



LNNLRCD Meeting

Date: October 07, 2004 Time: 7:00PM

I. **Call to Order and Roll Call** – Joe G. called the October 7th RCD meeting to order at 7:05PM.

Board Members Present:	Joe Gargano Herb Hill Jerry Sellers	-	President Personnel Member at Large
Absent:	Bill Piper Joe Olliges	-	Treasurer Secretary
Guests:	Bob Bortman Tammy Fane Marilyn Mancini Daniel J. Nicolini Sonja Valdivieso		Tom Clarey John Kaminski John Mulholland Ralph Petersen
Employees:	Becky Breckenfelder Mike Schiltz		

II. **Pledge of Allegiance**

III. **Approval of Agenda:** (Any guests wishing to speak will be considered at this time) Joe G. motioned to add a request from Chuck Jolicoeur to construct a possible boat rack behind his property under new business. Herb seconded the motion. Bob Bortman requested to add "Lights at Lake Court Center Parking Lot" to the agenda. Joe G. said that that doesn't need to be added to the agenda, Bob can discuss it at the end during the "Guests" portion of the meeting. He thinks that the LNPOA is responsible for the lights in the parking lot and asked Becky to contact Sonja on that matter. Motion approved unanimously [10-04-01].

Joe G. – Statement on Joe Olliges' health: Joe O. had a surgery Tuesday to remove a malignant tumor on his right lung. He may be home Sunday or Monday and the doctor said that everything should be okay. Joe O. requested that he be given a little time to recover before anyone calls or stops by.

IV. **Approval of Minutes:** Jerry motioned to approve the minutes for the September 2nd regular meeting, September 16th Tax Levy and Bid Opening, and September 16th Executive Session. Herb seconded the motion. Motion approved unanimously by roll-call vote. [10-04-02]

V. **Treasurer's Report:** Becky went over the treasurer's report because Bill will be out of town for the month of October. Referring to the back sheet of the treasurer's report, Becky indicated that there was an interest deposit of \$22.63 in the money market account on September 30 that she didn't enter in time to show up on this month's report, however, next month the overall balance will reflect the deposit. The money market report also shows the \$57,500 that was moved from there to the checking account to cover the loan payment and building renovations to take place this year. The total deposit that Bill made on September 29 was \$99,994.58 with \$250 from rentals, \$42,244.58 from taxes, and the remaining \$57,500 from the money market. Land and

building repairs for \$785.20 was to Schulze for the work he did leveling and seeding lots 10-13. On the October 1st, Becky went to Amcore and made the payment of \$28,610.80 on the dredge loan, for which the check was written on September 30th. \$655 was paid out to Gollon for 500 Hybrid bass and 34 Musky. The annual payment of \$150 was paid out to Sauk Valley Insurance for the dishonesty bond. Don Bluemel purchased the Mighty Lit Vacuum and bags from Smitty's Sew-n-vac for \$203.95. They paid Ogle County Life \$267.75 for the printing costs of the tax levy and hearing, annual treasurer's report, and the LCC repair and update bid. And finally, Becky purchased the lateral filing cabinet this month for \$224.99. Joe G. said that the balance on the loan was \$114,695.27 with the payment made this year bringing the balance down to \$86,084.47. He added that the loan would be paid in full in four years from now, with the next payment being next October. Herb motioned to accept the treasurer's report. Joe G. seconded the motion. Motion approved unanimously by roll-call vote. [10-04-03]

VI. Board Member Reports

A. Joe Gargano

1. Dredging / Restoration Update –

a. Lots 10-13 Restoration: Addressing Tom, Joe G. said that the RCD hired Bob Schulze to restore lots 10-13. Joe G. also brought in a load of dirt that Bob filled the land in. There was Oat, Rye, and tall Fescue seeded in.

