

COW SLOUGH WATER CONTROL DISTRICT
BOARD OF SUPERVISORS'
MONTHLY MEETING AGENDA FOR
APRIL 27, 2017 at 3:00 P.M.
MEETING HELD IN THE COUNTY EXTENSION OFFICES
225 PRATT BOULEVARD, LABELLE, FLORIDA
THIS MEETING IS OPEN TO THE PUBLIC
Website: districtsapecial.org/cswcd

BOARD OF SUPERVISORS

Mr. Phillip Sherrod, President
Mr. Dallas Townsend, Supervisor
Mr. John Giddens, Supervisor

DISTRICT ADMINISTRATOR

Ms. Dana Clement

- 1) **PRESIDENT CALLS MEETING TO ORDER**

- 2) **ATTORNEY'S REPORT**
 - a) Update on the status of the condemnation process.
 - b) Other.

- 3) **OLD BUSINESS**
 - a) Approve the draft minutes of the March 23, 2017, meeting.
 - b) Status on the Kozack culvert.
 - c) Fye Pond.
 - d) Other.

- 4) **ADMINISTRATOR'S REPORT**
 - a) Approve the financial reports for March 24, 2017 through April 27, 2017.
 - b) Approval to destroy all cassette tapes.
 - c) Update on the website.
 - d) Next scheduled meetings: Annual Landowners' and monthly to be held consecutively on May 25, 2017.
 - e) Other.

- 5) **ENGINEER'S REPORT**
 - a) Project at Consolidated Citrus.
 - b) Other.

**COW SLOUGH WATER CONTROL DISTRICT
BOARD OF SUPERVISORS'
MONTHLY MEETING AGENDA
APRIL 27, 2017**

7) **SUPERVISORS' COMMENTS**

8) **CALL FOR PUBLIC COMMENTS**

9) **PUBLIC NOTIFICATION**

“Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the District with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based.”

10) **ADJOURNMENT**

COW SLOUGH WATER CONTROL DISTRICT
MONTHLY FINANCIAL REPORT
March 24, 2017 through April 27, 2017

<u>Opening Checking Account Balance</u>	\$98,751.15
<u>Opening Money Market Account</u>	21,771.49
	<u>\$120,522.64</u>

INCOME

Checking Account Interest	(March 2017)	\$8.69
Money Market Account Interest	(March 2017)	1.85
Hendry County Tax Revenues		350.99
Collier County Tax Revenues		43.57

<u>Total Revenues Received Through April 27, 2017</u>	405.10
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<u>BALANCE</u>	<u>\$120,927.74</u>
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EXPENDITURES

Dana Clement	(Administration for April 2017)	1,250.00
Joshua Water Control District	(IT & annual email fee)	146.56
CenturyLink	(Advance for phone service)	100.00
Metal Culverts	(Culverts for Townsend Crossing)	10,092.00
FedEx	(Postage to LLW)	22.66
Johnson-Prewitt	(Engineering services)	1,575.00
LLW	(Legal services, condemnation process)	2,132.00
Live Oak Analytics	(Amended appraisal)	2,500.00
Sherrod's Heritage	(Installation of 2 gates, Lateral 3)	649.76
Universal Trax	(10 pallets of Bahia sod installed, Townsend Crossing)	750.00
The News-Press	(Legal notification of Special Meeting, April 27, 2017)	57.35
LLW	(Legal services, condemnation process)	480.50

<u>Total Expenditures Through April 27, 2017</u>	<u>19,755.83</u>
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<u>Ending Account's Balances, April 27, 2017</u>	<u>\$101,171.91</u>
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COW SLough WATER CONTROL DISTRICT
MONTHLY SUPPLEMENTAL FINANCIAL REPORT
DATE OF REPORT: APRIL 27, 2017

