

Date: May 13, 2003

Present: Tina O'Malley - President
Fred Stegbauer - Vice President
Amy Spelde - Treasurer
Joe Gargano - Secretary

Guests: Roger V. Asplund Bob Bortman
Ken Dunwoody Ron Mangini
Joe Olliges Georgette Nork
Ralph Peterson Mike Schiltz
Vivian Schings George Schwamberger
Barb Wiese

Employees: Don Bluemel - Absent
Becky Breckenfelder

Called To Order

The May 13, 2003 Lost Nation/New Landing River Conservancy District of Illinois meeting was called to order by Tina O'Malley at 7:30PM.

Pledge of Allegiance

Agenda

George Schwamberger asked for two items to be added to the agenda; Dock Request was added to New Business and Newsletter Recommendation was added to Guest Comments. Fred motioned to approve the agenda as modified. Joe seconded the motion. Motion approved unanimously by roll-call vote. [05-03-01] *See Joe Gargano's report for another amendment of the agenda.

Minutes

Joe motioned to approve April's minutes. Fred seconded the motion. Motion approved unanimously by roll-call vote. [05-03-02]

Treasurer's Report

The checking account is down because Amy made the first payment on the land. The per-diem was paid for the end of the year. The attorney's fees were for a title search. Amy also passed out the profit loss vs. budget report for the board's review. Fred motioned to approve the treasurer's report. Joe seconded the motion. Motion carried unanimously by roll-call vote.

Board Member Reports

1. Tina O'Malley – No Report

2. Fred Stegbauer

Carp, Structure & Stocking Report

a. Carp Removal- Tony Paite, the commercial fisherman came out on April 14th to do carp removal and only pulled out about 800 pounds. (Last year they got 3500-4000 lbs. out.) He said that we don't have a huge carp problem and he felt that it wasn't necessary to come out a second day. Joe Olliges wondered if the low carp results were weather related. Fred said that it was possible, but that the commercial fisherman does this all the time and he won't call off his fishing ventures because of bad weather. Bob Bortman asked what the DNR's guidelines were on when carp removal is necessary. Fred said it is based on the shocking results.

b. Structure – Quite a bit of structure has already been put into the lake. Fred would like to hold off, until they talk to the DNR and find out their recommendations, based on the shocking report, on putting more structure out there. Fred asked if a lot

of structure has been put out in the past. Ron Mangini said that they used to put X-mas trees out there and make triangles out of skids and put them out there. George asked if there would be any problems with the structure and boating and Fred said no, the only concern was when they were ready to hydraulically dredge, and that won't be for a while. Fred also suggested that if they do put more structure into the lake, perhaps they should do it without the general public knowing where it is due to the fact that the Crappie are flocking to these structure areas and the fishermen are pulling a lot out. The concern would be the over-fishing of those fish. The recommended limit (set by the DNR) is 20, while last year it was only 10.

c. Stocking - The board agreed with the fishing club to do a fall & spring stocking of fish. Tim Goulen (the fish supplier out of Wisconsin) warned Fred that he would be low on fish in the spring and when Fred last talked to him he had 40 24" – 30" Muskie to sell. This is a busy time of year and Fred hasn't been able to get a hold of him lately. The several people, including the DNR have suggested buying some of that size, as their survival rate would be better. Fred said that if they can't get any fish this spring, then they could use the money toward the fall stocking this year.

3. Joe Gargano

Joe motioned to amend the agenda by adding Paving at North Beach to New Business. Amy seconded the motion. Motion carried unanimously by roll-call vote. [05-03-03]

Lake Management Committee (LMC) Report

a. Wetland Determination –Joe spoke with Dennis Bockmeyer from the Army Corps. and their determination on the area below the dam is that it is a wetland area, furthermore, they are not receptive to the RCD using the land for dredging silt basins because we have the 23 acres of land for that purpose.

b. Shoreline Stabilization at Dam Turnaround/Gravel at Dam & Campground-At the special meeting they approved the funding for the shoreline stabilization by the dam, which consisted of grading the shoreline and adding stone. Gravel for road on the dam & down by the campground was done yesterday – it was a big improvement, especially at the campground. The cost for all the work was around \$2500. Becky asked Joe to let her know when the new boat racks are finished so that she may tell the boat owners when they can put their boats back.

c. Posts by the Dam- the posts were put in by the emergency spillway, near the dam, unfortunately someone took the chain that Joe had put down there to put between the posts.

d. Watershed Management – No updates. Joe spoke with Dan Pierce this morning and he is working on getting people up here this summer to conduct a survey on the streams for the stream-bank stabilization program. His agency is extremely busy right now.

