



## LOST NATION-NEW LANDING RCD

### August 3, 2010 Time: 7:00PM

- I. **Call to order** – Glenn Baldwin called the August 3, 2010 meeting to order at 7:00PM.

**Board members present:**

Glenn Baldwin	- Vice President	John Harris	-Secretary
Dennis Cantrell	- Member at Large	Tim Spelde	-Member at Large

**Board members absent:**

Steve Larry	- President
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- II. **Pledge of Allegiance**

- III. **Welcome John Harris** – Glenn welcomed John Harris as their newest member on the board.

- IV. **Motion to Approve the Agenda** – Dennis motioned to approve the agenda with the addition of the 6/9/10, 7/6/10, 7/13/10 and 7/13/10 Executive session minutes and Tim seconded the motion. The board approved the motion unanimously. [08-10-01]

- V. **Motion to Approve the 4/6/10, 6/8/10, 6/9/10, 7/6/10 & 7/13/10 & Exec. Minutes – 4/6/10 Minutes-** Dennis motioned to approve the 4/6/10 minutes and Tim seconded the motion. The board approved the motion with Dennis for it and Glenn, Tim & John abstaining from the vote. [08-10-02]

**6/8/10 Minutes** - Dennis motioned to approve the 6/8/10 minutes and Tim seconded the motion. The board approved the motion with Dennis and Tim for it and Glenn and John abstaining from the vote. [08-10-03]

**6/9/10, 7/6/10, 7/13/10 and 7/13/10 Executive Minutes** - tabled

- VI. **Motion to Approve the Treasurer's Report** – Tim asked about the payout to K.C. Animal Control and wondered if they trapped any animals. Frank Durkin said that Chris set the traps out but was unsuccessful in trapping any beaver this time. Glenn said that he understands from a conversation that he had with Becky that the attorney has given them guidelines as to the requirements for printing in the paper the budget and appropriation, tax levy, and treasurer's report and asked whether the RCD office has anything that he could study on that without going through the attorney. Becky said that the places that she would suggest to look at (that the RCD is governed under) are the Open Meetings Act, the IL statute code that governs river conservancy districts. She also suggested looking in the attorney correspondence file for his past opinion on the matter (which led them to the way that they currently post the budget and appropriation and treasurer's report). Tim asked what the amount that was spent on Wendler Engineering for Lake and Beach Maintenance (Babbling Brook/Lost Lake Stabilization Grant) was for and Becky said that Steve approved payment on that and it was for research, engineering and mapping services related to the stabilization of Babbling Brook. Dennis motioned to approve the treasurer's report and Tim seconded the motion. The motion died with Dennis, Tim and John abstaining from the vote. Treasurer's report tabled.

- VII. **Director Reports**

A. **Steve Larry – Grant Writing / Watershed Planning** – Glenn said that in looking at Rebecca's reports, he was impressed with her knowledge and experience that she has and he feels that they are very fortunate to have someone like her working for them to get the grants.

B. **Glenn Baldwin - Beaches** - the beaches are still closed, samples were taken today and they should get them by next Friday. They decided to be more proactive so the last time it rained really hard they

decided to close the beaches, take samples and then get the results. When the results came back, the beaches didn't pass so they were right to be proactive in that situation. In the past they would wait until the sample results came back to close the beaches. They looked at another lab to try to improve their turn-around time but it just wasn't any better than what they are doing so they are going to continue to do what they are doing. They have some nice 12X18" signs to inform people of beach closures, besides posting at the gates and the website; however, people still don't always see the signs posted on the big signs that are at the beaches so Glenn said that they would do something similar to what they do at the campground and put the signs on chains at the entryway to the beaches so residents will see the signs.

**Inappropriate Use of RCD Garbage Cans-** They have had cases where residents are using the RCD containers to put their own garbage in; for example, someone placed their garbage right beside the RCD container and raccoons got into it and spread it around. Glenn got a shovel and picked it up, and in the process obtained 2 names which he reported to security and they spoke to that family.

