The District's policy has been to discourage the installation of any utilities within its rights-of-way. An applicant must apply for a permit and show that refusal of such an installation will result in an undue hardship. Mr. Randall Henderson explained they build destination resorts for recreational vehicles. All motor homes are self-contained but there is still a demand for sewer. Approval from the County is contingent on running utilities. The north side of the canal has a guard rail, a bike path and a steep bank, so it will be more expensive and disrupt traffic for 90 days. They are now looking at the south side of the canal where SIRWCD has an easement. He requested Board consideration to run utilities on the south side of the canal with assurances of bonding from the contractor, granting an easement to the respective utilities. The maximum use is estimated to be 4,000 gallons/day. The current condition of the area will be restored. There is also a requirement to oversize the lines to an 8" or 12" water line. Mr. Powell questioned how much less expensive it would be to use the south side. Mr. Henderson estimated a \$150,000 differential. Mr. Hinkle noted that when the property was going to be a campground, a 4" line with well water was approved. He questioned why that has changed. Mr. Henderson stated this is now what the County requires. Mr. Hinkle was concerned that local businesses may go out

of business if they are required to hook up. He noted the community has fought sewer and water in order to protect the rural status. Mr. Henderson stated hookups are not required. Impact on the public is going to occur either way. He stated the line is going to go in on one side or the other.

Mr. Lewis believed there is an ordinance that requires hook-up if within a certain distance; he will check into this. Mr. Danchuk wants the cost of research considered. If the resort is saving money, he wants the District to be making money. Mr. Lewis stated that SIRWCD has easements and cannot give an easement on an easement; it can only issue a permit. The Board has the discretion to put any restrictions in that permit. Mr. Paul Thomas was concerned about being forced to tie in. Ms. Lois Taylor stated the shopping center was approved with the condition that it had to bring water and sewer from town. She noted that Jupiter Farms is against central utilities. Mr. Henderson thanked the Board and will check on package plant requirements before returning.

Mr. Lewis stated landowners have asked about using the park in Palm Beach Country Estates for private events. He noted the District cannot prevent use but there cannot be uncontrolled events. The District has the right to control ingress and egress. Mr. Hinkle questioned if use is limited to District residents or Palm Beach Country Estates residents. Mr. Lewis noted it can be limited to those who pay assessments and their invitees. The District office should keep track of who is using the park. Mr. Rice stated there should be a minimum insurance guarantee to protect the District. He also suggested charging a fee to set aside the park for a private event.

Mr. Kevin Baker stated the landowners association is against speed humps and was informed by the County that the association had to be in favor of the humps for them to be placed. He also questioned how much insurance will be required to use the park.

There being no further business to come before the Board at this time, the meeting was adjourned.  
ADJOURNED.

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MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT  
HELD ON JANUARY 16, 2014

The regular meeting of the South Indian River Water Control District was held on January 16, 2014, at 7:30 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Michael Danchuk, Tom Rice, Michael Ryan, Stephen Hinkle and Thomas Powell. Also present were Amy Eason, engineer; William Capko, attorney; Charles Haas, treasurer; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Two landowners were present.

Mr. Danchuk called the meeting to order and the Pledge of Allegiance to the flag was given.

Mr. Danchuk called for approval of the consent agenda. Mr. Hinkle made a motion to approve. Mr. Ryan seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. News releases and notices were sent out to the media. The website was updated. The annual newsletter has been mailed. Work continues on the next Annual Landowners Day.

Mr. Haas presented the treasurer's report. Financing for the 17<sup>th</sup> Plan of Improvements has been completed. Debt payments are due February 1<sup>st</sup> and he commented on the funds to be transferred to the trustee for the 2006 bond issue. Mr. Haas requested Board approval to transfer the funds for the debt payments. Mr. Rice made a motion approving the transfer of funds. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Dillon presented the manager of operations report. North Florida Emulsions has completed the OGEM roads in the 17<sup>th</sup> Plan. Road maintenance was also done on seven miles of road. Mr. Dillon noted the recent rainfall of 7.1" in eight hours.

Ms. Eason presented the engineer's report. The OGEM paving under the 17<sup>th</sup> Plan of Improvements has been completed at a final contract price of \$76,567. Ms. Eason noted that 90<sup>th</sup> Drive did not go all the way to Riverbend which reduced the size of the project. The contractor started the asphalt paving on January 6<sup>th</sup>.

