



## May 21, 2015 LNNLRCD Meeting

Thur. May 21 at 6:00PM

- I. **Call to Order and Roll Call** – Marty called the meeting to order at 6:00PM  
Board Members Present –  
Marty Portner – President      Mike Swartz – Secretary      Jim Brown – Member at Large  
Tim Spelde – Member at Large  
  
Board Members Absent –  
Glenn Baldwin – Vice President
- II. **Pledge of Allegiance**
- III. **Motion to Approve Agenda** – Tim motioned to approve the agenda and Mike seconded the motion. The board approved the motion unanimously by roll-call vote. [05-15-01]
- IV. **Motion to Approve 1/15/15, 3/26/15, 4/23/15 Minutes**  
**1/15/15 Minutes** – Tim motioned to approve the 1/15/15 minutes and Marty seconded the motion. The board approved the motion with Tim and Marty for it and Mike and Jim abstaining from the vote. [05-15-02]  
  
**3/26/15 Minutes** – Mike motioned to approve the 3/26/15 minutes and Jim seconded the motion. The board approved the motion unanimously by roll call vote. [05-15-03]  
  
**4/23/15 Minutes** – Tabled
- V. **Motion to Approve Treasurer's Report** – Marty asked how much the tennis court fencing cost to replace and Becky said a little over \$4,000. Jim motioned to approve the treasurer's report and Mike seconded the motion. The board approved the motion unanimously by roll-call vote. [05-15-04]
- VI. **Board Member Reports**
  - A. **Marty Portner** - Tabled until later in the meeting
  - B. **Mike Swartz – Fishing Club** - Mike gave a letter to the board members that the fishing club had written that said that they were not in favor of gas motors on the lake. Mike encouraged the fishing club members to attend the open forum so that they can get all the information that they want, not to sway them either direction. Marty agreed adding that he wants to hear what they have to say since they are major players. The fishing club also asked if the RCD had consulted Joe Rush on it and Marty said that he had a phone conversation and had sent him an e-mail where he stated that they would have to be concerned with the wakes and policing of it but that ecologically, it'll be the same lake. The fishing club also said that there have been instances of non-community members being on the lake and wondered if the RCD had plans to do anything about it. Mike told them that they could come to the RCD meeting to talk afterwards about their concerns. They had suggested that they could install signs at the boat launches to reinforce the requirements of boats on the lake. There has been some policing efforts done by fishing club members and Marty asked if they had seen any problems and Mike said that the biggest problem that they had with people out on the lake that weren't supposed to be there was on yard sale day – they think that people use that day because the community is open to the public on that day so it's harder to police that activity. They reported that there were a lot of boats out on the lake that day and that supposedly someone put a full-size bass boat out on the lake and opened it up (although no one that had seen it was there that day). The members also said that they saw large amounts of pan fish being taken out in buckets. Mike asked if there was something he could do voluntarily to help out and Marty said that

there are things that could be done on yard sale day like they do on holidays such as Memorial Day where they are more aware of people coming in and out of the community. Mike asked if they would be talking about security measures later and Marty said that they would be talking about it in the context of the budget because they have to make a decision whether they are going to accept the POA's offer or not. Mike said that 30% of the boats that are on the racks need updated stickers. Becky said that she can do an inventory of the boats on the racks for him. Marty said that it is good to keep up on that and make sure that everyone has what they need on their boats. Tim said that they did a round up a couple years ago and when the crappie are biting you see a lot of people fishing off of the dam and almost every year they hear that people are stealing fish that aren't supposed to be here. Tim said that when security was dialed into what was going on at the campground, they found that incidents went down. Tim would like to get security put on a future agenda to address that. He was wondering if they could look at going in with the POA since they have the liability insurance on the security.

- C. Marty Portner** - Marty said that once they have the preliminary budget approved they have to decide how they are going to spend money on security and he thinks that that should be discussed in a closed session since there is some sensitive information that would be discussed. Marty will contact the board members to schedule an executive session to discuss security and personnel.
- D. Jim Brown – Status of Committee to Negotiate ULLPOA LCC Rental Proposal** - Jim said that last month he had asked for an ad hoc committee comprised of Mike and himself from the RCD board and Dave Shaw and Jeff Winterland from the POA board. The RCD agreed to have him do that; however, when he approached the Dave from the POA, he said that they couldn't do that without POA board approval and by then Maureen's letter had circulated by then so they said that wasn't going to work.
- Inspection of 2012 work done on Babbling Brook** – Jim walked the shoreline with Joe when he did his inspection of the work performed on Babbling Brook under the 319 grant completed in 2012. There is damage in that area beside the waterfall there. It has broken through on the south side and created a new channel. Tim asked whether Joe prioritized the items that need to be addressed so that the board could budget for them and Jim said that he didn't know. Marty talked to Shawn Parish about some of the items that he could do but there are some that he may not be able to do. Tim asked how the work that needs to be done would tie into the grant and Becky said that it wouldn't tie into the grant monetarily; however, it is a requirement of the grant that the RCD and other property owners involved in the program maintain their prospective properties for 10 year after the project was completed.
- Fellows** – there are still plans to meet with the Fellows' to discuss potential future grant opportunities available to possibly stabilize and re-meander their upstream property. They are hoping to use some of the wetland work that Nachusa and Pegasus has done can be used as match.
- E. Tim Spelde – Maintaining RCD Properties** - Tim said that besides the Babbling Brook and lakefront properties that were affected by the grant, they should look at all of the properties that the RCD owns and make a punch list of items that need to be addressed. For example, landscaping w/ mulch behind the LCC and cleaning up beaches and/or adding rock to sides of them.
- Kids Fishing Derby** – On June 6<sup>th</sup>, the fishing club will be hosting their annual kids fishing derby with Teddy and Mike Swartz hosting it.
- Carp Reduction** – Starting next Monday, the commercial fisherman is available to come out to fish for Asian carp. He charges \$500 a day, which includes disposal of the fish. They pulled out about 3,000 lbs. of fish last year and they want to continue that program as it helps improve water clarity. Tim would like the fisherman to come out for two days again and he has some volunteers from the fishing club that will help out as well as Shawn Parish.
- Lowering the lake in the Fall** – Tim plans to lower the lake in the fall and possibly dredge Schings Park.
- Campground** – He is going to have Shawn clean up the campground.

