



LOST NATION-NEW LANDING RCD

October 13, 2009

Time: 7:00PM

I. Call to Order – Steve called the meeting to order at 7:00PM.

Board Members Present:

Steve Larry -

Betty Lou Finn -

Tim Spelde -

President

Secretary

Member at Large

Glenn Baldwin -

Dennis Cantrell -

Vice President

Member at Large

II. Pledge of Allegiance

III. Motion to Approve the Agenda – Betty Lou motioned to approve the agenda with the addition of IIIA. Presentation of First Shoreline Stabilization Rebate Checks and Tim seconded the motion. The board approved the motion unanimously. [10-09-01]

Steve presented a plaque to Jerry Sellers and his wife Karen for all the volunteer work that he has done for the RCD as LMC chairman. Steve said that Jerry has made a significant and positive impact on the community in everything that he has done and he thanked Karen for supporting Jerry through all of his efforts. A gift certificate to Abraham's will also be forthcoming. Jerry said that he appreciated the award and said that the volunteers helped make things happen and that they are still in place and willing to help the RCD. He added that he deeply appreciated the board's support over these last five or six years and is sure that the RCD will continue to be successful in the future.

A. Presentation of First Shoreline Stabilization Rebate Checks – Steve presented the first two stabilization rebate checks to Jim Yagen & Kelly Quinlan and John & Betty Belaski for the stabilization of their properties.

IV. Motion to Approve the 8/4/2009 and 9/1/2009 Minutes – 8/4/2009 minute approval tabled until end of meeting; Dennis motioned to approve the 9/1/2009 minutes and Tim seconded the motion. The board approved the motion with Steve, Tim and Dennis for it and Betty Lou abstaining from it. [10-09-02]

V. Motion to Approve the Treasurer's Report – Tim motioned to approve the treasurer's report and Dennis seconded the motion. The board approved the motion unanimously. [10-09-03]

VI. Director Reports

A. Steve Larry – Grants- 319 Approved /Watershed Management

319 Grant - The RCD received a 319 grant from the EPA for watershed planning. The RCD is involved with the property owners outside of the Lost Lake Community yet within the watershed. The grant will help pay for Rebecca and Joe's time involved in the watershed planning. There are certain milestones to be met, which Rebecca will cover for us and the grant covers 75% of the cost while the RCD matches 25% of the cost, some of which can be through in-kind work performed by Rebecca, Joe and Becky and volunteer work performed by the watershed planning committee (WPC) and the technical advisory committee (TAC) to the WPC going back to 2008. They have applied for another 319 grant for over \$300,000 for next year to stabilize Babbling Brook. One of the criteria to applying for a grant is that it has at least a 75% chance of getting approved and this grant stands a good chance of approval because if they are approved, the RCD plans to use the site as a demonstration of various stream bank stabilization techniques, which they will use to carry on educational programs for surrounding communities, colleges, and other parts of the state. They won't know until later this year whether they will get that grant.

Watershed Planning Committee – they meet about four times a year and their next meeting will be January.

B. Glenn Baldwin – Tabled

C. Betty Lou Finn - Fishing Dock Benches – Betty Lou wants to get benches put back on the docks by the dam and she has the information for the memorial plaques when the benches are ready. Betty Lou recommended that they put two benches on the docks by the North Beach as well. Dennis is going to build

the benches because it is much more cost effective than purchasing them (it will cost just under \$200 a bench).

New Tables for LCC – Betty Lou is looking into getting new tables for the LCC – she has talked with the social committee who has indicated that they would like to have more round tables for when they are serving at their functions. The amount of people with tables and chairs set up allowed in the building to comply with fire safety regulations is 157 and she is starting there in terms of how many tables she will need.

Pictures of the LCC – Becky would like to have pictures of the inside of the LCC for the website.