- C. Dennis Cantrell – Stabilization of the Shorelines of the LCC and Area NE of the Dam** - Fischer started the stabilization of the LCC today – Ken Oltmann was nice enough to let them haul some of the fill to his property so they owe him thanks for that. They had to trim a couple trees as it was difficult to access the area, but they will reseed their way out. They are going to be pulling boat racks apart and move docks and benches from the area NE of the dam.

**Personal Dock Repairs** - some people had issues with the pictures of the docks in the newsletter but in general most people responded by realizing that their docks needed repair and repairing them so it worked out pretty well. Tim asked Dennis about the shoreline stabilization by the dam and suggested that when they need to put the riprap down there that they look at leaving a 6 foot wide swath where people launch their boats so that they don't have to launch them over the riprap. Perhaps concrete or a smaller aggregate rock over a portion of the rip rap. Jerry said that that was not done on the east beach; rather on the east beach people walk over to where the boat launch is and it doesn't seem to be a problem – the west boat launch cost the POA \$7,000 to install the concrete. Tim said that he doesn't think that they need a full-size boat ramp because they are not going to be backing boats down – it would just be for foot traffic. He added that they could try the cheaper route with some CA6 or some other smaller gravel first and see how it fares through a couple floods. Dennis said that they could put in the SOP approved rock in for stabilization and then top dress it with the smaller rock.

- D. Tim Spelde – Security** – there was a couple of fishing violations and the garbage issue that Glenn spoke about. There was also a report of a deer stand on someone's property and the LCC door was found open a couple times.

**Abandoned Dock Removed** – After Tim gave ample notice at the front gate of its imminent removal, Tim and Dave Stewart broke up and removed a dock that had washed away and gotten hooked up at the dam.

**Weeds on Dam Face** – Tim asked Glenn to talk to the employees about keeping up with the weed removal at the dam.

**Burn pile Area** – although they seeded the area, the grass is not growing like Tim would like so he is going to have it done again. They are periodically mowing the area so that fishermen can access it; however, for the long term, they need some improvements for that area and so Tim is going to come to the board about funding for that or use some of his per diem money toward purchasing a picnic table for the area.

**Silt Readings** – Tim plans to take some silt readings – he did some reading a few months back in which he detected a lot of silt around the point and toward the creek. He plans on going to the other end of the lake and doing the same and looking at trying to trend the silt that is being deposited into the lake as well as walking the silt basin to determine whether it needs to be dredged out.

**Fish Stocking** – Tim will be looking at some of the fishing reports that they are getting in from the local fishermen and will be getting some recommendations from Joe Rush to figure out what the best species to stock is. They may mix it up a little bit and even stock some pan fish - he noticed that he hasn't had much luck with pan fish.

E. **John Harris** – no report

## VIII. **New Business**

A. **Motion to Elect John Harris Secretary of the Board** – Tim motioned to elect John Harris as secretary of the board and Dennis seconded the motion. The board approved the motion with John abstaining from the vote and Glenn, Tim and Dennis for it. [08-10-04]

B. **Motion to Approve Tax Levy** – The tax levy is in the amount of \$172,258; which they got by taking the amount that they are slated to receive this year (\$164,150) multiplied by 5% and added to that amount. This is the maximum amount that the RCD can ask for without having to hold a hearing. Holding a hearing would involve incurring additional printing and reproduction and legal costs. Upon doing an assessment of the district's tax property valuation and what they have received in the past, Becky discovered that they are real close to receiving the full .75 % of valuation that they are allowed and that if property values remain the same as last year, they would only realize a few thousand than what they are asking and if the value goes down (as it did last year) then they will be at or close to their maximum. Steve chose to not pursue a higher amount. Jerry asked what the valuation was last year and Becky said that she thought it was about .71 but that she would have to look back in the paperwork to be sure. Jerry said that they have a right to levy .75 of the valuation and the only body in Ogle County that levied less year over year has been the RCD – everyone else is going up the RCD tax levy is going down. He wants to know what this year's levy is and Becky said that they won't know that until they have the actual amount of valuation of the property next year. Glenn said that this is Steve's area and he asked Becky if they should table this until he gets back. Becky said that she doesn't recommend that they table it because all of the paperwork has been drawn up for approval at this meeting and Steve already reviewed and pre-approved the numbers in the levy. She said that they could table it; however, they do have a deadline of December 1<sup>st</sup> that they have to submit the levy to the county and tabling it would put an unnecessary delay on the process. Dennis added that the RCD board has had a couple of budgetary meetings where they worked within these numbers and they may be able to ask for more tax dollars, but do they ask for more tax dollars just because they are able to? Discussion ensued about the tax levy. Glenn said that Steve made the final recommendation of the tax levy numbers with Becky's help and they have had some discussion so he is ready to vote. Dennis motioned to approve the tax levy and Tim seconded it. The board voted to approve the tax levy with Dennis, Tim and Glenn for it and John abstaining from the vote. [08-10-05]