4. Amy Spelde

a. Insurance Dock Update-Rick Sunberg sent an e-mail to Amy regarding the swim raft. Because there is no life guard on duty, he recommends that they remove the raft as it is only a matter of time before someone gets hurt. Tina said that they should secure it before warm weather so that someone doesn't put it out on the lake.

b. Annual Report Update

Amy is taking the end of year info to the accountant for the annual report and will let the board know when it is done.

Employees

1. Don Bluemel – no report

2. Becky Breckenfelder

The current campground and beach licenses are now displayed in the lake court bulletin board, thanks to George Schwamberger. Boat stickers are half done, Shannon Stegbauer was a big help with preparing the envelopes to be mailed out.

Old Business

1. Ron Mangini Approval for Waterfall Design by DNR Employee

Ron is requesting the board's approval on a waterfall to be put on his property, which was designed by an employee of the DNR, Tim Siegle, who is with a company called Natural Water Gardens out of Freeport. The design would take water from the lake, using a 3' in diameter by 4' deep sump that would be in the water at the edge of his property. The water would be drawn up to a 12' high water feature that is close to the house, about 95' away. There are no ponds or stagnant water in the design, rather, the water would be constantly flowing through the water feature and back into the lake. Mr. Siegle feels that the waterfall would benefit the lake because it aerates the water as it is pumped through. The pump that it uses has a 12" lift, with a rate of 5700 gallons per hour and a discharge rate of 4000 gallons per hour. Tina asked what the channel coming back would be constructed out of and Ron said that there would be a black liner put down on the ground with neoprene and then rocks on top so that there is no erosion taking place. If the project is approved, they would do it in June and the project will only take two days. Joe asked if there would be any treatment of the water and Ron said no, he would only maintain it by power-washing it with plain water as needed. Joe motioned to approve the waterfall design as described by Ron Mangini. Fred seconded the motion. Motion passed unanimously by roll-call vote. [05-03-04].

2. Egg Shaking Update

Tina thanked all who participated in the egg-shaking and Jerry Sellers for organizing the shaking and the instructional sessions of the shaking. The original permit had to be resubmitted as it only had one name on it and all participants are required to be named on the permit. So a new permit was issued with all the names on it. The RCD obtained the permit from the DNR, as required. The U.S. Department of Fish and Wildlife assured Tina that that was the only permit needed. In the past permits were required by the Dept. of Fish and Wildlife as well as the DNR. Jerry Sellers reported that they visited 15 nests; 14 of the nests had eggs in them in the flotation stage 1-4 and they added about 70 eggs. They didn't shake any eggs that were not on RCD property as that is the only property the permit is designated for. If a property owner wants to shake eggs on their own property, they have to apply for a separate permit.

Roger Asplund had a few words on behalf of the geese, himself, and other proponents of the geese. He commended the board on pursuing this according to the letter of the law. Four years ago, there had been egg-shaking done without a permit and when his wife and he attended a board meeting the summer of that year, they were appalled at the attitude of the board members because they sat around the table and laughed about the one gosling that they had missed. Roger feels that that gave the community the message that egg-shaking was okay because the following year there were no eggs hatched; in fact there was a couple that he talked to that said that they saw kids deliberately breaking the eggs on the goose islands. Last year there were about six nests with 35 young. He also commends the RCD for being deliberate in making sure that the areas that they approached were on RCD property rather than privately owned property. His concern is that the number of resident geese is not of sufficient quantity to pose a threat to the quality of water in the lake. Roger said that in our 90 acre lake, there are approximately 60 resident geese at this time. Second, it takes 3 to 4 years for the young to mate. Given that scenario, in there or four years, there may come a time when

this kind of measure has to be taken again, however, he thinks it needs to be done carefully, with good observation of what's happening, and not simply because some people see them as being a nuisance. He feels that there are other ways of taking care of the nuisance factor of the geese. The deer here can be seen as a nuisance as well, but he is not about to get rid of them, that they are a part of the joy of living out here. Ron Mangini asked what the DNR recommended for an amount of geese that we should have. Roger said no, however, the DNR has become more lenient on granting permits primarily because in the urban and suburban areas geese are becoming a problem. Becky will check with the DNR on their recommended ratio of geese to area of lake.