D. Dennis Cantrell – Dock/Shoreline Request Approvals –

ULLPOA Shoreline Stabilization Request - the POA has submitted a shoreline stabilization application to have 500' of their shoreline at Lakeside Park stabilized; they are following the specifications that the RCD has set up and so Dennis approved the application.

Private Dock Repairs - Next spring they will do an inventory of the docks on the lake and inform the property owners that have docks in need of repair. Steve asked Dennis to write an article for the next watershed to let property owners know that now (that the lake is down) would be a good time to get their docks repaired. Steve said that there may be a private shoreline stabilization of about 400' on Oak Lane soon. Tim asked how many people are planning on doing shoreline stabilization through the rebate program and Becky said about 14 people plan to do something either this year or next year. Steve said that they have enough to cover all 14 properties in this year's budget. Frank said that he made up a lakeshore stabilization plan on the wall and it would be great to highlight what properties have already been stabilized on that plan so that the public can see the progress.

E. Tim Spelde – Security Reports, Dam Engineering Task List –

Security – one speeder, one noise complaint at the LCC building, one fishing after hours at the LCC dock, one open door at the LCC, and the portapotty at the campground tipped over twice

Dam Engineering Task List – Tim e-mailed the insurance company to find out if the dam is covered if a catastrophic event should cause it to fail and he has not heard back from them yet. There were no issues reported with the dam on the inspection that was performed. They have some maintenance to perform on the concrete in the overflow tubes that he will look at having done next fiscal year.

Fish Shocking/Stocking – Fish shocking was performed by the DNR on October 6th with some help from Bill Wurtz and other LMC volunteers. They will be getting a report from the DNR in a few months of the condition of Lost Lake's fish population. The shocking reaches 3-4 feet down and because they are generally a deeper water fish, the shocking didn't net a sampling of white bass or muskie, however, they did get a good sampling of small mouth and large-mouth bass as well as several good sized walleye. Fish stocking is scheduled for Friday, October 16. The distributor is working with them to supply fish within their \$3,600 budget – they will be stocking approximately 1000 Walleye, 100 muskie and 600 large-mouth bass. Notice was sent out via the LLUD phone service that the lake will be lowered November 2nd. Notice will also be posted at the gates and in the newsletter. Tim videotaped the placing of the boards on the dam and the shocking, which will be on file at the RCD office.

Removal of Dewatered Silt at Flagg Road Silt Basin - Tim Spelde motioned to hire Nordman Excavating to remove the dewatered silt at the Flagg Road Silt Basin for a cost not to exceed \$2,500 and Betty Lou seconded the motion. The board approved the motion unanimously by roll-call vote. [10-09-04]

Boat at Campground – There is one boat at the campground that still needs to be removed – Becky is in contact with the owner, who said that he would remove it by the middle of this week. She will send him an official letter indicating that the RCD will remove it and start the process to put it up for auction if he does not remove it within 30 days of the receipt of the letter.

Request of Bow and Arrow Target Practice at the Campground – Someone requested permission to target practice with a bow and arrow at the campground and the board was not in favor of it due to liability reasons. Steve said that there are local areas to practice archery – Jerry said that there is an archery range in Dixon and Charlie Moore said that Rochelle Wildlife off of Flagg also has an archery range.

Depth of the Creek Below the Spillway – Bill Wurtz and Jeff went out in Jeff's Kayak and took some depth measurements below the spillway. There is a 10 foot hole downstream of the overflow tubes with the

remaining area of the creek along the campground measuring significantly shallower. Tim would like to propose that they spend up to \$1,500 to remove the silt that was placed there from the flood to create pools of water for a fish habitat and to create additional green areas for people to fish there. Steve said that they spent a lot of money on flood damage and they are already over budget under their dredging line item he thinks it is a good idea and he would like to consider it for next year's budget, saving this year's expenditures to more needed items.

