



LOST NATION-NEW LANDING RCD

February 18, 2016 6:00PM

- I. **Call to order** – Marty called the meeting to order at 5:59PM.

Board Members Present: Marty Portner – President
Tim Spelde – Member at Large
Jim Brown – Member at Large

Board Members Absent: Glenn Baldwin – Vice President
Mike Swartz - Secretary

- II. **Pledge of Allegiance**

- III. **Motion to Approve the Agenda** – Tim motioned to approve the agenda and Jim seconded the motion. The board approved the motion unanimously by roll-call vote. [02-16-01]

- IV. **Motion to Approve the 1/21/2016 Minutes** – Tim motioned to approve the 1/21/2016 minutes and Jim seconded the motion. The board approved the motion unanimously by roll-call vote. [02-16-02]

- V. **Motion to Approve the Treasurer's Report** – Jim motioned to approve the treasurer's report and Tim seconded the motion. The board approve the motion unanimously by roll call vote. [02-16-03]

- VI. **New Business: Tom Wendling LLUD Proposal to Obtain RCD Lots 118 & 119 on Park Drive** – Tom said that part of their long-range plan is to construct a building for their office and garage area and they want to know if the RCD would consider giving the LLUD those two lots and the LLUD would pay any of the legal fees involved. Marty said that the RCD board could state their opinions tonight if they want as to whether it is a viable scenario; however, in order for them to consider it, he would like to see a vote from the LLUD board that it is something that they want to pursue and then Tom would need to detail the plan so that they can assess the impact on the RCD and perhaps ask the POA what they think since it is a high traffic area for them. Marty asked Tom what they had planned to do there and Tom said that they would put a structure on the lots that looks like a house with a large attached garage to be used as an office, conference area, and storage. Marty asked if there would be a parking lot there and Tom said that they would have a small area for parking. They would also look at having the entrance come off of Flambeau instead of Park Drive. Tim asked Tom if they had thought about building a structure onto the pad at the north end of the LCC for an office and storage. Tom asked how large the area is and Tim said about 15' by 20'. Tom said that that wouldn't be big enough for their needs. Tom said that they have a pretty large parcel by the tower down to Mike Huber's house that is pretty flat and he had originally proposed that they put something up there but the LLUD board said it would be too far for everyone to go. The building that they own by the sewer plant doesn't have enough room around there. Another option that they looked at was the lot that they own next to the POA building which is a possibility but when you get down to the POA building straight across, it is only about 55 feet wide. Marty reiterated that the building would be their center of operation, housing their office, a meeting room and storage of their trucks and Tom agreed. Marty asked about the equipment that is currently being stored at the sewer plant and Tom said that that would stay there.

Tom said that they were also looking at completely eliminating the existing sewer building with its multi-tank and pump system and putting anaerobic tanks in on that lot next to the POA building (which some of the sand filter sewer systems have) – with two very large tanks in there that would be like a septic field that would gravity out to a sand filter – that would eliminate \$5,000 a year in electrical costs alone. If they did that, then they could fill in the pits in the old building and concrete the holes in and build a foundation on top for a garage and office space. If that didn't pan out, then they would seriously be considering obtaining lots 118 and 119. Marty said that, speaking for himself, the RCD board doesn't have any plans for those lots that he knows of. He can't think of anything off of the top of his head that would bar them from doing it but it would depend on the details and if they got input from the POA they might chime in with something that the RCD didn't see and they would have to consider them too. Tom said that technically speaking, if the LLUD gets the lots, based under the rules that they operate under they can pretty much do what they want to do with those lots, but at the same time, if they put up a building that looks like a house with a large two stall attached garage, there shouldn't be a problem.

Marty asked if Tom had researched how they would transfer the property because normally if they have to move a lot, it has to go to public auction. Tom said that they would do the same thing with the LLUD that they did with Taylor Township when they deeded an acre of land on Flagg Rd for a public safety building. Marty added that they can do that because are both governmental entities. Jim said that it sounds like they are looking do something similar to what they had before they moved their office to Sue's house and Tom agreed, adding that this building would be little more functional as that one didn't have garage space there. Marty asked what time

frame they were looking at and Tom said that if they were to do something on those two lots, it would probably be 2017 but if they do the other project to eliminate the sewer plant, then they would have to go through the IEPA, hire an engineer so it would start in 2019 if they were lucky. Marty asked if eliminating the sewer plant was something mandated by the EPA and Tom said no, but it was something that they needed to do. Jim asked what lots 118 and 119 are zoned now and if there would be a problem with them putting that in there. Tim asked if they pay lot rent and Becky said that they don't pay taxes on those lots but that they are assessed annual POA dues that include those lots; however, even if they got rid of the lots, they would still remain at the same tier structure because of the number of properties that they own so the dues would remain the same. Tom said that zoning shouldn't be an issue with them because they are a utility. Marty said that the RCD was a public body too but they had to check into the zoning of the LCC to see if it was feasible to run a marina. Tom said that they operate under the utility act and they run a little differently with their right of ways and putting in their utility lines and what they would be proposing would look like a house so he doesn't see that there would be a problem with that.