b. Dredging at Flagg Road Silt Basin: Bill Nordman has been working with the dragline crane and has already pulled 400-600 yards of material out of there. The board previously approved \$2,500 and Joe G. would like to approve another \$1,000 toward the dredging job as a cushion. They haven't spent anything on dredging this year, so they do have the money in the budget. Bob has put in about 12-13 hours in at 110 an hour on the crane. Tomorrow he plans on using the backhoe at \$130 an hour (Joe G. figures it costs about \$1,000 a day for an eight hour day). They will probably also need a couple hours of dozer work to push the material around and pile it up at the site then, if they do dredging again in the spring, then they could haul it away at that time. Joe G. doesn't think that the total cost will run much over the original budgeted amount of \$2,500, however, there was more material in there than Joe G. said that he had anticipated (there will be over 1,000 yards pulled out of there when done) and that it depends on what kind of luck Nordman has tomorrow as to if they will go over. Joe G. is also going to have him walk across the water and do the west shoreline. Bill pulled out all the stuff from the beaver feed-bed too.

Herb asked Joe G. if any provisions were being made to ensure that the sediment doesn't wash back in as they are supposed to get some rain. Joe G. responded that Bill has the material thrown back as far as he can throw it, with the majority of it stored behind the berm that they created last year. Joe G. doesn't think that it is going to fall back in.

Jerry asked how they determine how much is being pulled up by the dragline. Joe G. said that if the bucket is full then it is a yard of material. Jerry said that it personally hard for him to judge how much has already been pulled up and is sitting in piles on the shoreline. How do we measure the contractor's performance? Joe G. responded that pacing off the piles, taking a measurement, and dividing by 27, because there is 27 cubic feet in a cubic yard, determine it. Having worked in excavation for 32 years, Joe G. says it comes natural to him.

Jerry said that while observing Nordman at work, he didn't see that he had much more reach with the bucket than he had with the crane and he noticed that as he drug it back in he was piling up against the shore a lot. Joe G. said that they did that intentionally because it is one of the tricks when using the dragline because it is such a slow operating machine (cycle time on a backhoe is probably 3-1 versus a crane & a backhoe has a 2-2-½-yard bucket versus a one-yard bucket). Joe G. continued that they were looking to see if the reach on it would help them and they were actually getting a deal on it because

Nordman just had it repaired and wanted to test the repairs on it and Joe G. always wondered if the reach on it would help them. Nordman waived the standard \$500 fee to move the machine on site and he is not charging the RCD for all the hours that he is working over there. Herb asked if Nordman was using both machines at the same time and Joe G. said no. Joe G. added that he is fairly confident that Nordman won't charge them over \$2,500 for the original work required, however, Joe G. said that if he thought it was worth it, he'd like to have extra money available in case there is additional material to get out while he is on the site. Herb motioned to approve an extra \$1,000 for dredging of the Flagg Road Silt Basin, if necessary. Jerry seconded the motion. Motion approved unanimously by roll-call vote. [10-04-04]

2. Response to Referendum Policy Question Brought by Taxpayers - Joe G. explained that at the September regular meeting, Mick Kazmerski, Ron Mangini, and John Kaminski raised the question on whether a referendum was required for some of the procedures and projects that the RCD has undertaken. The items on the request were "Did the RCD have a referendum vote of the taxpayers when they purchased and sold the dredge, signed a major dredge contract, and purchased property such as along Flagg Road and lots 12 and 13. Joe G. consulted the RCD attorney, Phil Nye, who composed a written response on September 23 as follows:

"The board of trustees of the River Conservancy District is not required to hold a public referendum in order to purchase or sell personal property, enter into serviced contracts, or purchase real estate. This is clearly set forth in the powers granted to the board by the State of Illinois under 70ILCS2105-9B.A. The sale of real estate is specifically limited to a bidding procedure, which requires publication for invitation for bids under 70ILCS2105-11.1. There is no such limitation on the board in the sale of personal property, but we nevertheless strongly recommend that the board advertise for sealed bids in all such cases. Contracts for supplies, material, or labor involving an expenditure in excess of \$10,000 are to be let to the lowest responsible bidder at the publication of notice on the taking of sealed bids under Chapter 5 of the ordinance code of the district, effective April 9, 2002. Please Advise if you need any further information regarding these matters."