Burn pile – Tim asked if the burn pile was discussed at the POA meeting and Charlie Moore said no. Tim is going to research the cost to the RCD or possibly a joint program with the POA of working with vendors on a bi-monthly chipping program. He will also come back to the RCD next month with a plan for a green area at the present burn pile site. It will be noted in the November newsletter that the burn pile closes on December 1st. Mike said that the topic of the burn pile was not officially brought to the POA for discussion - that was why it was not discussed at the POA meeting. Betty Lou asked when it was approved to close the burn pile and Steve said at the last meeting. Mary Anne Bortman asked what they will do if people ignore that and Steve said that they are looking to put signage up with a fine associated with it and it will become a security issue.

Glenn Arrived

VII. Old Business

A. Proposal for Addendum to Shoreline Stabilization Rebate Program and Variance Approval Process –

Steve put together a variance proposal that would enable shoreline owners who weren't following the SOP for stabilization to be able to participate in the rebate program if their stabilization technique appears to be effective (as good or better than the approved SOPs). Steve read off the following:

Addendum to Current SOP

Be it known that as of the approval date of this addendum, shoreline property owners whose property has been previously described as falling within the boundaries of Phase One and/or Phase Two, and who have applied for and been granted a construction variance by the RCD Board of Directors from the required engineered SOP, that such property owners will be eligible for said rebate program previously documented and with an expiration date of May 31, 2011. All construction must be completed and approved by the expiration date.

All applicants for a construction variance must complete in full an "Application for Construction Variance to Approved Standard Operating Procedures for Shoreline Stabilization" and are subject to the conditions set forth in the document "LNNLRCD Shoreline Stabilization Rebate Program with Pre-Approved Construction Variance"

Shoreline Stabilization Construction Variance SOP

- 1. Property owner completes and submits 15 days prior to the next regularly schedule RCD meeting an "Application for Construction Variance to Approved Standard Operating Procedures for Shoreline Stabilization"**
- 2. The application and project must be reviewed by the appropriate RCD Director and Lake Shore Manager Consultant who will be present at the RCD Board Meeting to make their recommendation to the board for approval or non-approval.**
- 3. Applicants must be present at the RCD Board Meeting during which their application will be addressed.**
- 4. Approval is by simple majority of a quorum of the RCD Board**
- 5. If approved, all work must be completed within an agreed to time period and subject to final inspection of the RCD.**

6. Construction not completed as approved, will require the property owner to re-construct the stabilization according to agreed to specifications at the property owners expense.

Steve said that the applicant has to apply for the variance in writing and submit it to the board; it then has to be reviewed by Dennis and Joe Rush and approved by the board. The application must have full details of the project that they wish to have a variance granted for need to be attached including contractor drawings and material lists, cost estimates, installation procedures including any bank cutting or removal to support their contention that the work will result in a long standing minimum of 10 years shoreline stabilization solution. The property owner who receives a rebate through the variance program must sign a document that says that they understand that the stabilization that they are going to do outside the SOP that the RCD approves a variance for, needs to meet stability requirements for at least 10 years and should they give them the rebate and it fails within the 10 years for whatever reason, they owe the rebate back to the board. That shows a commitment level on the part of the property owner to have it done correctly.

Betty Lou asked who would be paying for Joe Rush's costs to come out and look at the projects that request a variance and Steve said that Joe will remain paid by the RCD for his consulting work as he does any other shoreline stabilization. Betty Lou said that with all the work that Marty Portner did to design the package that was sent to the shoreline owners to perform stabilization according to the SOP, she does not think that anyone applying for a variance should receive the rebate. Jerry asked what they would do if the property changes ownership and Steve said that the documentation indicates that it is transferable to the next property owner until the 10 year period is over. If the property sells their property then they should disclose what they signed that goes along with the property.

Marty asked if the original shoreline stabilization application paperwork would have to be filled out along with the variance and Steve said the whole program needs to be filled out – first they are indicating that they want to participate in the program and then they are applying for a variance to that program. He spoke to the RCD's attorney and his thought is that they can add any variance that they want; however, they need to keep a paper trail.