- VII. Motion to go into Executive Session: Discussion of Minutes of Closed Meeting held on 1/4/2016 for Approval of Release by the RCD body, 5 ILCS 120/2(c)(23)** – Marty asked for a motion go into executive session to discuss the closed meeting minutes held on 1/4/2016 for approval of release by the RCD body, 5 ILCS 120/2(c)(23). Tim motioned to go into executive session based on what Marty stated and Jim seconded the motion. The board approved the motion unanimously by roll-call vote at 6:19PM. [02-16-04]
- VIII. Motion to Return to Open Session** – Tim motioned to return to the open meeting at 6:40PM and Jim seconded the motion. The board approved the motion unanimously by roll-call vote. [02-16-05]
- IX. Motion to Approve the Release of the 1/4/16 Executive Session Minutes to the Public** – Tabled – Marty said that the board decided to table the motion because they didn't have everyone who had attended the meeting present to review the minutes. If Mike and Lisa don't have a problem with them releasing the meeting minutes, then they will hold a meeting as soon as they can to approve those minutes. Dave Stewart asked about them about their referencing 5 ILCS 120/2(c)(23) when they went into executive session and according to the open meetings act that refers to operating a municipal utility or the operation of a municipal power agency. Marty said that they copied the number off of a document that they got from their attorney and he did state *[the reason for the meeting in the motion]* but if it is wrong they will have to change it.

Dave said that on looking at the map in the back, he thinks that it refers to those lots as 102 and 104 and Marty said that he has a map at home that labels them at 118 and 119. **note – the numbers Dave is referencing are the address numbers 102 & 104 vs. the lot #'s of LACROSSE Sect. 118 & 119.*

Marty said that Dave is right that the reference number is wrong and thanked him and added that they will need to hold a special meeting to do it the right way. He thanked Dave for pointing that out but added that they got the procedure right. Dave said he wasn't so sure about that either because they didn't adjourn the regular meeting, instead they motioned to go into executive session and Becky said that they did adjourn the meeting citing that "Tim motioned to adjourn to executive session and Jim seconded the motion." Dave said okay.

Jim asked if the four board members and Lisa could have a new session to discuss the closed minutes and Marty said that they would have to put it on the agenda first. Marty said that the only way they could do it would be to have another meeting and adjourn to the executive session the correct way that will give them a chance to get Lisa and Mike involved in it. Marty said it was improperly done but they are getting closer though and they can't make any action on it because it wasn't listed for the right reason.

X. Director Reports

A. Marty Portner

- 1. Old Business Café/Marina Proposal** – No report from Glenn yet other than Lisa is very busy right now.

B. Mike Swartz – No report

C. Tim Spelde

- 1. Old Business: Silt at Schings Park** – Tim spoke with Charlie and he said that there has not been an inspection of the bridge yet. *[Charlie Moore from the POA stated at the RCD's January 4th meeting that he got an opinion from Wendler on the bridge's load limit and said that he wanted to get it inspected –the RCD was waiting for word on that inspection before proceeding with any removal of silt from Schings Park].* Tim spoke with Dick Baumann and his partner Scott from Wendler Engineering and they said that they had no knowledge of a bridge inspection being planned by the POA, which Tim found rather odd. Tim is making plans pending no feedback from a bridge inspection to spread the silt later this spring. Becky told Tim that the EPA reached out to her and wants

to do a spring time assessment of what the RCD has done there. Tim responded to Becky, stating that if they don't hear back from the POA then they will plan on spreading the dirt so that they don't have to worry about the weight restriction. It's unfortunate that they lost face with the farmer that was willing to take the silt for them at his cost but it is what it is and they will plan to spread the dirt, let it dry, and seed it. Tim has language for request for riprap bid proposals on Schings Park which they will have to wait for springtime on when they can get rock from the quarries. Tim said that he is a little leery about going out onto the ice for depth readings as he saw open water up by Flagg Road.

D. Jim Brown – The CCWP met last week and they are losing Ed Bettner as head of the partnership; however, Ed said that he would still be available to talk to if they needed him and if they do work on the Fellows' property he would be available to assist with that as well. Becky B. was able to make contact with Tom Beissel, who said that he was interested in being involved in the CCWP. He is real busy with farming right now, but if he's around, he wants them to keep him posted in advance when they are having meetings and he will try to make them. Tim asked if Nachusa is part of the committee and Jim said yes and he has contact with them. Tim asked if they have any discussion with them about using the property off of the Flagg Rd Silt Basin for silt and Jim said no. Tim would like to renew that discussion. Jim said that he is working with them on a grant that they are working on next year on Clear Creek and coordinating that. Jim is planning on reaching out to a farmer at the east end of the watershed [*Colwell Farms*] to see if they want to be involved in the CCWP. Jim is updating the working plan's spreadsheet by inserting the numbers of the completed work – once he is done with that, then he will e-mail the board a copy of it. Rebecca Olson feels that they should know something by the end of this month as to whether that grant will be approved. They would probably start on it in May if it is approved. Josh Franks with the NRCS no longer is the contact for Ogle County NRCS– Mike Richolson out of Dekalb now covers both Ogle and Dekalb counties.