B. Joe Olliges

1. Fish Stocking – They put in 1,500 Walleye in a the North Beach and 500 Striped Bass and 35 Striped Musky (there was 100 ordered, so there is a balance of 65 still due) in at the old East Beach.

2. Fish Shocking – Dan Sullee (Al Pulley's former superior), a fish biologist with the IDNR, shocked the lake and the fishing club was able to record it. After going out only 400 yards, the biologist told them not to buy anymore gizzard shad because the lake is overpopulated. Last year they were picking them up at 10 per minute and this year he was picking them up at a rate of 20+ per minute. He said that he could tell that they had a problem with gizzard shad just by looking at the lake because of the brown coloring left by a microorganism that the shad eat. They asked him if there is anything they can do about it and he said that it helps by them stocking the lake with predator fish and the only other thing they could do about it would be to use a chemical to kill the shad off, which they don't think is a good idea and which Dan doesn't think so either because it can affect the population of Blue Gill and there would be a stench from all the dead fish floating up on shore. He said that they may be entering the lake through the streams. Jerry said that that was very interesting because they are very sensitive to temperature and he didn't think they could stay over the winter because the water is too shallow. There is evidence that there are stream fish in our lake. In all of Dan's 30-35 years of experience, he has never seen

a bass fishery as good as our lake. The shocking report will be coming soon. Tom Clarey asked if the RCD used their boat and Jerry said no it was the IDNR's boat. Then Tom asked if the RCD paid the IDNR to come out and shock the lake and Jerry said that the IDNR did it free of charge. Tom recalled in Joe O.'s last report that the IDNR was going to stop shocking private lakes for free and Jerry said that they changed their policy after getting calls from Summerset and Candlewick, they agreed to shock their lakes and so they figured they should do ours again, like they had in the past. Jerry said that they haven't found a private contractor yet who will do it; he added that he thinks it would probably be really cost prohibitive and that we are really lucky to have the IDNR provide this service to us free of charge. Herb asked if Mr. Sullee had given the RCD any suggestions to improve the fish population and Jerry said no, not at this time, but when he gets done analyze the data on the report before he gives us any suggestions.

Becky added that Joe O. had told her, and she noticed on the statement from Gollon, that they gave the RCD 75 Walleye free of charge on top of the 1500 that they brought in.

Jerry said that they had received a number of complaints of someone fishing with a net from a pontoon boat. Joe O. had checked into it and found that the owner of the pontoon had given permission to use the pontoon boat for this person. The person using the boat was seining for baitfish. Jerry read off the law from the Illinois 2004 Fishing Information booklet regulating that type of activity:

“A person with a sport fishing license is permitted the use of legal-sized cast nets, shad scoops, minnow traps and minnow seines to obtain shad, ...minnows, and crayfish to use as bait, provided they are not sold or are not identified as ...endangered aquatic life.”

Jerry said that as far as he can tell the homeowner has not violated any Illinois fishing laws or RCD rules.

C. Herb Hill

1. Vacuum Cleaner – Don Bluemel did the research and purchased a commercial upright vacuum called Mighty Lite from Smitty's Vac and Sew for \$199. Herb said he tried it out and it works great. Originally, they were going to attempt to have the old one repaired, however, when Don took it in, he found that the cost to repair it was more than it was worth.

D. Bill Piper – No Report

E. Jerry Sellers

1. Fishing Club Donation – A gentleman donated \$100 to the fishing club to be used for the stocking of fish and the fishing club wrote a check to Gollon, which Becky put in with the RCD's check, to pay the stocking fee. The fishing club sent the gentleman a letter of appreciation for that. Joe G. asked if Gollon was going to try to get the rest of the Musky that the RCD requested or was the 35 all they would receive. Jerry said that Gollon would try to get the RCD the rest of the fish, possibly this month.