2016/2017 ACCOUNT TITLES	OCTOBER RECEIVED	NOVEMBER RECEIVED	DECEMBER RECEIVED	JANUARY RECEIVED	FEBRUARY RECEIVED	MARCH RECEIVED	APRIL RECEIVED	MAY RECEIVED	JUNE RECEIVED	JULY RECEIVED	AUGUST RECEIVED	SEPTEMBER RECEIVED	AVAILABLE FUNDS		
													TOTAL FUNDS EXPENDED	TOTAL ACCOUNTS BALANCES	
SEA COAST NATL BANK - CHECKING	64,066.22	59,511.09	45,903.73	68,923.32	105,421.23	101,655.76	95,794.69	79,398.57							
SEA COAST NATL BANK - MONEY MKT.	21,962.49	21,964.54	21,964.13	21,967.97	21,969.82	21,971.49	21,973.94	21,975.34							
BALANCES	86,028.71	81,475.63	67,867.86	90,891.29	127,391.05	123,627.25	117,768.63	101,373.91	101,171.91	101,171.91	101,171.91	101,171.91	101,171.91		
59.00 per acre @ 8,785.00 acres															
2016/2017 BUDGET															
TAX REVENUES	0.00	197.91	24,390.24	27,230.81	753.75	154.40	341.47							53,069.19	
TAX REV. - HENDRY	0.00	284.12	1,757.60	17,561.36	720.27	982.29	44.91							21,156.55	
ESTIMATED CARRY OVER	0.00	6.13	7.43	10.91	9.83	10.54	0.00							52.20	
BANK INTEREST	0.00	0.00	0.00	0.00	0.00	0.00	0.00							0.00	
MISC. INCOME	0.00	0.00	0.00	0.00	0.00	0.00	0.00							0.00	
C.D. INTEREST	0.00	0.00	0.00	0.00	0.00	0.00	0.00							0.00	
TOTAL	86,028.71	81,733.49	93,255.83	118,153.37	128,533.95	124,789.48	117,958.41	101,171.91	101,171.91	101,171.91	101,171.91	101,171.91	101,171.91	74,277.93	
EXPENDITURES															
MAINTENANCE															
a) HERBICIDE (3 times per year)	0.00	0.00	0.00	550.00	550.00	1,531.10	0.00							2,681.10	
b) CANAL MAINT. (retaining, leveling)	0.00	11,457.50	437.50	0.00	369.06	0.00	1,399.76							13,793.82	
c) CULTIVETS	0.00	0.00	0.00	0.00	0.00	0.00	10,092.00							10,092.00	
d) MOWING	0.00	0.00	0.00	0.00	0.00	0.00	0.00							0.00	
CONDEMNATION PROCESS	295.00	83.50	855.50	343.50	1,369.00	2,980.50	2,132.00							8,084.00	
DOWN STREAM MAINTENANCE FEES	0.00	0.00	320.00	0.00	0.00	1,021.56	0.00							1,543.56	
WATER QUALITY ANALYSES	222.26	115.00	160.00	0.00	0.00	0.00	0.00							497.26	
AUDIT FISCAL YEAR ENDING 2016	0.00	0.00	0.00	3,600.00	0.00	0.00	0.00							3,600.00	
ATTORNEY'S FEES	0.00	0.00	0.00	0.00	0.00	0.00	0.00							0.00	
ENGINEERING FEES	0.00	0.00	0.00	0.00	0.00	0.00	0.00							0.00	
ADMINISTRATOR	1,250.00	1,250.00	1,250.00	1,250.00	1,250.00	1,250.00	1,250.00							8,750.00	
INSURANCE 2016/2017	3,412.00	0.00	0.00	0.00	0.00	0.00	0.00							3,412.00	
OFFICE EXPENSES	244.56	50.69	50.69	50.68	150.69	50.69	246.56							844.52	
LEGAL ADVERTISEMENTS	0.00	0.00	0.00	0.00	0.00	0.00	87.35							87.35	
POSTAGE	0.00	0.00	0.00	0.00	49.00	0.00	22.56							71.56	
DUES (DCA, SIFAS, FASD, S500.00)	675.00	0.00	0.00	0.00	0.00	0.00	0.00							675.00	
TAX FEES/DISCOUNTS	501.83	1.95	591.86	1,569.08	63.96	326.61	8.17							3,063.46	
RESERVE	0.00	0.00	0.00	0.00	0.00	0.00	0.00							0.00	
TOTAL BUDGET	6,600.65	13,093.63	3,265.54	7,343.26	8,056.70	7,211.45	16,793.50	0.00	0.00	0.00	0.00	0.00	0.00	59,974.73	
CURRENT CASH STATUS	80,275.43	67,669.86	89,960.29	127,200.11	133,627.25	117,569.03	101,171.91	101,171.91	101,171.91	101,171.91	101,171.91	101,171.91	101,171.91	59,974.73	

COW SLOUGH WATER CONTROL DISTRICT
BOARD OF SUPERVISORS
MEETING MINUTES FOR
MARCH 23, 2017, AT 3:00 P.M.
In the County Extension Office in LaBelle, Florida
Website: districtsapecial.org/eswcd

BOARD OF SUPERVISORS

Mr. Phillip Sherrod, President
Mr. Dallas Townsend, Supervisor
Mr. John Giddens, Supervisor

SECRETARY-TREASURER, ADMINISTRATOR

Dana Clement

DRAFT

OTHERS PRESENT

Ms. Sommer Foster, CSWCD, Engineer, Johnson Prewitt & Assoc.
Ms. Amy Petrick, LLW, Attorney for District, via phone conference
Mr. John Hoffman, Barron Collier Representative
Mr. Robert Starkweather, Landowner

1) **PRESIDENT CALL MEETING TO ORDER**

Mr. Sherrod called the March 23, 2017, monthly meeting to order at 3:00 p.m. and announced those in attendance.