3. Sale of Dredge Update

Tina spoke to Attorney Nye this afternoon. He wants to know if there is a title that needs to be transferred, much like a vehicle or boat would have. He also needs a legal description (make, model, hp, hours used) and a serial number for the dredge. Tina looked in the manual and found a 5-digit serial #. Joe said he will look on the dredge to ensure that is the one they need. George Schwamberger said that he never applied for a title for it, but there was a bill of sale and that should be all that they need. Bob Bortman said that every piece of equipment, like a piece of machinery, needs a registered number issued to it that so that when it gets sold there is certification of a clear title as proof of ownership. Joe said that they don't have one right now. Bob said that they could apply for it, but they would have to hurry.

Tina said that there are two legal ways that they can sell the dredge:

- A. They can give public notification, post it in the newspaper, open it up for bid and require every person bidding to submit a bid w/ cashier's check or money order. They would then accept the bid at the next regular meeting and then issue the bill of sale.
- B. They can vote to accept the written offer that has been presented to them.

Tina wants the board to make a decision on what they want to do. She asked if they felt that they have been given enough appraisal information to determine that the price is fair and reasonable. Tina said that they contacted Crisafulli and told Maureen Lundman that they had less than 100 hours on it, based on that amount, Maureen came back with an estimated value of \$100,000. Upon inspection of the dredge, it was discovered that it actually has over 600 hours on it, which drops the value of the dredge. Amy and Fred said that they feel comfortable with it, based on what they bought it for. Joe feels comfortable with the price, however, he is concerned with the legal aspects of it. He was wondering if they should advertise the sale of it for a week to satisfy any questions. They have an offer of \$92,000 for it from Heartland Pump out of Carterville, Illinois, with the potential buyer's only requirements being that it runs and that he can check the hydraulics on it. Neil Martin, the gentleman that Joe was negotiating the price with, actually looked at the dredge on-site and said that he is very interested in getting it because the configuration of this dredge has a Subaru engine in it (which he is familiar with) and is no longer produced. Joe is concerned that they may not find another buyer that would be willing to pay that amount (\$92,000) and if another offer comes in say, a couple of months, it may be for a lesser price. The RCD paid 106,556 for the machine in 1998 and used it for two years. Ron Mangini asked if the \$92,000 is net or gross figure. It is a gross figure with \$85,550 coming to the RCD after a 7% commission to the Crisafulli Company.

Joe was wondering if they could compromise between the two options by running an ad for the sale of the dredge in the local paper for a week and if they get no responses on it, proceed with the offer. Fred says that he prefers to go with what the lawyer said and choose either A or B. Bob asked if Mr. Nye knows that there is no title on the dredge. Tina said that Attorney Nye is unsure if a title is even necessary. Also, he originally didn't realize that the dredge was such a valuable piece of property. Once Tina told him what its value was, he said that he would have to investigate it. After reviewing it further, those are the two legal options he came up with. Joe Olliges said that if the RCD waits on this much longer, the gentleman with the offer will end up backing out, and if he has to bid on it, he might come in at a lower bid. Ralph Peterson added that because they have a bill of sale, they shouldn't have a problem with the title. Tina said that Attorney Nye prefers option A, however, option B is still legally viable. Joe Gargano motioned to accept the written offer by Heartland Pump Rental & Sales, Inc. of Carterville, IL, to purchase the RCD's 1999 Rotamite 180P dredge and all dredging accessories for the amount of \$92,000, with the condition that the engine is running and the hydraulic system is operational. Heartland Pump will be responsible for the loading and transportation of said unit, which would be sold in as-is condition, with no warranty, with payment by money order or cashier's check. Amy Spelde seconded the motion. Bob Bortman said that they need to add the 7% commission in the motion. Joe amended his motion to include the 7% commission to Crisafulli at the time of sale. Amy seconded the amended motion. Roll-call vote: Fred Stegbauer – aye, Joe Gargano – aye, Amy Spelde – Aye, Tina O'Malley – Aye. Motion passes unanimously by roll-call vote. Joe Olliges said that they probably won't need a title, they have a bill of sale, which proves that they own it; they can let the new owner worry about getting a title.

