



February 1, 2007 Meeting

Time: 7:00PM

I. **Call to Order and Roll Call** – Marty called the meeting to order at 7:01PM.

Board members present:

Herb Hill – Secretary

Marty Portner - President

Dan Dummett

Betty Lou Finn – Member at Large

Board Members Absent:

Bill Piper

II. **Pledge of Allegiance**

III. **Motion to Approve Agenda** – Marty requested to add Motion to Certify the 2nd Petition, Pending a Binder Check as Item D. of New Business. Dan motioned to add “Motion to certify the 2nd Petition Pending a Binder Check as item D. of New Business. Betty Lou seconded the motion. The motion was approved unanimously by roll-call vote. [02-07-01]

IV. **Motion to Approve the January 4, 2007 Minutes** – Becky requested the last name of a gentleman named Joe that spoke at the last meeting. It was Joe Bajko. Dan motioned to approve the January 4, 2007 minutes. Herb seconded the motion. The board approved the motion unanimously by roll-call vote. [02-07-02]

V. **Treasurer’s Report** – Becky read off the treasurer’s report since Bill was absent. The assets in checking and savings as of January 31st were \$98,833.20. \$45,026.05 is left to pay on the loan, not including the interest that is added each month until it’s payoff. The RCD paid a \$1,500 down payment and a \$100 rental fee for use during Senior Focus to Audio Video Connection for the LCC sound system, \$50 in annual dues for their ILMA membership, and \$468.90 for their share of the security in December. The RCD paid out \$1,636.25 in attorney’s fees regarding the petition and certification thereof, they paid approximately \$1,000 out to federal and state agencies to cover employee wage taxes, and \$520 for LMC members Jerry Sellers & Don Finn & RCD board member Betty Lou Finn to attend the Annual ILMA conference. Dan asked about the payout to the NLPOA for security and whether they collect payment from us and then pay security and Becky said that they would have to ask the NLPOA, but she is assuming that they pay the bill and then ask for reimbursement. Marty agreed, indicating that the NLPOA has an agreement with the security and the RCD has a subcontract under that. Becky said that there is an incident report that the NLPOA provides with the statement and Dan said that he would be interested in seeing it. Herb asked about them going over budget on legal fees and what caused that and Becky said that it was the legal fees relating to the petition that caused them to go over budget. Marty said that now that they have some history of the costs associated with filing a petition, if the RCD passed a motion to do so, that they could charge an upfront fee for costs like the certification legal work and paying whoever does the binder check for future petitions that are submitted. They cannot charge for the previous petitions because they hadn’t passed a resolution on that before those petitions were submitted. Marty added that legal advice is not cheap and he is not legally qualified to make the decisions that lawyers make. Herb asked about the total liabilities and whether that was the loan that was taken out in 2003 for dredging and Becky said yes. It is scheduled to be paid off completely in October 2008. Marty asked if there were advantages of paying of the loan early and Becky said yes, they would save themselves from having to pay the extra interest on the loan. Dan suggested that they put it on March’s agenda to discuss it when Bill is here. Herb motioned to approve the February 1 treasurer’s report. Dan seconded the motion. The board approved the motion unanimously by roll-call vote. [02-07-03] 15:57

VI. Old Business

A. Board Member Budget Recommendations Should Property Tax Reduction Referendum Pass - Tabled Until March

B. Answer to Joe Gargano Question Regarding Assets of RCD Should It Dissolve –

Marty said that Joe Gargano asked if the RCD should legally dissolve, what happens to the assets of the district like cash on hand, the building and the properties. Marty posed that question to the lawyer and stated the following:

“One thing is for sure: the assets will not go back to the POA’s, whence it came. The only way that the POAs can get the assets is if they participate in an auction of the property prior to the dissolution...and win that auction. In that case they would be buying back something that they owned in the first place.

The process of dissolving the RCD involves dispersing the assets and the order of progression of where they would go is the township first, then to the county, then to the State of Illinois. (In Marty’s opinion, it would most likely go to the State of Illinois because the RCD was originally granted statutory authority by way of the State of Illinois). They may be able to petition the court to disperse the assets in some kind of fashion that gives precedence to the people who live in the district, which includes people who live East up to Lowden Road and West to Lost Nation Road. It could get messy though and the judge may decide to just give it to the state. One thing is for sure, they are not going to get it unless they participate in an auction if the RCD decide to auction the property – they don’t even have to do that – they could instead just deed the property to the State of Illinois.”