C. **Motion to Approve Amendment of the RCD Ordinance for the Modification of Chapter IX, Section A: Drug & Alcohol Use** – Tim read off the ordinance and amendment (see attachment 1) Glenn opened the topic up for discussion. Dennis said that they explored the legal ramifications of it and the responsibility and they may not have it perfect but he thinks that it is a starting point so any qualms that people have about doing something like this he would answer that they may have to adjust it, but it is the direction that they want to go. Glenn said that because he is associated with a banquet and conference center, alcohol is a major issue. He has had this discussion with Steve in which he told Steve some of the problems that he has at his banquet and conference center with alcohol, including security. What they did to help cover some of that is that they changed the application to add a major deposit and they would ensure more security presence. One thing that made Glenn more comfortable with the idea was that members of the community are the only ones that can rent it and they have to sign off on it and will be responsible for it. He himself has rented the facility a couple times and always makes sure to leave it in good shape, knowing that it belongs to the development and they want to take care of it. He feels that one of the concerns that they have with the banquet center won't be as much of an issue for the LCC since it will be mostly responsible people and only property owners who have a vested interest in the facility renting it. Mike Robinson

was concerned with the liability to the RCD and Dennis said that they talked with their lawyer and the hold-harmless agreement takes care of the RCD's legal responsibility and as far as moral responsibility, anytime any of us drink on private property, including POA property, they have the same situation. They are not selling or providing alcohol; rather, they are allowing people to have alcohol and that is a big difference. Tim suggested that they could put a question out to the property owners via the newsletter before they voted on the issue. Dennis talked to Sue Hill about security and drunk driving and she said that the drunken driving laws that apply on public roads apply within the community as well. Discussion ensued over the topic of allowing alcohol in the LCC. Dennis motioned to approve the amendment of the RCD Ordinance for the modification of Chapter IX, Section A: Drug and Alcohol Use to allow alcohol at the Lake Court Center during rentals with a signed hold harmless agreement and proof of \$500,000 liability insurance provided by the renter to the RCD and Tim seconded the motion. The board passed the motion with Dennis, John and Glenn voting for it and Tim abstaining from the vote. [08-10-06]

**D. Motion to Approve New Rental Agreement Form** – Dennis motioned to approve the new LCC rental agreement form (see attachment 2) that adds language to include the option of allowing beer/wine with rentals of the LCC and John seconded the motion. The board approved the motion with Dennis, John and Glenn for it and Tim abstaining from the vote. [08-10-07]

**E. Motion to Approve Kreger Dock Request** – Dennis looked at the drawings that the Kregers submitted – it looks like it will be a nice improvement and he has no issues with it. Dennis motioned to approve the Kreger's dock request and Tim seconded the motion. The board approved the motion with Dennis, Tim and Glenn for it and John abstaining from the vote. [08-10-08]

**IX. Old Business** – no old business

**X. Guest Comments (limit of 5 minutes per guest)**

**Mike Robinson** – how is one person able to approve the minutes – Glenn recognized Marty Portner and he stated that you only need a quorum to make a vote, and the majority rules so if the majority is one person with their yes vote and everyone else abstains, then that is a majority of one.