XI. Guest Comments

Dave Stewart – Dave asked if Joe Rush has been involved with the dredging that took place recently and Marty said that he wasn't directly involved in that project; however, he has given his input as to where they need to focus their dredging efforts and what methods (either hydraulic or mechanical) would work best in each area. Dave said that he realizes that they didn't do much dredging and that we had problems but he thinks that both the POA and the RCD has learned some lessons on that. Marty asked for an example and Dave said that they put the job out for bid and no one bid on it so they had to take other measures. Then things didn't work out well for removal of the dirt and he didn't know if that was planning. Tim said it was the [*POA's pending*] bridge inspection and the [*unavailability*] of the farm trucks. Dave said that he understands that and he'll give Charlie a call to find out what the deal is. Tim said maybe they are using someone else for the bridge inspection and Dave said that he is pretty sure that they were planning to use Wendler and he'll find out. Marty said that the reason is more fundamental than that – they don't have a clear pipeline of communication between the POA and the RCD. If they did and if they has a relationship where they had each other's backs on certain things that they have to cooperate on to do together, it would have gotten done. He's not saying it's not one or the other's fault, he's saying it's both their faults and he would like to extend an offer for someone on the RCD board be a liaison with someone on the POA board so that they can avoid something like this in the future and get them on board early on in the project so that the bridge inspection would have been done long ago and in the future they are going to need to use that bridge again for mechanical dredging. These are things that they used to cooperate on in the past and he's not putting blame on anyone but he knows what the solution and that is to talk to each other and have an open line of communication. Dave said that he doesn't think that either the POA or the RCD thought about problems like that – they just developed – it wasn't anything intentional. Marty said that they missed a perfect opportunity though with the weather, the condition of the ground, and the availability of the trucks all lined up to go – it was sad to see that opportunity go.

Tim said that speaking as if he were a guest, he went to the last POA meeting and he heard that they were hiring legal counsel to look at stopping the café – he asked why they are spending our [*property owners'*] money on legal counsel – if the POA wants to be in the building, come be in the building. He doesn't know why we are getting legal folks involved and we are asking for all kinds of legal documents – he thinks that it is making it much harder than it is. Dave said that that was an option to pursue legal action and as far as asking for problems – the RCD is in charge of a lot of money and they got to do it right and the POA is not held to the standards that the RCD is. Marty said that in a way they are grateful that they are under the microscope right now because he caught them tonight on something. They just got certified for OMA this past spring and heretofore that had never been done. They have to do it right and they are in charge of a dwindling amount of money and they've done a lot in the past and with Glenn's efforts to reduce the budget – if you look at the report – they are trying to follow

what Glenn said they need to try to cut out. The only reason that they are trying to convert the building [LCC] into a revenue producing asset is they want money coming in to pay for the building so that they divert money into more important things like dredging, shoreline stabilization, and grant participation, which to him are more important. Dave said that that isn't really legal either to say that they would take the building rental money and put it into dredging and Jim said that they are looking at it as they are taking the rental money and putting it into the maintenance of the building instead of taking the dredging money and putting it into the building like they are now. Dave said that an easy way around that is to say that you are not going to put the funds directly into dredging and Marty added that they would say that the funds would go directly into the treasury and then it will go where it is needed. Dave said that they have to put the income for the building back toward the expenses of the building. Marty said that Dave is exactly right. Dave said that they should have money set aside for dredging and Marty said that they do have money set aside for dredging but it is not nearly enough. Marty said that typically, they have had to borrow money to dredge and they paid it back over time. If they were to borrow the amount of money that they need now, with the property values going down, they would barely be able to make the interest payments on it – which is different from what they did in the past. Dave said that he would be interested to see how much silt comes in after they dredged the area at Schings Park to see how effective it is because in his opinion most of the silt that is coming in from the runoff from the farm fields and they could put a dike around the Clear Creek and it's not going to prevent anything. Jim said imagine what it would be like if they hadn't done anything [upstream] – they is why they put the settling pond in on the Bettner [property upstream]. Tim agreed that they should take a baseline reading and they could talk to Joe Rush about that. Marty said that the plan that they have now is a multi-year plan which they haven't done it that way in the past. Tim said that they could spend \$50,000 just for a dredging plan. They spent \$10,000 just for a professional depth survey a few years ago – which the fishing club has been doing [*for free these past couple of years*]. If that is the way that the community and the board wants to go, it's going to cost a lot of money. Marty said that that that is part of the problem that they have perennially – he is all for professionals and they have to pay professionals. Tim said he can research and bring back to the board what it would cost to bring a professional in. Dave said that you can still have problems, even with a professional and Marty said that at least it would be under contract and there would be consequences if something is done wrong – if they mess up then they mess up and he was never comfortable with them doing it anyway.

XII. Motion to Adjourn – Tim motioned to adjourn at 7:08PM and Jim seconded the motion. The board approved the motion unanimously. [02-16-06]

February 18th Motion List

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