Meetings are held in the County Extension Offices located in LaBelle, Florida and are open to the public.

2) **ATTORNEY'S REPORT**

a) **UPDATE ON THE STATUS OF THE CONDEMNATION PROCESS**

Ms. Petrick said that we have developed a Resolution for the Board to pass which acknowledges the information that we have received about the well within the easement area, so we think that it makes sense for the district to have a new Resolution which includes the well information. Ms. Petrick said that once the Board approves the Resolution, we can then initiate the condemnation process.

Ms. Petrick said that the appraisal indicates that the property, with the well, is valued at \$9,500.00. Ms. Petrick said that previously, the District had made an offer of \$15,000.00 to the Lewis', so she needs to know if the Board wants to renew that offer or consider a different amount. Mr. Townsend said that the District had previously offered a lower number of \$12,000.00 seeing the District is going to have to build a fence and run a culvert across there. So the last offer was \$12,000.00, the first offer was \$15,000.00. Mr. Townsend said that the offer was for the easement and not the fee title. Ms. Petrick said, that is correct.

Ms. Petrick asked if the Board wanted the offer to remain at \$12,000.00. The supervisors agreed to remain with an offer of \$12,000.00.

Ms. Petrick said that the Lewis' attorney has asked if the District's offer includes any compensation for the Lewis' legal or engineering fees. Ms. Petrick asked if the supervisors had a position on this issue. Mr. Townsend said that the supervisors are not aware of the Lewis' legal or engineering fees. The supervisors agreed to remain with the offer of \$12,000.00.

The Board voted unanimously to approve the Resolution.

b) **APPRAISAL**

The amended appraisal, prepared by Live Oak Analytics, LLC, which indicates the well within the Lewis easement, was received. Total cost, \$2,500.00.

c) **RESOLUTION, RE: TAKING OF THE LEWIS EASEMENT**

Discussed earlier, approved and executed by Mr. Sherrod.

3) **OLD BUSINESS**

a) **APPROVE THE DRAFT MINUTES OF THE MONTHLY MEETING HELD ON FEBRUARY 23, 2017**

Ms. Clement submitted the draft minutes of the monthly meeting held on February 23, 2017, for the Supervisors' approval.

Mr. Townsend made a motion to accept the minutes as presented and Mr. Giddens seconded the motion and the motion passed unanimously.

b) **MR. TOWNSEND CONTACT MR. MARK WHITE, SFWMD, RE: FYE POND**

Mr. Townsend said that he did not phone Mr. White because he wants to wait until the Church project is approved, and then approach Mr. White about both the Fye Pond issue and the Church Road project.

4) **ADMINISTRATOR'S REPORT**

a) **APPROVE THE FINANCIAL REPORTS FOR FEBRUARY 24 , 2017 THROUGH MARCH 23, 2017**

Ms. Clement submitted the financial reports for the period of February 24, 2017 through March 23, 2017.

Mr. Townsend made a motion to approve the financial reports as submitted and Mr. Giddens seconded the motion. The motion passed unanimously.

b) **NEXT MEETINGS TO BE HELD ON APRIL 27, 2017, REGULAR AND SPECIAL**

Ms. Clement said that the next scheduled meetings are to both be held on April 27, 2017. The first meeting is the regularly scheduled meeting, and the second, immediately following the conclusion of the first meeting, is a special meeting held to prepare a draft budget for the 2017-2018 year.

5) ENGINEER'S REPORT

a) **REVISED LEGAL DESCRIPTION AND SKETCH FOR LEWIS EASEMENT**

Ms. Foster passed out a sketch with a legal description to all present. Ms. Foster said that she did update the sketch and legal description of the Lewis easement, which she did compare with the amended appraisal, and the only difference is the length from the section corner. Ms. Foster said that this sketch is the one which is attached to the Resolution and calls out the existing well. Ms. Foster said the sketch was emailed to both the attorney and Ms. Clement.

b) Ms. Foster said that she had looked at the culverts for the Lateral 3 Canal and Townsend Crossing, and had corresponded with Mr. Sherrod about the issue. Ms. Foster said that the District is probably going to need to install (2) 54 inch culverts, because there are two upstream. Mr. Sherrod said that he believes the District should not move forward with the project. Ms. Foster concurred, and said that it would be overkill. The board concurred that no culverts were to be installed.