Marty asked Joe Gargano if that answered his question and Joe said that he appreciates Marty responding to the question, however, his concern is that the response that the attorney provided was inaccurate and that he was in error in the information that he provided because Joe read the statute and it clearly states in the statute that upon the dissolution of the RCD that once all debts and obligations are paid for, the assets would be turned over to the township that the district is situated in and Marty said that he just said that so we are not disagreeing. Joe said that he didn’t see any reason to contact an attorney when merely reading the statute provided the answer – Marty responded that it was a two-minute conversation. Joe said that he believes that the statute is correct and that is what would occur –all remaining assets would be turned over to the township. Marty asked if Joe did a nexus search on the statute to see if there were any modifications to it since it was written and Joe said no and Marty said that that is why they have the lawyer.

Joe said that he thinks that the RCD is required to auction the property off – he doesn’t think the RCD can deed anything over unless it is another government body and Marty said that is what he said.

VII. New Business

A. Marty - Motion to Form a Grant Fact Finding Committee – Marty said that the RCD needs to form a committee to find out what grants are available to the RCD to initiate some of the projects that they have going, especially with the LMC. Marty has gotten a lot of information about grants during his meetings with the Department of Agriculture, but none of it has ever been assembled into one place and validated and verified so that they can speak about it intelligently. They need a board member to chair a committee to help them find out what type of grants are available, when they are available and how much money is available, along with any types of strings that might be attached. Becky said that she spoke to Barb Wiese, who indicated that although she did not have the time to be on a committee, she would be willing to

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give the RCD any information that she has on grants based on the fact that she has attended IALC meetings where they specifically discussed them. Marty said that that was good that they had someone in the audience who was willing to share information with them. Jerry Sellers said that Ray Lundeen had volunteered for the LMC to work on grants and he would be willing to become a part of the committee that Marty is talking about. Marty volunteered to chair the committee and Jerry said that he has a couple more people that he can suggest for the committee. Herb asked what they are looking for in grants and Marty said that Lake Management is probably the area where they are going to need to find most of the money so they need to look at present and future projects that the RCD is contemplating and see what is available. They know what entities are responsible for handing out the money, but they don't know the process, whether it applies to what they are doing, or what the time periods, how much money is available, can they fold it into their budget, and are there strings attached. For example, one scenario could be if they apply for a grant today, they may not get the grant approved for 6-9 months or they may not get the money until the project is completed. As far as the budget, they can't really put that money into the budget until they actually have the money or know that it is coming. Betty said that they could ask some questions at the conference that they will be attending at the end of February. Marty motioned to form a grant fact-finding committee, to be chaired by him and he foresees a report ready by the April meeting. Dan seconded the motion. The board approved the motion unanimously by roll-call vote. [02-07-04]

B. Taylor Township Board ATV Letter – Betty Lou read the following letter from Jo Ann Reynolds w/ the Taylor Township board.

“I am writing in hopes that we can work together on a matte that has been plaguing our area for some time. One of our Board members has come up with what we feel is a solution to this problem. But we would like your help in sharing half of the cost to what we feel would be a solution.

On the west side of our Township Building property line, is an embankment that the neighborhood younger set has been using their three and four wheelers as a jumping point and also a quick access to your area. This is both a hazards and a liability for al people our Township and your RCD and Lost Nation. If some unforeseen and horrible event should happen we are all going to be held liable for actions that are not ours but as we all know lawyers will try to make ours. The plan that one of our Board members has come up with would be to plant trees on top of the embankment, which is on the Lost Nation property and then put around the trees snow fencing or something of this type so that there is a type of fencing system that will be in place. Then in the future this will be a hindrance and also help keep outside people from coming in and others from going out.

I would appreciate your thoughts on this matter. Also we would like to have joint unified effort on this since we cannot plant trees on the land that is not ours and it would be a real hazard to plant trees on land that is halfway over the embankment. We hope to hear from you soon on this matter, or if you would have other ideas on trying to solve this matter.