4. Proposal for Construction of Signs at RCD Recreation Locations

Tina motioned for the purchase of signs at the following locations: North Beach, East Boat Landing, West Beach, Campground, Schings Park, and the Flagg Road Silt basin at a price of \$945, not including the framing, which will be constructed upon receipt of the signs. Fred seconded the motion. Motion carries unanimously by roll-call vote. [05-03-05] Becky will call the sign shop to have those made.

Tina also proposed getting pricing on new beach regulation signs for the two beaches. She went on-line and pulled up the most recent beach regulations from the Illinois Department of Health's Website (see attachment). The signs that will be made up will have the following changes:

- a. Addition of "Swim At Own Risk – No Lifeguard Present" at top.
- b. Eliminating wording of #2, starting at "Persons with excessive sunburn...or other bandages of an kind may also be refused admittance."
- c. Removal of "unless a lifeguard is present." From #6.
- d. Removal of "in shallow water" from #8.
- e. Removal of #9.
- f. Addition of "For Emergency Services, Call 911."

Becky will call to get a quote on those two signs.

5. Clarification of Ownership of Lakeside and Park Drive Property

It was previously thought that the Lakeside Park and Park Drive Park properties were owned by the RCD. Upon further investigation at the court house, there was an official title search done by the Ogle County Title Company, who issued an opinion, based on a August 9, 1984 deed, that the Lost Nation Property Owner's Association owns those two properties. The recorder and tax records were wrong on the properties, and that is where the confusion came in. Park Drive Park is at the end of Park Drive on the West side. To get to Lakeside Park, you take the first right after you come into the West entrance, and just after the curve there is property there. Joe Olliges asked if taxes were being paid on

the properties and Tina said no, because it is exempt do to park status. Joe asked who carries the insurance on it and Tina said that the RCD doesn't, however, they do mow around the boat racks at Park Drive Park, in exchange for the LNPOA allowing them to store the boat racks there. Becky will contact the insurance company to find out who is liable for the boats that are stored on the racks down there.

New Business

1. Injury at the Burn Pile

Eileen Kane injured herself on April 17th at the burn pile. The extra black top was poured down there by the contractor a couple of years ago, without the permission of the RCD board that was acting at that time. Since hearing of the incident, Joe Gargano has gone packed dirt on that side to prevent that same tripping accident from happening again. It will also be seeded there. Joe Olliges asked if the insurance company knows that they have a burn pile and Tina said yes. Tina will be letting the insurance company know that this happened in case any claim is filed on it.

Tina asked that, in the future, if anyone hears of an injury on RCD property, please notify the RCD office or an RCD board member. The report must list the date and location of incident, person injured, nature of injury, whether there was a claim filed, and what actions were taken, if necessary, to prevent it from happening again. Then they can give it to Becky to type up and keep on file. Bob Bortman asked if the insurance company or the attorney recommended this type of format for the injury report and Tina said that the attorney didn't specify a certain format, as long as the information of who, where, when, why, and how the incident occurred was listed. The insurance company hasn't gotten back to her yet as to whether they have the legal form. If they do have a preferred form, they will use that, but for the time being, what we have now is better than nothing. Joe Olliges recommended a space for a witness and Becky mentioned having a space for signatures.

2. Election of Officers

Fred wishes to be Personnel, Amy wishes to remain treasurer, Joe wishes to be Secretary or Vice-president, (Tina feels that Joe should be Vice-president because the easiest position to come into right now is the Secretary and she wants to allow the new person coming on to have the easiest position for the first year, with Joe's guidance on how to do filing). Joe accepted, however, he was concerned with his ability to conduct the meetings properly in her absence, adding that they would have a pretty loosely run meeting if she were to be absent. Fred motioned to have Tina O'Malley as President, Joe Gargano as Vice-president, Amy Spelde act as Treasurer, Fred Stegbauer as Personnel, and the open position as Secretary. Amy seconded the motion. Motion carried unanimously by roll-call vote. [05-03-06]

Tina told Becky to ask New Landing to update their web-site accordingly and to change the RCD web-site as listed on there too. The new RCD web-site is www.rcdinfo.com. Each board member's e-mail address is their first name @ rcdinfo.com, if you want to contact the entire board, type in board@rcdinfo.com, if you want to contact the entire board and the liaisons, type in all@rcdinfo.com. If anyone else wants to be added to that list, they should call Tina to be added on.