IX. Employee Reports

A. Becky

1. Campground & Recreational Area Inspection by Dept. of Public Health -
Becky read off the following letter sent by Clayton E. Simonson, L.E.H.P.:

“A licensure inspection of Lost Nation New Landing RCD was conducted on August 10, 2004 by myself. This inspection was

made in accordance with the Illinois campground Licensing & Recreational Area Act. No one was contacted during this inspection.

Based on this inspection, the general operation and maintenance of Lost Nation New Landing RCD can be considered excellent. We wish to commend you for your cooperation in maintaining a safe and healthful recreational area. You will now be eligible to receive a regular license for the upcoming licensure period.”

Joe G. said that it was nice getting this letter, especially since the inspection was an unannounced one. The health department came out earlier in the year and inspected the beaches too and the gentleman that did that inspection was very complimentary as well.

2. **Cincinnati Insurance Policy Renewal** – A letter came in the mail from The Cincinnati Insurance Co. indicating that the expiration date of our current coverage with Grant Bullis is 01-01-2005 and that the coverage would be renewed on Form BC 005, Non-Profit Organization Blue Chip Policy.

3. **Comptroller Issued Fiscal Responsibility Report Card** – The Illinois Comptroller sent the RCD their very first report card for the year 2003. The report card is based on information that is filled out by the accountant in a packet supplied by the Comptroller. Starting a couple years ago, each year, the RCD gives the accountant their financial records like the annual treasurer’s report & QuickBooks so that they can do an annual audit. The accountant uses this information to fill out a 12-page report to submit to the comptroller. Tom Clarey asked if the \$54,695 indicated on the Debt line item was for the loan that the RCD has out and Joe G. explained that that was the amount of the loan in fiscal year 2003, however, in fiscal year 2004, the RCD redid the loan, adding another \$60,000 to it, bringing the total of the loan to around \$114,000.

X. Old Business

A. Lake Court Center Renovations – Herb said that at the September 22nd special meeting the RCD approved \$1,060 for additional work to be done on the building. When added to Superior’s original contracted amount of \$46,512 .00, it brings the total amount of the contract to \$47,572.00, which was awarded to Superior at that meeting. \$512.00 of the \$1060 was quoted to relocate the air-conditioner condenser and pour a pad for it so that it no longer blocks the sidewalk and to stop the re-circulation of the warm air discharged by the condenser. \$480 was quoted to replace the deteriorating concrete block wall that is supporting the spancrete, the ceiling and the area behind them.

XI. New Business

A. Boat Storage Variance for Lou Clemens – Lou Clemens has been storing his boat on the ground on the RCD property alongside Timber Trail Drive below Don Zack’s house for the last 30 years. He is handicapped and cannot lift his boat on or off a boat rack. Joe O. advised Lou to write to the RCD requesting a variance to allow him to keep storing his boat on the ground at the present location due to his handicap. Joe O. received the request and added it to the agenda. Jerry says that Lou uses a come-along tied to tree to help pull the boat out of the water and up on shore until he can turn it over. Due to the unusual circumstances of the boat having been there for 30 years and his handicap preventing him from putting the boat on a rack, Jerry feels that the RCD should grant his request. Herb and Joe G. agreed. Jerry motioned to approve the variance allowing Mr. Clemens to store his boat on the ground where it has been. Herb seconded the motion. Motion approved unanimously by roll-call vote. [10-04-05]

Tom Clarey asked about the canoe that was stored there and Jerry said that it was gone.

B. Consideration to all Chad Brinkman to Hunt at Flagg Rd. Basin - Chad was not at the meeting so item was tabled till next month.