Sincerely Jo Ann Reynolds
Supervisor
Taylor Township”

Marty has talked to Herb O'Rourke, who is a Township trustee, and Clyde Lytle, who is the president of the LNPOA. The security guys have been out there, however, they have not been able to catch the individuals doing it. They do know who has been doing it and have talked to

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the parents of these individuals. Clyde said that they were looking at installing either a guardrail or a chain link fence and perhaps planting some trees to hide the unaesthetic look of the fencing. Marty has no monetary figure yet, although he does feel that it is a good idea for the RCD to participate financially in this. Betty Lou asked if this is private property and they are trespassing, wouldn't the liability be relieved and Marty said that Betty Lou is right, however, he thinks that the Township would like to stop the egress of the vehicles on their property. Dan asked who owns the property that they are referring to and Marty said that he is not sure if part of the property that the township is referring to is RCD property. Dan said that he would like to see a description of the of the length of fencing that they are talking about with the property lines shown. Jerry said that they are talking about 125' of fencing and the only RCD property that they cross is coming off of Lowden and Flagg Road to either go in front of or behind the township building to get into Lost Nation – it is a problem that has been going on for three year. Jerry thinks that they (the ATVers) would run right over the trees and suggested that large rock boulders placed next to each other might be better looking. Herb asked if any signage has ever been posted and Jerry said that the RCD put a chain across the entrance and posted no trespassing signs. Dan agrees that they ought to cooperate with the township to eliminate the problem, however, he thinks that there needs to be more information on it. Marty said that he will communicate more with Lost Nation and the Township and get some sketches and information back to the board. He will tell the township that the RCD agrees in principle to the concept, although, if a township member had attended the meeting, they may have been able to resolve it that night. Joe Bajko suggested that if they know who is responsible for doing this to talk to them and Marty said that the security personnel have talked to the parents of the individuals that they believe are responsible for it, but you have to catch them trespassing and the sheriff's deputy has to actually see them do it.

C. Herb – Motion to Hold an Executive Session to Discuss the Future of the RCD Regarding the Referendum

– Herb motioned to hold an executive session to discuss the future of the RCD with regard to the referendum. Marty seconded the motion. Dan said that he didn't feel that it was an appropriate topic to discuss in an executive session as executive sessions are limited to employee issues or property purchases. He feels that it is an issue that needs to be discussed in an open forum and perhaps establishing a committee to review how they would move forward in dealing with the issue. Marty agreed with Dan. Herb withdrew the motion to hold an executive session. Herb motioned to establish a committee to address the issues with the referendum. Betty Lou seconded the motion. Dan asked Herb if he would chair the committee and choose some members and Herb said that he thinks that the whole board needs to be involved with it to decide on the issues. Marty suggested that they wait until Bill comes back and they could have a special meeting at that time. Herb withdrew the motion to form a committee. Barb suggested that the meeting be held after the next Newsletter comes out so that notice could be posted in the newsletter and Marty said that there would be information about the petition in the Watershed. Becky asked if perhaps after their special meeting in February they could have an informational meeting in March that could be advertised in the Watershed for everyone to come and Marty agreed that that could be done.

D. Motion to Certify the 2nd Petition, Pending Binder Check – Betty Lou asked what the deadline was for the RCD to file the petition with the county and Marty said around February 15th. Marty motioned to certify the petition upon completion of the binder check next week. Herb seconded the motion. The board approved the motion unanimously by roll-call vote. [02-07-05]

VIII. **Employee / Committee Report**

A. **LMC –**

1. Program Manager PositionsThe LMC had a meeting where they discussed Program Manager Position descriptions and had volunteers for each of the positions:

Fish Stocking Program Manager: Joe Olliges

VLMP Manager – Ron Berger

Fish Barrier System Manager – Steve Larry

Goose Manager – Frank Durkin

Grants/Grant Writing Manager - Ray Lundeen

Lakeshore Stabilization Manager – open position

2. Mission Statement-The LMC will be forming their mission statement and goals to put them in writing soon.

3. OSWCD - Dave Dornbusch received appropriate authorization from the Ogle County Soil and Water Conservation District to proceed doing an inventory of the watershed.