Drug and Alcohol Use – Mike is surprised that they had the term Drug and Alcohol use when they didn't discuss drug use and Glenn stated that that is the way that the ordinance is worded.

**Karen Kreger** – they have had a lot of rain and in the lake in front of their lot and she was wondering if there was anything that could be done to stop the lake from filling up with the silt that is coming off of gully that runs through those two private properties. Dennis asked if they had addressed that and Tim said that they had talked about addressing stabilization of that ditch because it is a problem area. They sent the property owners along that ditch stabilization packets and Tim called them personally; however, they didn't seem interested in participating in the program. Karen is wondering if the work that she does and the money that she and the RCD spends for their rebate will be wasted because it might wash out again. Dennis said that it was a legitimate question and that they need Joe Rush to be involved with it. Tim suggested that they get an official condition report on the area from Joe Rush. Jerry said that it is not really an RCD issue; rather it is a POA issue in that the people own property under the jurisdiction of the POA. They looked at it and Charlie estimated that it would take 30 tons of rock to take care of the problem. They also need to look at the culvert that runs under Flagg Road there that the water shoots out over RCD property before it hits those lots. Charlie suggested that the RCD could install buffers on their property and Jerry agreed that that could be a partial solution to help slow the water down that comes through there. He's talked to Joe Rush and they've taken pictures of the area. The property owners don't care and have even offered their property up for sale. Becky suggested that they could talk to Rebecca to find out if any of the work could be covered under the Babbling Brook /Lost Lake Stabilization grant as match or if there were some government program (like through the NRCS) that might be able to help fund the stabilization of that property.

**Charlie Moore** – Charlie asked if the LCC would close at 9:00PM and Dennis said that events would end by 10:00PM with cleanup to be finished by 11:00PM. Concerned with weddings and alcohol and said that it may come back to the RCD.

**Jerry Sellers** – Jerry stated that the RCD ordinance is not on the RCD website; therefore, if he went to the website he wouldn't know what they were talking about. The current ordinances reflect when they are supposed to have their meetings and he doesn't think that it has ever been changed. They are making changes to an ordinance that the populace doesn't have any access to and he questions whether that is appropriate.

- XI. Motion to Adjourn** - Dennis motioned to adjourn the meeting at 8:14PM and Tim seconded the motion. The board approved the motion unanimously by roll-call vote. [08-10-09]

**8/3/2010 Motion List:**

1. Dennis motioned to approve the agenda with the addition of the 6/9/10, 7/6/10, 7/13/10 and 7/13/10 Executive session minutes and Tim seconded the motion. The board approved the motion unanimously. [08-10-01]
2. Dennis motioned to approve the 4/6/10 minutes and Tim seconded the motion. The board approved the motion with Dennis for it and Glenn, Tim and John abstaining from the vote. [08-10-02]
3. Dennis motioned to approve the 6/8/10 minutes and Tim seconded the motion. The board approved the motion with Dennis and Tim for it and Glenn and John abstaining from the vote. [08-10-03]
4. Tim motioned to elect John Harris as secretary of the board and Dennis seconded the motion. The board approved the motion with John abstaining from the vote and Glenn, Tim and Dennis for it. [08-10-04]
5. Dennis motioned to approve the tax levy and Tim seconded it. The board voted to approve the tax levy with Dennis, Tim and Glenn for it and John abstaining from the vote. [08-10-05]
6. Dennis motioned to approve the amendment of the RCD Ordinance for the modification of Chapter IX, Section A: Drug and Alcohol Use to allow alcohol at the Lake Court Center during rentals with a signed hold harmless agreement and proof of \$500,000 liability insurance provided by the renter to the RCD and Tim seconded the motion. The board passed the motion with Dennis, John and Glenn voting for it and Tim abstaining from the vote. [08-10-06]
7. Dennis motioned to approve the new LCC rental agreement form (see attachment 2) that adds language to include the option of allowing beer/wine with rentals of the LCC and John seconded the motion. The board approved the motion with Dennis, John and Glenn for it and Tim abstaining from the vote. [08-10-07]
8. Dennis motioned to approve the Kreger's dock request and Tim seconded the motion. The board approved the motion with Dennis, Tim and Glenn for it and John abstaining from the vote. [08-10-08]
9. Dennis motioned to adjourn the meeting at 8:14 and Tim seconded the motion. The board approved the motion unanimously by roll-call vote. [08-10-09]