The Board and staff discussed extending the cutoff time for petitions and the time period to take action. Mr. Ryan suggested extending the cutoff for six months and reviewing petitions at that time. Mr. Powell suggested leaving the cutoff date open. Mr. Rice discussed establishing a minimum amount of roadway before action is taken. There was concern about the time spent obtaining financing for small projects. The current Board policy is to act within one year from receiving a petition. After further discussion, the Board agreed to take no action at this time and review the petitions again in 90 days. Mr. Ryan stated the landowners who have submitted petitions to date should be informed of this decision. The Board agreed and Ms. DeNinno was instructed to prepare a letter to the landowners on the involved streets, and distribute the letter to the Board for approval.

Mr. Capko presented the attorney's report. The local bill regarding the park is on track. He will keep the Board advised.

Mr. Hinkle asked if there was any business requiring a workshop. The Board and staff did not have any issues requiring a workshop at this time.

Mr. Bob Pascale, landowner, thought SFWMD was going to be present to discuss the fresh water supply to the Loxahatchee River. He was referred directly to SFMWD as SIRWCD does not get involved with this issue. The engineer and Board explained how drainage works in the District.

Mr. Ryan inquired about the status of the cell tower lease offer. Mr. Dillon has informed UNISON that the District is not interested in the buy-out offer.

There being no further business to come before the Board at this time, the meeting was adjourned.  
ADJOURNED.

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MINUTES OF THE REGULAR MEETING  
OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT  
HELD ON NOVEMBER 21, 2013

The regular meeting of the South Indian River Water Control District was held on November 21, 2013, at 7:30 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Michael Danchuk, Tom Rice, Michael Ryan and Stephen Hinkle. Also present were Amy Eason, engineer; William Capko, attorney; Charles Haas, treasurer; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. One landowner was present.

Mr. Danchuk called the meeting to order and the Pledge of Allegiance to the flag was given.

Mr. Danchuk called for ratification of the election results from the Supervisor of Elections office, declaring Messrs. Ryan and Danchuk re-elected as Supervisors. Mr. Rice made a motion to accept and ratify these results. Mr. Hinkle seconded the motion and it carried unanimously. Messrs. Ryan and Danchuk were then sworn in as

Supervisors by Attorney Capko. Mr. Hinkle made a motion to retain the same officers. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Danchuk called for approval of minutes from October 10, 2013. Mr. Hinkle made a motion approving the minutes as submitted. The motion was seconded and it carried unanimously.

The public information report was presented by Ms. DeNinno. News releases and notices were sent out to the media. The website was updated. The next newsletter is in progress. Work has begun on planning the next Annual Landowners Day.

Mr. Haas presented the treasurer's report. A proposal has been received from Regions Bank for the financing of the 17<sup>th</sup> Plan of Improvements in the amount of \$680,000. The interest rate will be 3.75% for a term of 12 years, which is within the parameters contained in the referendum. Mr. Capko presented a Resolution to the Board which authorizes the loan closing. A form of the note is attached to the Resolution as Exhibit A. Mr. Ryan made a motion to adopt the Resolution. Mr. Rice seconded the motion and it carried unanimously.

Mr. Haas reported that UNISON has offered to buy out the Verizon cellular tower lease. Currently the District has a monthly income of \$2,300 under the lease. The offer is \$330,000 for the buy-out and they will take the monthly lease income for the next 40 years. Mr. Haas stated that the existing lease has 23 years remaining with a projected income to the District in the amount of \$634,000. In addition, Mr. Haas noted that if there are additional tenants, the District will also receive that revenue. After a brief discussion by the Board, Mr. Dillon was directed to respond that the Board has no interest in the buy-out offer.

Mr. Haas requested a budget amendment to increase expenditures by \$630,000 in order to increase the debt service and for the Canal #3 improvements. This does not result in an increase in assessments. Mr. Hinkle made a motion to adopt the revised budget. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Haas noted receipt of the file of the investment report. This is in conformity with the state law regarding investments.

Mr. Hinkle questioned why the District is not lending itself financing for the 17<sup>th</sup> Plan at 3.75% interest when it is receiving only minimal returns on its Certificates of Deposit. Mr. Haas stated an internal loan is a possibility but the available funds are marked for road improvement and need to be available if road repairs are needed. He noted that the Regions Bank loan has the ability for prepayment if an internal loan can be structured.

Mr. Haas recommended approval of the monthly disbursements. Mr. Rice made a motion approving the disbursements. Mr. Hinkle seconded the motion and it carried unanimously.