4. 2006 Lake Survey-They received the results of the IDNR Lake Survey and will be looking at that. Over all it was a good report and Jerry will be asking the regional biologist a couple of questions on it.

5. Integrated Lake Management Report-They received the report from Integrated Lake Management, however, Jerry was not happy with the graphics in the report and so he, Joe Rush, Dan Dummett, the president of ILM, and the gentleman who worked on the report had a meeting last Monday. They have already given Jerry some information back on that and changed the graphics. They broke the lake up into 6 different silt basins rather than one whole lake because they took so many points that it became too busy. They have committed to having the report done in a couple of weeks, marking it as a draft until Jerry and Joe Rush are satisfied with it and stamp it as the final report.

6. Nature Conservancy District -Jerry received an update from the Nature Conservancy District about reports that they received from the IDNR that outlined the kind of fish population that they found in Clear Creek.

7. The Next Step - Marty asked what the next step will be after the report from ILM is finalized and Jerry said that they would analyze the previous statement that they did in terms of the depth of the lake and see if they can ascertain how much siltation has occurred from the last time that they dredged the lake. More specifically, they would establish a dredging program based on the thickness and location of the silt in the lake. In both inlet creeks there is a fair degree of siltation that has occurred and in order to set a plan of mechanical dredging together, they have to take a look at what land the RCD owns or can get permission to use to put a backhoe on to mechanically dredge it. Both the transect and GPS points have been given to them electronically and on paper so that they can replicate the report whenever they wish. It is Jerry's intent that they would not pay ILM to do the survey again, rather, they have the capability to do it themselves.

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Marty said that they can take the baseline report and compare it so other reports in the future since it has not only ramifications for dredging but also the entire ecosystem, for example, where the fish are populated and are they naturally reproducing, etc.

Dan thanked Jerry for the time and effort that he has put in with Joe Rush to move the programs forward. They wouldn't have anywhere near the information developed if it wasn't for his and his committee's efforts.

B. Fee Structures Review Committee – Fee Recommendations – The committee consisted of Sue Hill, Dan Nicolini, Harold Stromberger, and Sharene Bruckner. They met two times with Marty in attendance the first time and Becky in attendance both times. Sue said that the committee made the following recommendations:

1. Campground Fee Recommendation- present fee of \$10 a night to remain.

2. Boat Sticker Fee Recommendation- Two Stickers – a **Boat Rack Sticker** cost of \$7.00 a year to store boat on the rack to help defray the cost of mowing around the racks and building new racks and a second, **Regular Boat Sticker**, free of charge. They also recommended that the RCD give the following two options

either

1. A refund to those people who paid for a 3-year sticker of \$12 for the remaining two years left on the sticker and who don't want to store their boat on RCD racks

or

2. A credit toward a boat rack sticker for the remaining two years.

3. Lake Court Center Fee Recommendation- They recommended that the community functions still be free of charge. For private rentals, they recommended a fee of \$50 for rentals lasting 4 hours or less. If they want an hour to set up the night before or earlier in the day of the rental and the center is available, then that would be an extra \$10. For rentals lasting longer than 4 hours, they recommended a fee of \$100, with set up before hand at no extra charge.

Sue also suggested that the RCD could write up a checklist for an employee to go over the building with the renters upon completion of their rental and lock up after they leave.

Marty asked how the Fee Review Committee came up with 4 hours as a break point and Sue said that an example was brought up of a children's birthday party – they could have an hour to set up, two hours for the party and an hour to clean up. Marty asked if the 4-hour block could be anytime during the day where it could potentially take up an entire day (like from 10:00-2:00) and Sue responded that with the 4-hour time limit, there could still be a rental later that day.

Marty asked if they did a revenue analysis and Sue said yes and that was one of the things that they looked at – last year when the rates went up to \$150, the rentals went down from 28 rentals to only 11. Dan asked if they did a dollar analysis on the 11 rentals vs. the 28 and Becky said yes. From what she estimates that about \$1,700 was made last year on the 11 rentals vs. \$1,500 on the 28 rentals and 10 classes in 2005. She also figured what the earnings would have been at \$75 and \$100, since potential renters who couldn't afford the \$150 price had indicated that they would have rented at \$75 or \$100.