After discussion, Mr. Sherrod said that he will fence around the area and live with the situation for the time being. Mr. Sherrod said that he might bring the issue up to the Board, at a later date, about moving the location of the fence and building up the area.

c) Mr. Sherrod said that two gates have been installed between the Barron Collier and the Sherrod's Heritage properties.

d) Ms. Foster said that she did size the culverts to be purchased for the Consolidated property. Ms. Foster said that she had spoken with Mr. Kreiger, Consolidated Citrus, and even though Consolidated is in the middle of harvesting, he said to proceed with ordering the culverts. Ms. Foster said that she will send the sizes and description of the culverts to be ordered to Ms. Clement. Ms. Foster said that Mr. Paul Burchard is the contact person for Consolidated Citrus, in regards to the delivery of the culverts.

Ms. Clement said that once she receives the culverts sizes from Ms. Foster, she will get quotes, prepare a purchase order and will send it to Ms. Foster for her to sign off on.

e) Ms. Foster said that she had sent an email to a representative at the Division of Forestry in regards to Forestry doing a burn at Fye Pond, however; she has not received a response. Ms. Foster said that she will do a follow-up email.

f) Mr. Giddens said, that he thought there was going to be a culvert placed at the N/E corner of his property to regulate the flow of water coming from the Kozack property. Mr. Giddens said that there is over 150' of silt in the canal. Ms. Foster said that she thought the culverts had been installed.

Mr. Townsend said that he will go to the Kozack property and see what happened. Ms. Foster said that she will look at an updated aerial.

6) NEW BUSINESS

a) Mr. Townsend said that he will contact Mr. Sanchez to see if he is willing to give the district a 30 foot easement at the blinker light between the Lewis' and Precision Ag. Properties.

b) Mr. Sherrod said that the district has recently applied herbicides, and that most of the ditches look pretty good. The supervisors agreed.

c) Mr. Sherrod asked Mr. Starkweather if he plans on doing anything with his property in regards to the excess water. Mr. Starkweather said that he plans on putting up a 6 foot dike and a new fence, however; the problem is at the flag pond, and now with the Highway 82 project, there will be even more water.

Mr. Starkweather said that the ditch from Highway 29 to Edward's grove, needs to be cleaned along his southern line, as it has not been maintained, but they are not pumping into it either. Mr. Starkweather said that he is going to try and retain the water he receives on his property.

Mr. Starkweather said, that if the Fye Pond area is burned down some, then everyone can see how high above the ditch levels it is located. Mr. Sherrod said that we all will have to wait and see if the Division of Forestry will burn the area. Mr. Starkweather said that he believes it would assist in slowing the water flow.

7) **SUPERVISORS' COMMENTS**

a) None.

8) **PUBLIC COMMENTS**

Mr. Sherrod called for any comments from the public.

9) **PUBLIC NOTIFICATION**

"Pursuant to section 286.0105, Florida Statutes, if any person decides to appeal any decision if made by the District with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based."

10) **ADJOURNMENT**

Mr. Townsend made a motion to adjourn the meeting at 3:35 p.m. and Mr. Giddens seconded the motion. The motion passed unanimously.

Respectfully submitted,

Dana Clement
District Secretary/Treasurer
Cow Slough Water Control District

**LLW****LEWIS
LONGMAN
WALKER**Attorneys at Law
llw-law.com*Reply To: West Palm Beach*

April 14, 2017

VIA CERTIFIED MAIL NO. 70082810000040583925Edna Lewis
c/o Joan Lewis
170 N Hickory Street
Labelle, FL 33935**Re: Updated Notice of Necessity and Offer to Purchase Easement**

Dear Ms. Lewis,

The Cow Slough Water Control District ("District") has made a finding that an easement is necessary over a portion of the property described by the Hendry County Property Appraiser as Parcel 1 29 45 29 A00 0003.0200. (Parent Tract.) The easement area required is shown on the attached sketch (**Exhibit A**). The easement is for construction, improvement, access, maintenance, and drainage purposes of Lateral Canal L2-E, consistent with the District's Plan of Water Control.

It is the intent of the District to initiate Eminent Domain proceedings in order to secure the necessary easement, pursuant to the powers granted in Chapters 73, 74, and 298, Florida Statutes, as applicable. However, pursuant to Section 73.015, Florida Statutes, the District is hereby providing a good faith offer of compensation in exchange for your voluntary grant of the easement.