Mr. Dillon presented the manager of operations' report. He noted the purchase of a mower assembly for the excavator which can reach across a canal to clear vegetation.

Ms. Eason presented the engineer's report. She discussed the 17<sup>th</sup> Plan of Improvements which includes .4 miles of OGEM and 1.5 miles of asphalt. North Florida Emulsions has begun the OGEM project. Bids have been received for the asphalt project and she recommended Lynch Paving as the lowest bidder in the amount of \$432,637. The estimate was \$469,000. After a brief discussion by the Board, Mr. Rice made a motion to award the contract to Lynch Paving and the motion was seconded. During further discussion, Mr. Ryan questioned the inclusion of 79<sup>th</sup> in the Plan. He was concerned about the hardship request from a landowner that was discussed at the last meeting. He felt that if 79<sup>th</sup> had been voted on separately, it would not have passed. Mr. Hinkle stated if he had known there was already paving mixed with the dirt roads in that area, he would not have voted to approve paving that particular section. The Board discussed available options if 79<sup>th</sup> is not included. Mr. Capko pointed out the Board has already approved the Plan. Ms. Eason stated she would have to redesign the actual dirt road underneath. Even if paving stopped 10 feet from the landowner's driveway, the

landowner would still benefit. Mr. Haas noted that the lots have already been assessed and the bank has been informed that the lots in question are part of the collateral for the loan. Mr. Danchuk suggested talking with the neighbors about not paving that area. He noted the Board can make decisions that are different from how the landowners vote. Mr. Capko did not recommend changing the Plan after it has been adopted by the Board unless there is an extremely substantial reason. Mr. Rice was concerned about setting a precedent. He also questioned how to justify the cost to change the Plan for one landowner's potential hardship. It was noted that other landowners have paid their assessments and are waiting for the project to start. Mr. Danchuk suggested waiting another month in order to determine if 79<sup>th</sup> could be taken out of the Plan. After a lengthy discussion, the vote was called on Mr. Rice's motion to award the bid and it carried unanimously.

Mr. Hinkle questioned why Sandy Run has a "no passing" section for 1.5 miles. Ms. Eason noted this is a County road and the District has no authority.

Ms. Eason updated the Board on requests for petitions. Mr. Hinkle suggested holding petitions for a year since there are so few. Mr. Danchuk noted this can be decided at the January meeting. Ms. DeNinno will include this item in the newsletter, mentioning the need to receive petitions by the end of the year.

Mr. Capko presented the attorney's report. He recommended renewing the agreement with the County for road maintenance which reimburses the District \$32,000/year. Mr. Rice made a motion approving renewal of this agreement. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Capko reported the local bill for park improvement has been submitted to the Palm Beach County legislative delegation. The first hearing is expected to be in early December.

Mr. Capko noted a previous conveyance of real estate to the District in 1986 had an incorrect legal description, which resulted in the entire property being conveyed to the District instead of just the roadway easement. He requested authority for the Board chairman to sign a corrective Quit Claim Deed. Mr. Hinkle made a motion authorizing execution of a Quit Claim Deed subject to approval from the engineer and attorney, with all associated costs being paid to the District. Mr. Rice seconded the motion and it carried unanimously.

Mr. Hinkle questioned if there will be speed humps in Palm Beach Country Estates. Ms. Eason has had no feedback from the County regarding this.

There being no further business to come before the Board at this time, the meeting was adjourned.  
ADJOURNED.

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MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT  
HELD ON OCTOBER 10, 2013

The regular meeting of the South Indian River Water Control District was held on October 10, 2013, at 6:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Michael Danchuk, Thomas Powell, Tom Rice, Michael Ryan and Stephen Hinkle. Also present were Amy Eason, engineer; William Capko, attorney; Charles Haas, treasurer; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary.

Mr. Danchuk called the meeting to order and the Pledge of Allegiance to the flag was given.

Mr. Danchuk noted that the election results have not yet been received from the Supervisor of Elections Office. Mr. Powell stated that since the two candidates were unopposed and no other candidates were nominated at the

annual meeting, they should be declared elected. Mr. Rice stated that write-in candidates still needed to be counted. Mr. Capko stated there is nothing in the statutes requiring that a candidate be nominated. After further discussion, the Board agreed to postpone ratification of results until a certification is received from the Supervisor of Elections.

Mr. Danchuk called for approval of minutes from August 15 and September 19, 2013. Mr. Rice made a motion approving the minutes as submitted. Mr. Ryan seconded the motion and it carried unanimously.