Don Finn said that they need to consider the people that have done the work according to the SOP; they could open the door to someone stating that they want to put in a smaller rock that is less expensive and that wouldn't be fair to those who did it the right way. Steve said that they will not allow that to happen and that they would not cheapen the program. Dennis said that they would deny a variance for a smaller, less expensive rock and that the variance has to be for something better than or equal (in effectiveness) to the SOP.

Mike Robinson asked if the 10 year requirement is for the variance rather than the SOP and Dennis said correct. Question 2: If he follows the SOP and due to a natural event (like the rain that they had) and some of the rock gets washed away can he come back to the RCD to ask for financial help to redo what he has done. Steve said no. Betty Lou asked where in the budget is the cost for an engineer to inspect the properties requesting a variance and Steve said that there is no engineer checking the variances. Joe Rush will inspect the properties needing a variance and Joe's fees are budgeted under Professional Services: Aquatic Manager.

Marty asked about the stipulation in the contract that requires contractor liability insurance. Who should they talk to about getting the proper paperwork and Becky said that they should contact their insurance company to get a liability certificate that shows the RCD as an additional insured for \$500,000. Mike asked about the \$500,000 of insurance and whether he would have to insure his lakeshore separately from the rest of his property and Steve said that it would be the same liability insurance that his home or property is insured under; if his liability insurance is currently for less than \$500,000, then he would need to get it raised to \$500,000 during the time that the work is being performed on his property. Jerry asked if it was the contractor's responsibility to have insurance to perform work on a person's property, not the homeowner's and Steve said that the advice that they got from their attorney was to ensure that both the property owner and the contractor have liability insurance. Jerry said that the past procedure of the RCD was that the contractor had to have liability insurance to do work on RCD property and Steve said that Jerry is correct that that is the requirement for working on RCD property; however, they are talking about private property. Dennis motioned to approve the addendum for a variance to the 2009 shoreline stabilization rebate program and Glenn seconded the motion. The board approved the motion with Betty Lou against it and Steve, Glenn, Dennis, and Tim for the motion. [10-09-05]

B. Watson Shoreline Property Variance Request – Betty Lou said that the Watson's were given approval to a variance to the SOP to stabilize their shoreline back in July and asked if they were going to be asking for a variance to the rebate program in November and Steve said that they were given approval to build the wall instead of following the SOP, now they just needed to fill out the variance to the rebate program and submit it to the RCD. In Steve's opinion, the board will probably approve it based on what they have submitted so far. Becky recommended that the board officially vote to approve the variance to the rebate program once the Watson's submit it.

VIII. Committee /Employee Reports

A. LMC Report – Appoint new LMC Chairman –

Another Beaver Sighted -There was another beaver sighted and Frank Durkin is going to take care of that. When the Flagg Road Silt Basin was dredged out this year, more material was taken than last year. Dredging that material stopped it from getting into the lake.

Fish Borrowed for IDNR Kid's Seminar - The IDNR took fish out of the lake for a 2-day seminar at Lowden for 2,600 kids and subsequently returned the fish. He thinks it would be interesting to have someone follow up on that.

Proper name for Babbling Brook is "Indian Creek" – the plat maps that show all the creeks in Illinois list that creek as Indian Creek.

Steve said that they are looking at a plan that may help them contain silt from Babbling Brook and Clear Creek by establishing "wing dams" in those tributaries.

Steve said that they don't have a replacement for Jerry as LMC chairman, however, everything that Jerry and the LMC has started will continue under the guidance of the RCD board. Mr. Durkin will continue as wildlife manager and the other volunteers are staying on as well.