3. Proposed Budget and Tax Levy – Tabled

The courthouse hasn't calculated the worth of the land yet so that the RCD may receive the worth of the taxes for 2002.

4. Landscaping Around Lake Court Center - Tabled

5. Resolution for Gifting of Land to Taylor Township

Tina thanked Barb Wiese for waiting for this section of the meeting as she will be acting as the Notary Public while they sign the documents.

The RCD is gifting an acre of land to Taylor Township for the use of a Public Safety Building. If the building does not get built in 24 months, the land reverts back to the RCD. If the building stops being used as an EMS or fire protection service, the land and any improvements return back to the RCD. Tina has three copies of the resolution and a warranty deed that will be filed at the courthouse. Joe motioned to accept the transfer of land to Taylor Township, with the earlier stated contingencies, as written in the resolution. Fred seconded the motion. Motion approved unanimously by roll-call vote. [05-03-07] Joe asked when they were going to start building the EMS structure. Tina said they are hoping to start in June or July. Ron Mangini, who attends the Taylor Township meetings as a liaison, said that last month they contacted a contractor for the building, they have the money and they want to build it. (The bid they got was \$130,000 for the a building with 2 stalls, an office and a washroom and they are entertaining more bids tonight. Tina said that it was Joanne Reynolds recommendation that there be a 24 month time limit set on the construction of the building. The building being funded by the township and the equipment is being provided by the Franklin Grove fire department.

6. Possible Boat Racks at North Beach

Tina motioned to build one set of boat racks at the north side of the North Beach area, making sure not to block the boat landing area at a cost not to exceed \$1000. Fred seconded the motion. Joe Olliges recommended ensuring a capacity of 12 boats, perhaps two – 6-capacity racks. Joe asked if they were going to hire someone to build the racks or do it themselves with volunteer labor. Tina asked how much Oltmanns quoted for the racks at the dam. Joe said \$300 for labor. Tina modified the motion to say labor and materials not to exceed \$1000. Fred seconded the motion. Motion passed unanimously by roll-call vote. [05-03-08]

7. Proposal to Purchase a Computer for Secretary

While helping the Lost Nation POA secretary transfer the data over to the other computer, Tina found the process very laborious, therefore, she feels that it would be beneficial to provide the RCD secretary with a laptop style computer in case they should need a new secretary. Currently the RCD secretary is using her home computer; supplying a laptop would ensure that there would be no kid playing on it and possibly losing important information. They would also provide the system with a means of a backup, such as burning onto a CD so that the data is safely stored somewhere other than the secretary's office. Tina has done some research and has found that you can get a computer and printer/fax/san machine for under \$1200. This will also help when Becky takes over the accounting because, at the end of the month, she could hand the whole laptop over to Amy. Joe Olliges was concerned about the system being able to upgrade in the future because he had problems with his and Tina said that he just needs to change his bios and that we shouldn't have a problem because we aren't using a lot of graphics in our applications. Bob Bortman asked if they should put a few extra dollars into getting a warranty on the computer, especially since it will be a laptop that will be passed between people. Tina responded that it comes with a 1-year warranty with it and they could extend it if they wanted to, although they are pretty durable. Joe motioned to buy the Toshiba Satellite Office Jet computer for \$1100 and the HP6110 printer for \$299.99. Fred seconded the motion. Motion carried unanimously by roll-call vote. [05-03-09]

8. George Schwamberger Dock Proposal

George's dock floated away last year and he wants to replace it. Joe wondered if they were allowed to have posts in the water or if it should be cantilevered out. Tina read the ordinance, which designated that proposed docks should be floating or fixed and should not protrude 5' horizontal distance from the water's edge and should not be greater than

15' in length extending the length, extending along the water's edge. Tina motioned to approve George Schwamberger's dock design upon receipt of his signed permission request form. Amy seconded the motion. Motion approved unanimously by roll-call vote. [05-03-10]

9. Paving at North Beach

At the turn-around area and parking area there, Joe would like to coincide the resurface of the parking area and the paving of the turn-around area with Lost Nation's scheduled resealing of the road leading up to there, which is sometime in June. The cost would be around \$3945. Joe motioned to approve the paving of the turn-around area and seal-coating of the parking area at the North Beach not to exceed \$4000. Fred seconded the motion. Motion approved unanimously by roll-call vote. [05-03-11]

Guests/Public Opinion

(Limit 10 minutes per guest/group. Please hold all comments until this time).