Attached is an updated appraisal report, prepared by Live Oak Analytics, LLC, (**Exhibit B**), on behalf of the District. That report found the full fee value of the property within the proposed easement area to be Nine Thousand Five Hundred Dollars (\$9,500.00), the same amount as the prior appraisal for the property.

JACKSONVILLE245 Riverside Ave., Suite 150
Jacksonville, Florida 32202
T: 904.353.6410
F: 904.353.7619**TALLAHASSEE**315 South Calhoun St., Suite 830
Tallahassee, Florida 32301
T: 850.222.5702
F: 850.224.9242**TAMPA BAY**101 Riverfront Blvd., Suite 620
Bradenton, Florida 34205
T: 941.708.4040
F: 941.708.4024**WEST PALM BEACH**515 North Flagler Dr., Suite 1500
West Palm Beach, Florida 33401
T: 561.640.0820
F: 561.640.8202*See Things Differently***RECEIVED APR 14 2017**

Edna Lewis
April 14, 2017
Page 2

The District hereby offers to purchase the easement for the construction and improvement of Later Canal L2-E, including rights of access, maintenance, and drainage purposes for:

Twelve Thousand Dollars (\$12,000)

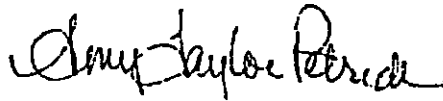
In addition to the market value of the property, this offer takes into account the District's intention to adjust its project designs to preserve your access to the well located on your property within the proposed easement area and the costs associated therewith.

This offer will be held open for a period of not less than thirty (30) days following your receipt of this notice, as provided by law. If this offer is not accepted within that time period, the District will commence Eminent Domain proceedings with the Circuit Court.

Attached herewith are the provisions of the Florida Statutes regarding the fee owner's rights and responsibilities under Sections 73.091, 73.092, 73.015(1)(b), 73.015(1)(c), and 73.015(4), Florida Statutes (**Composite Exhibit C**). Furthermore, the District will provide within 15 business days after a request by the fee owner copies to the extent prepared, of the right-of-way maps or other documents that depict the proposed taking; and copies to the extent prepared, of the construction plans that depict project improvements to be constructed on the property taken and improvements to be constructed adjacent to the remaining property, including, but not limited to, plan, profile, cross-section, drainage, and pavement marking sheets.

We look forward to your prompt attention to this matter.

Sincerely,



Amy Taylor Petrick

Enclosures

cc: Dana Clement
Carlos Kelly (via email)
Robert P. Diffenderfer

COW SLOUGH WATER CONTROL DISTRICT
POST OFFICE BOX 1986
ARCADIA, FLORIDA 34265

April 11, 2017

Mark White
South Florida Water Management District
2301 MacGregor Blvd
Fort Myers, Florida 33901

Dear Mark,

Thank you for meeting with me this afternoon to discuss our options for improving the Cow Slough Water Control District drainage through the Fye Pond area at the Collier/Hendry County line.

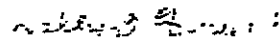
As a result our examining the site together, it is my understanding that we may take the following steps to alleviate the flooding to the south that we experienced last spring and summer.

1. We can remove the vegetation within the State Road 29 right-of-way swale on the west side of the highway down through the root zone of the vegetation from the north end of our existing ditch to the County Line.
2. Then we can herbicide a 30 to 40 foot swath westward along the County Line to the east end of the CSWCD Lateral 3 Canal to kill the existing Para Grass which dominates the area.
3. Once the grass is dead, with the assistance of the Florida Forestry Service, we will burn this area to eliminate the dead vegetation in order to improve the flow of water coming from the south into the District's Lateral 3 Canal.

It will be the District's intent to maintain the flow way in this manner in the future. Please confirm your approval of this process or let us know if we need to make any changes.

Thanking you again for your assistance with this matter, I am,

Sincerely,



Dallas B. Townsend
Supervisor CSWCD

cc: Dana Clement, District Administrator
Summer Foster, District Engineer

COW SLOUGH WATER CONTROL DISTRICT
BOARD OF SUPERVISOR'S
SPECIAL MEETING
THURSDAY, APRIL 27, 2017
IMMEDIATELY FOLLOWING THE MONTHLY MEETING
THIS MEETING IS OPEN TO THE PUBLIC

1) **PRESIDENT, CALL MEETING TO ORDER**

2) **DRAFT BUDGET 2017/2018**

a) Discussion.

3) **OTHER BUSINESS**

4) **CALL FOR PUBLIC COMMENTS**

5) **PUBLIC NOTIFICATION**

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6) **ADJOURNMENT**