## Attachment 1

### Amendment [08-10-06] Modification of Chapter IX Section A: Drug and Alcohol Use (modification in red below)

#### CHAPTER IX - REGULATION OF GENERAL CONDUCT

##### Section A - Drug and Alcohol Use

It shall be unlawful, when in a RCD Property, for any person to:

1. Serve, possess, consume, sell, barter, furnish, give, purchase or attempt to purchase any alcoholic beverage **except for the renting of the LCC and as outlined in the rental agreement.**
2. Be under the influence of alcohol or other controlled substance;
3. Use or be under the influence by reason of inhaling any substance defined as an "inhalant"; or
4. Serve, possess, consume, sell, barter, furnish, give, purchase or attempt to purchase any controlled substance, except the possession or consumption of such substance with a lawful prescription.

## Attachment 2



## 2010 Application for Rental of the Lake Court Center

### 404 Lake Court

Date of Event: \_\_\_\_\_ Time in: \_\_\_\_\_ Time Out: \_\_\_\_\_

Number of People Attending: \_\_\_\_\_ Type of Event: \_\_\_\_\_

Renter Name: \_\_\_\_\_ Address: \_\_\_\_\_  
(Please Print)

\* Signed: \_\_\_\_\_ Phone: \_\_\_\_\_

\* I/We have read the "Rules for Renting" (below) and agree to follow them and have paid the rental fees.

**NOTE: The rental date is not confirmed until this form is signed and the rental fees are paid to the RCD. Reservations must be made with deposit and rental fees paid at least 30 days in advance.**

A "First Paid/First Served" policy will be followed. Please make all checks payable to the "RCD". Send application, checks, and (if applicable, see #5 below), a signed, notarized copy of the Liability Insurance Agreement and a Certificate of Insurance naming the RCD as an additional insured.

Mail to: LNNLRCD, Attention: Becky; 205 Cuyahoga Drive; Suite A, Dixon, IL 61021

#### Rental Rules:

1. The renter is responsible for any breakage and damage to the building and the grounds.
2. The renter is responsible for closing and locking all doors and windows before leaving the property.
3. The renter is responsible for set-up and clean-up of the building.
4. The renter is responsible for making arrangements for heat control and/or air conditioning.
5. Alcoholic beverages (beer and/or wine **only**) are allowed in the building with Liability Insurance Agreement & Certificate of Insurance
6. No smoking is permitted in the building.
7. The renter may use the appliances that are present in the building but they must be cleaned before leaving.
8. Music and noise must be held to a reasonable level with regard to surrounding residents. We reserve the right to terminate any event where the people are disruptive, destructive or disrespectful.
9. The library is not included with building rental.
10. The event must be ended by 10:00 p.m. and the clean up completed and the building vacated by 11:00 p.m.

#### Rental Options: (separate checks required, one for deposit and one for rental)

<b>Option 1: No Alcohol, 5 Hours or Less</b> Rental: \$50.00; Deposit: \$50.00	<b>Option 2: No Alcohol, More than 5 hours</b> Rental: \$100; Deposit: \$100
<b>Option 3: Serving of Wine and/or Beer 5 hours or Less:</b> Rental : \$100; Deposit \$400	<b>Option 4: Serving of Wine and/or Beer More than 5 hours:</b> Rental \$200; Deposit \$400

Set-up for rentals may be arranged on the day before if the LCC is available at no extra charge

- Cancellation of rental must be made 30 days in advance of rental date in order to receive a refund.
- Deposit check will be destroyed or returned (if S.A.S.E. is attached to application) after a satisfactory inspection of the building is made. If the building or grounds are not clean or are damaged, the deposit will not be returned. Any extra damage to the facilities will be billed to the users.