C. Frank Durkin – Goose Control – Frank was not present at the meeting so item was dropped until he resubmits a request.

D. Beach Season – Joe G. believes that Doug removed the buoys and ropes from both beaches last Sunday. Joe G. said that the RCD has never had an official season for the beaches to be open so he had Becky do some research to find out what the policy of other State Parks and Private Lake communities with beaches is (see attachment 1). Three out of the five have Memorial Day to Labor Day Hours and two of them are year round. He thought it would be wise to have a designated season to ensure that the buoys and ropes are in place and the water is tested, etc. Beach season signs would cost \$35.00 each. Joe G. said that he would tend toward a Memorial Day to Labor Day season. Jerry said that when he contacted the Dept. of Public Health regarding water testing from an earlier meeting, the man he spoke to said that they generally test the water from Memorial Day to Labor Day and want to be advised if a beach is going to have different usage times. Jerry suggested that the RCD adopt a beach season from those times. Dan Nicolini was concerned with the RCD's wording on closing the beaches, are they going to close the beach entirely for all use or just for swimming. Jerry said that that is a good point. Ralph recommended that, instead of stating when the beach is closed, that they could put when the beach season is open so that they don't have to put the signs up and down every year. Jerry motioned to have the beaches season for swimming open from Memorial Day weekend to Labor Day. Herb seconded the motion. Motion approved unanimously by roll-call vote. [10-04-06]

E. RCD Check Writing Policy – Stanley Kazmerski sent the following e-mail:

“Joe Olliges has raised the issue of a check-writing policy that requires two board member signatures (*In reference to the LNPOA board*), if one of them could be a payee, as bad policy. In light of his statements, I find it incredible that a board that he serves on has a policy of allowing one person, who is not a board member, to write or sign checks alone. This issue would seem to require corrective action or some explanation. Please place on your agenda – concerned citizens will be present.”

John Kaminski was present to represent Mick as he was not able to come to the meeting. Joe G. said that they received the e-mail on October 2nd, and, after pondering it over the weekend, Joe G. concurred with Mick and asked John to extend the RCD's thanks in bringing the matter to their attention. To correct the matter, after discussing it with Becky and Bill Piper, Joe G. went to Amcore Bank, where the RCD keeps all their accounts, and removed Becky from all the accounts and placed Jerry and Herb on the accounts (Joe G. and Bill were already on them). From now on, Bill will sign the checks, with Joe, Herb or Jerry to sign the checks in his absence. The RCD has numerous checks and balances, to include: an annual audit to the comptroller done by an accountant, the \$25,000 dishonesty bond to cover all employees and board members, and Becky, who now cannot access the accounts, will continue to do the monthly account reconciliation and the monthly and annual reports. Interestingly, during Becky's conversation with the insurance company regarding the surety bond, she found that one of their policies is that the person who maintains the check register should not have access to the account. The person who signs the checks shouldn't actually maintain the check register.

Joe ended by saying that he appreciates input from the community like Mick's regarding the check writing policy and Dan's earlier input on the beaches. Tammy Fane asked for clarification on what Becky has access to on the accounts and Joe G. said that Becky will

have access to the information on the accounts so she can still generate the reports, however, she won't be able to write checks or move money. John Kaminski said that it looked like some good came out of what basically started out with less than the best motivations. He pleaded with the board, as a taxpayer of the district and a member of the Lost Nation Association, that they all look at themselves and try for some sanity and maturity on how we conduct ourselves. A tit-for-tat mentality on side issues, like calling up each other's procedures into question, doesn't serve anyone's interest in the community. He hopes that, more than updating a procedure to something they feel comfortable with, more good will come and they can all look at themselves and try to be constructive rather than getting a "gotcha". Joe G. thanked John for the comment and said that it was a point well taken - he added that Joe O. indicated in an e-mail to Sonja that the comments he made at the LNPOA meeting were personal and came from him as a Lost Nation property owner, not an RCD board member and he has a right as a private citizen to make those comments. Herb said that we are a growing community and we will have growing pains.

F. Chuck Jolicoeur – Boat Rack Request – Chuck was not present and so the matter will be dropped until he resubmits a request. John Kaminski asked about the details of Chuck's request and Joe G. and Jerry said that Chuck would have to be present to answer any questions that the board or guests may have.