B. Becky – Motion to Approve Resolution 05-2009 Authorizing Destruction of Audio Recordings of Open Meetings – Becky asked the Illinois Attorney General's office what should be done with the audio recordings of the open RCD meetings because she couldn't find anything in the open meetings act that referred to it. They said that there is no procedure and that they go to their local government and find out what they do. Becky contacted the Ogle County Clerk's office and got a sample of the resolution that they passed to destroy the audio recordings of open meetings and used it as a template for the RCD. Attached to the resolution is a list of the audio recordings to be destroyed. The written records will not be destroyed as they are required to remain a part of the RCD's permanent record. Steve said that they don't need to keep audio records of the open meetings because they have a written record – the only reason they take recordings of the meetings is so that Becky can take minutes accurately. Tim suggested that they hang on to the tapes for a year instead of destroying them all and Becky said that she can keep them for a year if he wishes – she was going to do that anyway. Tim recommended that they instill a records keeping policy and Becky said that she backs up records once a week to a second computer and once a month she makes a copy of the files to be stored in a fireproof safe. Glenn motioned to approve Resolution 05-2009 authorizing the destruction of audio recordings of all open RCD meetings whose minutes have been approved and Dennis seconded the motion. The board approved the motion unanimously. [10-09-06]

Motion to approve the 8/4/2009 minutes – Glenn motioned to approve the 8/4/2009 minutes and Dennis seconded the motion. The board approved the motion with Glenn, Dennis and Betty Lou for the motion and Steve and Tim abstaining from the motion. [10/09/07]

IX. Guest Comments (limit of 5 minutes per guest)

Mike Robinson – What is the cost of fish shocking? – Jerry said it would cost the RCD about \$2,500 to have it done privately, however, the IDNR doesn't charge the RCD anything to do it. Mike asked if they would continue to do it for the RCD and Steve said that they didn't know. Jerry said that they didn't do it last year, however Jerry

prevailed upon them to do it this year due to the fact that they didn't know what their status was because of the flooding that took place.

What are the amounts on the fish that they are going to stock? – 1000 walleye, 600 large-mouth bass and 100 muskie.

Don Finn – A special POA meeting will take place at the LCC on October 22nd at 7:00PM to discuss the bridge repair.

John Mulholland – They goose fencing at North Beach is not adequate. In the past, they put fencing up from woods to woods. Glenn said that they have extra fencing to do that and he will get that taken care of.

- X. Motion to Adjourn** – Betty Lou motioned to adjourn the meeting at 8:32PM and Tim seconded the motion. The board approved the motion unanimously by roll-call vote. [10-09-08]

October 13 Motion List

1. Betty Lou motioned to approve the agenda with the addition of IIIA. Presentation of First Shoreline Stabilization Rebate Checks and Tim seconded the motion. The board approved the motion unanimously. [10-09-01]
2. Dennis motioned to approve the 9/1/2009 minutes and Tim seconded the motion. The board approved the motion with Steve, Tim and Dennis for it and Betty Lou abstaining from it. [10-09-02]
3. Tim motioned to approve the treasurer's report and Dennis seconded the motion. The board approved the motion unanimously. [10-09-03]
4. Tim Spelde motioned to hire Nordman Excavating to remove the dewatered silt at the Flagg Road Silt Basin for a cost not to exceed \$2,500 and Betty Lou seconded the motion. The board approved the motion unanimously by roll-call vote. [10-09-04]
5. Dennis motioned to approve the addendum for a variance to the 2009 shoreline stabilization rebate program and Glenn seconded the motion. The board approved the motion with Betty Lou against it and Steve, Glenn, Dennis, and Tim for the motion. [10-09-05]
6. Glenn motioned to approve Resolution 05-2009 authorizing the destruction of audio recordings of all open RCD meetings whose minutes have been approved and Dennis seconded the motion. The board approved the motion unanimously. [10-09-06]
7. Glenn motioned to approve the 8/4/2009 minutes and Dennis seconded the motion. The board approved the motion with Glenn, Dennis and Betty Lou for the motion and Steve and Tim abstaining from the motion. [10/09/07]
8. Betty Lou motioned to adjourn the meeting at 8:32PM and Tim seconded the motion. The board approved the motion unanimously by roll-call vote. [10-09-08]