The public information report was presented by Ms. DeNinno. News releases and notices were sent out to the media. The website was updated. The next newsletter is in progress.

Mr. Haas presented the treasurer's report. Regions Bank is having an issue with the commitment letter for the 17th Plan of Improvements. He explained that there is an internal reorganization of the bank's underwriting department. He expects a commitment letter within 10-14 days. Mr. Haas requested that the Board president be authorized to sign the commitment letter if it falls within the parameters established in the original referendum, subject to the approval of Mr. Haas and Mr. Capko. The letter will be forwarded to all the Board members for review 24 hours prior to signing. He noted the loan is for \$680,000. Mr. Haas also noted that if the bank does not make the loan, there are funds in the renewal & replacement budget that could be loaned to the project, or the District could look for private investors. However, Mr. Haas felt confident that the bank will approve the loan. Mr. Powell made a motion authorizing the president to sign the commitment letter as discussed. Mr. Hinkle seconded the motion and it carried unanimously.

Mr. Haas reported that April was originally Mr. Dillon's contract anniversary date. However, last April the Board agreed to change the anniversary date to October 1st in order to coincide with the District's fiscal year. At that time a bonus was given and the Board also agreed to consider another bonus at the beginning of this fiscal year. Mr. Haas noted that bonuses are not under the current arrangement for the retirement plan; they are not included in the computation. However, the retirement program could be amended to include bonuses. Board discussion followed regarding this matter. Mr. Rice pointed out that other districts are looking for a general manager and SIRWCD should be paying a justified rate for Mr. Dillon's services. Mr. Powell discussed Mr. Dillon's value to the District and stated that he needs to be properly taken care of financially; Mr. Hinkle and Mr. Ryan agreed. Mr. Danchuk was concerned about having to continually exceed other general managers' salaries and suggested continuing with bonuses. After further discussion, Mr. Rice made a motion to include bonuses as compensation under the retirement plan. Mr. Ryan seconded the motion and it carried unanimously. Mr. Powell made a motion to give Mr. Dillon a \$7500 bonus at this time. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Dillon presented the manager of operations' report. North Florida Emulsions will be doing micro-surfacing and repairs at the end of October. The staff is getting ready for the fall and winter projects in the District. Ms. Eason presented the engineer's report. She discussed the status of the 17th Plan of Improvements. She reported on communication received from a landowner on 79th Terrace North expressing hardship and requesting that the project be stopped prior to her lots. Ms. Eason noted that the referendum passed with a majority vote of 12-5. Board discussion followed and it was noted that if paving stops at 162nd, it would cut off two other lots. There was a decisive majority vote and no objections were raised at the two public hearings.

Ms. Eason reported petitions have been received for OGEM on 164th Court North and for asphalt on 74th Ave. North and 88th Trail North. She noted that landowners on Thunder Road have requested a petition. The District has maintained this road since 1995 and assesses for maintenance but does not have an easement. The Board discussed the options of obtaining an easement from the landowners or treating this street like Rocky Pines. Mr. Capko stated that the District must have a legal easement prior to accepting a formal petition for paving. Mr. Danchuk stated he would like to see 100% of the landowners in favor of paving on roads not owned by the District.

Mr. Hinkle was concerned with new landowners not being aware of future paving and suggested requiring a 75% vote to pass a referendum on this road. Mr. Powell suggested significant interest should be demonstrated before

the Board proceeds with any action. If the Board does proceed, its action should be consistent with other roads in the District. The Board agreed that the petition should be contingent on the District having an easement.

Mr. Capko requested Board direction in resubmitting a local bill for park improvement. He noted the bill is already drafted but he will have to attend the delegation and go through the process of committee meetings. The estimated cost is \$30,000. Mr. Capko noted that no one voted against the bill except the Governor. Mr. Powell made a motion authorizing and instructing the attorney to resubmit the bill. Mr. Hinkle seconded the motion and it carried unanimously. Mr. Capko stated if this cost estimate is too low, he will stop the process and discuss it again with the Board.

Mr. Ryan discussed the issue of a vegetation-free zone that SFWMD is trying to implement. In an effort to lower their cost and liability, they removed some of their right-of-ways from inventory. He questioned if SIRWCD could benefit from any of that inventory.

Mr. Danchuk stated there is a homeowners meeting tonight and questioned if there is a problem with several of the supervisors attending. Mr. Capko stated there is no problem attending but they cannot discuss District business while at the meeting.

There being no further business to come before the Board at this time, the meeting was adjourned.  
ADJOURNED.