Harold Stromberger said that with the lower rates, they figured that hopefully they could get back up to 28 rentals a year again and that some of them would at a rate of \$100, which, when averaged with the \$50 rentals, would average about \$75 a rental and would earn the RCD more annually.

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Dan Nicolini asked if they could consider a 3% increase in operating costs per year and offset it in the budget as the cost of doing business. Marty agreed, stating that they have to figure out what it costs per hour to run the building off set by the cost of the building while it is being used and when it is idle. Marty felt that the fee structure that the review committee recommended would allow them to justify the cost vs. expense, especially as rentals pick up in the spring and summertime.

Ralph Petersen suggested that they could structure the fees by having the \$50 fee be from 8:00AM-Noon and then Noon to 9:00PM would be the \$100 fee. Marty said that that wasn't a bad idea and that maybe they could have a different fee structure during the summer months that would be like that and in the winter months, when they might want to attract more rentals, they might change it. Becky said that the 4-hour time frame works really well for renters that want to use the building after a POA meeting and so they really don't want to limit themselves to a set time of day that the rental would be set.

Chuck Jolicoeur said that when factoring in the fees covering the expenses to keep in mind that all of it is being subsidized by taxes, which is keeping it alive. Marty and Herb agreed.

Herb commented that a year ago he had more in mind of \$75 a day rental fee would be a lot more attractive fee, especially keeping in mind Chuck's comment in that their taxes are already paying for the upkeep of the building. Sue said that the \$100 for the whole day that a person could have the facility for 12 hours and also that includes the setup time for the night before, in which case they would not really making \$100, rather it would be down to \$90. They also factored in that propane, water and electricity have gone up significantly. Herb agreed with her point.

Harold said that one of the things that was brought up at the fee review meeting was that the YMCA charged \$40 for a party room and pool use for a birthday party and that was a guide for their \$50 recommendation. Marty said that he agreed with the logic on that. Sue said that feedback from potential renters that talked to Becky said that they would be willing to pay \$100 and so they didn't think \$100 was unreasonable for all day.

Sonja Valdivieso said that she felt that \$50 for 4 hours or less was pretty steep – she gave an example of hosting a function last year for the high school cross-country team and would have loved to have used the facility but for \$35 they got a shelter at Loves Park (and there was actually no charge when they found out what it was for). She would like to see it at \$35 rather than \$50. Marty said that it all depends on whether it is an outdoor function – he asked if it would have been more convenient for them to have had it at the LCC than in a shelter and Sonja said yes because they had to feed them and having the bathrooms would have been nice. Marty asked if she thought that the convenience would have been worth an extra \$15 or no and Sonja said no, she still thinks that \$50 is a little high. Herb asked how many people were involved in that and Sonja said that there were about 40 kids.

Herb said that they are not going to satisfy everyone and the reason that he was suggesting \$75 was that he was hoping to get more rentals. They know now that \$150 wasn't a good rate because they lost rentals. Joe Bajko said that he is going to be distributing a survey to the community regarding the water level and perhaps they could add a question about the LCC rental rates on the survey. Marty asked what the timeline was on the survey and he will have a first draft ready for the next New Landing meeting on the third Saturday of February. Marty agreed that the community should have input, with the final decision is going to come down to three things: 1. It should not be burdensome to the community. 2. It should serve some budgetary purpose. 3. It is legal. The previous fee of \$150 was shown to be burdensome to

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the community. Marty feels that the recommendations made by the review committee meet the three criteria.

Marty asked the audience if they had any comments on the boat sticker fee recommendations. Ralph Petersen said that it was a good recommendation. Dan Nicolini said that he would like to see a better way for them to monitor the boats that are on the water without a proper sticker. Crystal Pohlman said that if they let the public know that the sticker is free, then they shouldn't have a problem with getting a sticker on their boats if they want to put them in the water. Sue said that last year there were a lot of boats on the water without proper stickers and that another suggestion that they made was ensuring that if property owners have guests bring in a boat to put on the lake that they should get a guest pass from their prospective POA so that security would know that they are supposed to be there.