**XII. Guests/Public Opinion
(Limit 10 minutes per guest/group. Please hold all comments until this time).**

A. John Kaminski - Agenda – John asked when the agenda is available for the public to review and Joe G. said that it has to be posted 48 hours ahead of time. They are posted at both gates and at the lake court center.

B. Becky Breckenfelder – Campground Reservation Variance to Allow in November – Joe G. motioned to amend tonight's agenda to add "Request for Variance to Use the Campground by the Boy scouts on Weekend of Nov. 7th-8th". Herb seconded the motion. Motion approved unanimously by roll-call vote. [10-04-07]

Jerry commented that the group needs to be informed that this year is a special circumstance and that in future years they need to schedule their event in October. Herb said that the scouts do have winter camping and Jerry said that if they need the campground during off-season, then they will need to get on September's agenda to request another variance.

Ralph asked if the porta-potty and water will be available for them to use and Becky said that she will be notifying the company to ask them to keep the porta-potty out there until the event is done. Normally, she has to call anyway to have them removed for the season. Herb said that there shouldn't be a problem with the water and Joe G. said that he recalls asking Steve at the New Landing meeting and he said that they don't shut them off. (It is a frost proof pump.)

Joe G. motioned to grant the boy scouts a variance for use of the campground for November 7th and 8th. Jerry seconded the motion. Motion approved unanimously by roll-call vote. [10-04-08]

XIII. Adjourn: Jerry motioned to adjourn the October 7th meeting at 8:34PM. Herb seconded the motion. Motion approved unanimously by roll-call vote. [10-04-09]

Next Scheduled Date: November 4th, 2004

October 7, 2004 Motion List

1. Joe G. motioned to add a request from Chuck Jolicoeur to construct a possible boat rack behind his property under new business. Herb seconded the motion. Bob Bortman requested to add "Lights at Lake Court Center Parking Lot" to the agenda. Joe G. said that that doesn't need to be added to the agenda, Bob can discuss it at the end during the "Guests" portion of the meeting. He thinks that the LNPOA is responsible for the lights in the parking lot and asked Becky to contact Sonja on that matter. Motion approved unanimously [10-04-01].
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3. Herb motioned to accept the treasurer's report. Joe G. seconded the motion. Motion approved unanimously by roll-call vote. [10-04-03]
4. Herb motioned to approve an extra \$1,000 for dredging of the Flagg Road Silt Basin, if necessary Jerry seconded the motion. Motion approved unanimously by roll-call vote. [10-04-04]
5. Jerry motioned to approve the variance allowing Mr. Clemens to store his boat on the ground where it has been. Herb seconded the motion. Motion approved unanimously by roll-call vote. [10-04-05]
6. Jerry motioned to have the beaches season for swimming open from Memorial Day weekend to Labor Day. Herb seconded the motion. Motion approved unanimously by roll-call vote. [10-04-06]
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9. Jerry motioned to adjourn the October 7th meeting at 8:34PM. Herb seconded the motion. Motion approved unanimously by roll-call vote. [10-04-09]

Attachment 1.

BEACH POLICIES

State Parks

Illinois Beach State Park, Zion – Contact:: Julie (847) 662-4828

Beach Season: Open year round

Winter hours: Sunrise to Sunset

Memorial Day to Labor Day hours: Sunrise to 8:00PM

Rock Cut State Park, Loves Pk – Contact: Jana (815) 885-3311

Beach Season: Memorial Day to Labor Day

Hours: 11:00AM to 7:00PM

Private Lake Communities

Lake Holiday – Contact: MaryAnn or Peggy (815) 498-2216

Beach Season: Memorial Day to Labor Day

Apple Canyon, Galena – Contact: Judy or Tina (815) 492-2238

Beach Season: Year round

Hours: 5:00AM to 10:00PM

Privately Owned, but Open to the Public

Lake Louise, Byron – Contact: (815) 234-8483

Beach Season: Memorial Day to Labor Day

Hours: 10:00-6:00PM