Preserval - George thought the Preserval that Tina sent out in flyer form with the Ripple was a good idea, however, he feels that it should be put in the newsletter because the Ripple only gets distributed to a small percentage of tax payers, while the newsletter will get to the majority of the taxpayers. Tina responded that they will probably send out a copy of it with the newsletter, she just distributed it with the Ripple because there was a lot of question regarding the topic and it answered a lot of people's questions. Tina added that the name Preserval means "Conservancy".

Cabinets - Ralph said that they would be ripping out the old cabinets and installing the new ones, which he is getting for a good deal from Black Hawk. They will also be taking out the carpeting and replacing it with linoleum. He will also install the locks on the cabinets and rewire the electric going to the new outlet.

Goals of RCD

Ron Mangini commented that he realizes that they went through a lot of items tonight that were necessary to discuss, but he didn't hear the focus of the RCD, which is the lake. He doesn't want them to overlook the problems that we face with the lake. Tina replied that some of what they are working on right now regarding the lake is in conjunction with the Ogle County Dept. of Soil & Water and we are planning to drop the lake to remove an island (per 2 engineers recommendations) and do some dredging this fall. Bob Bortman added that their focus should be on upstream management to prevent the large volume of material from entering the lake. Tina also talked to an expert to find out the size of basin they can build on the 23 acres of land plus the highway dept. to find out if they can run tubes up there under the roads. Bob Bortman added that the RCD has done all of this in concert with the Army Corps. of Engineers, the federal & state government, the DNR, and anyone else who has a say in it. Ralph asked how they are going to remove the boards and Tina said they will be as careful as they can. Fred said that they will have to find out how they have done it in the past.

Meeting Cancellation

Joe Olliges asked what happened with the meeting, why was it called off and yet they still proceeded with it. Tina replied that it was her understanding that they had to post the agenda at the meeting place, however, upon review of the rules, that Joe has a copy of, it can be posted at the office or the meeting place. In the future, she still wants to post it at the Lake Court Center along with posting it at the office. Joe Olliges had called people to tell them that there would be no meeting and then didn't have time to call them back to tell them that there was a meeting. Tina said that she didn't know there was that or statement in the rules until she arrived there and that it was her fault for telling him that there was no meeting.

Adjourn

Amy motioned to adjourn the meeting at 9:55PM. Joe seconded the motion. Motion approved unanimously by roll-call vote. [05-03-12]

Next Meeting: June 5, 2003

May 13 Motion List

Fred motioned to approve the agenda as modified. Joe seconded the motion. Motion approved unanimously by roll-call vote. [05-03-01]

Joe motioned to approve April's minutes. Fred seconded the motion. Motion approved unanimously by roll-call vote. [05-03-02]

Joe motioned to amend the agenda by adding Paving at North Beach to New Business. Amy seconded the motion. Motion carried unanimously by roll-call vote. [05-03-03]

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Fred motioned to have Tina O'Malley as President, Joe Gargano as Vice-president, Amy Spelde act as Treasurer, Fred Stegbauer as Personnel, and the open position as Secretary. Amy seconded the motion. Motion carried unanimously by roll-call vote. [05-03-06]

Joe motioned to accept the transfer of land to Taylor Township, with the earlier stated contingencies, as written in the resolution. Fred seconded the motion. Motion approved unanimously by roll-call vote. [05-03-07]

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Tina motioned to approve George Schwamberger's dock design upon receipt of his signed permission request form. Amy seconded the motion. Motion approved unanimously by roll-call vote. [05-03-10]

Joe motioned to approve the paving of the turn-around area and seal coating of the parking area at the North Beach not to exceed \$4000. Fred seconded the motion. Motion approved unanimously by roll-call vote. [05-03-11]

Amy motioned to adjourn the meeting at 9:55PM. Joe seconded the motion. Motion approved unanimously by roll-call vote. [05-03-12]