Dan Dummett asked what the deadline for boat stickers was and Becky said that the stickers run from June 30th to June 30th, keeping in line with the expiration dates of the DNR. Dan asked Becky if there were any rentals for February and she said no. Dan said that he appreciates the work that the Fee Review Committee did and he thinks they came to them with some reasonable fees – he would like to adopt their recommendations with the caveat that the boat sticker refund would be for the two years left on the three year sticker rather than any partial amounts. Becky said that the refund recommendation that the review committee suggested was based on the two years remaining.

Dan Dummett motioned to adopt the fee review committee recommendations of \$50 for a 4 hour or less rental of the LCC and \$100 for anything over 4 hours and making regular boat stickers free while charging a \$7.00 annual fee for a separate boat rack sticker, effective February 1, 2007. Marty seconded the motion. The board approved the motion unanimously by roll-call vote. [02-07-06]

Marty stated that back in June when they voted not to rescind the boat sticker fee, he made a promise that he was going to form a fee review committee made up of people from the district to decide look at the fees. He followed through on that and formed a committee who came up with reasonable recommendations for the fee structure and brought it to the board. Marty stated that this is the best way to get things done with the RCD board rather than threats or promises of legal actions against the board. He added that if they want something done there is a peaceful way to do it, as the committee has done so and he thanked them.

IX. Adjourn – Next Meeting: March 1, 2007 – Betty Lou motioned to adjourn the meeting at 8:35PM. Herb seconded the motion. The board approved the motion unanimously by saying aye. [02-07-07]

Guest Comments: Joe Gargano asked if Bill had confirmed at the last meeting that the RCD had sufficient funds to continue operating as they are today for a possible two years. Marty said that he doesn't remember Bill saying that and that they wouldn't be able to function as they are today.

Joe asked about the fee that they might possibly charge in the future to people requesting information and asked why they would charge someone for exercising their legal right. Marty said because there are costs associated with it; if you go to the county and ask them for a copy of a legal document, they charge you a fee because there are costs associated with it. Marty doesn't see a \$1.50 or \$2.00 charge an infringement of his right, rather he sees it as the cost of doing business. Joe asked how much of a charge they had in mind and Marty said he didn't know – that they would have to take a look at all the costs associated with processing the petition to come up with a number, not the total cost but certainly there are costs associated

with processing a petition. Joe said that Marty's comment about the committee and he commends them but if he expects people to present them with their ideas for costs or even a petition the response that it is the cost of doing business because they are a small community and the taxes that they pay already cover the legal fees. Marty said that the cost to process the petition was very large and if the RCD gets four or five of these petitions, they could be buried with the legal costs to get the petitions filed and they don't want to spend taxpayer money just so they can validate the legality of a petition.

February 1, 2007 Motion List

1. Dan motioned to add "Motion to certify the 2nd Petition pending a binder check as item D. of New Business. Betty Lou seconded the motion. The motion was approved unanimously by roll-call vote. [02-07-01]
2. Dan motioned to approve the January 4, 2007 minutes. Herb seconded the motion. The board approved the motion unanimously by roll-call vote. [02-07-02]
3. Herb motioned to approve the February 1 treasurer's report. Dan seconded the motion. The board approved the motion unanimously by roll-call vote. [02-07-03]
4. Marty motioned to form a grant fact-finding committee, to be chaired by him and he foresees a report ready by the April meeting. Dan seconded the motion. The board approved the motion unanimously by roll-call vote. [02-07-04]
5. Marty motioned to certify the petition upon completion of the binder check next week. Herb seconded the motion. The board approved the motion unanimously by roll-call vote. [02-07-05]
6. Dan Dummett motioned to adopt the fee review committee recommendations of \$50 for a 4 hour or less rental of the LCC and \$100 for anything over 4 hours and making regular boat stickers free while charging a \$7.00 annual fee for a separate boat rack sticker, effective February 1, 2007. Marty seconded the motion. The board approved the motion unanimously by roll-call vote. [02-07-06]
7. Betty Lou motioned to adjourn the meeting at 8:35PM. Herb seconded the motion. The board approved the motion unanimously by saying aye. [02-07-07]