## VII. New Business

- A. Motion to Accept Tentative FY2015-2016 Budget & Appropriation Ordinance (Order to be filed for public inspection for 30 days) –** Marty motioned to accept the tentative FY2015-2016 budget & appropriation ordinance and file it for public inspection for 30 days and Tim seconded the motion. The board approved the motion unanimously. [05-15-05]
- B. Public Hearing on Budget & Appropriation Ordinance (Notice of Hearing to be published in Local Newspaper one week prior) –** Marty motioned to hold a public hearing for the budget & appropriation on June 25<sup>th</sup> and to publish a notice of the hearing at least one week prior to it and Tim seconded the motion. The board approved the motion unanimously by roll-call vote. [05-15-06]
- C. Maureen Bronkema Request for Letter from RCD Ensuring Continued Use of Library –** Maureen had a request from the POA to have the RCD write a letter to them stating that the RCD would continue to allow the library to be used. Marty said that he'll write a letter and show it to the RCD board for their approval and then send it to the POA.
- D. Robert Stocksdale Request for Board Facilitation with Boy Scout Training –** Robert requested use of the LCC for one Saturday, starting at 6AM and running all day to teach 1<sup>st</sup> aid and the campground for one day to teach wilderness 1<sup>st</sup> aid training to Boy Scout troop 93 out of Dixon and troop 52 in Oregon. The scouts will be earning a merit badge for the training. There would be about 50 scouts. Robert said that he'll also need to use the projector for the presentation. The board granted him permission and Marty told him to call Becky for scheduling. Robert would also like to host a Red Cross facilitated community disaster preparedness class. Tim said that he would donate \$50 of his per diem money toward Robert's effort.
- E. Proposal from ULLPOA –** Dave Shaw said that there is a lot of interest from the community to get the POA back into the building and the community using it again. Dave said that the POA is paying the church \$25 an hour to use their building to have their meetings and he would like to propose that the POA would be able to rent the LCC for their meetings for \$25 an hour with no minimum. He is presenting the offer as a first step toward, as a community member, what he would like them to do as a community member. Marty said that they will acknowledge that offer as the first step in the negotiation but they can't accept or reject it because they have to have the opportunity to counter offer and have a balance achieved. Marty said that right now it's all one-sided and they are not going to negotiate it tonight. Dave said that he was hoping to have this resolved tonight and to be able to get further into it by having them accept the offer for the POA to have their meetings at the LCC. He tried to call Becky at the office who said that he can't negotiate with her, instead, he has to negotiate with the board. Jim motioned to accept the offer that Dave presented for the POA to rent building for \$25 an hour for their meetings and Tim seconded the motion. Marty said that he would like to see this done in the context of a full negotiation. Dave said that he agrees with Marty on most things and after he gets this part done, he will go to his board and ask to get the ad hoc committee formed to meet with the RCD's ad hoc committee so that they can get a negotiation for further resolution of the RCD/POA issues that they have. He can't do that until he puts it in the door. Jim said that he would like to get the POA out of the church and back into the LCC. Marty said that he would like to attach a date certain to it because there has to be an incentive for both sides to come to the bigger deal. He said that if there is an agreement in the motion that says within 30 days we will come to a full agreement on how to utilize this building for all of the taxpayers. Tim said that Marty is right and added that he doesn't think that it is fair to the people that are showing up to both the POA and RCD meetings – let's get them back into the building. Dave said that he can't do anything in 30 days guaranteed, maybe 60 days, but he will hold that he will work with the RCD and the POA board to continue this process. Marty said that he wants a date certain by which they have to come to an agreement that includes everybody, otherwise they are back to the status quo. Jim Brown suggested October as a deadline and Marty said that he'd like to see it sooner than that. Maureen read a letter that a secretary sent to her realtor and she passed on to Maureen –
- “We totally agree with you, it is bad for potential home builders to hear how uncooperative everyone is. Not a good selling point for the realtors.”

Marty said that he agrees with that statement. Maureen said that all of the comments that people have had to the letter that she sent to the community have been in agreement with it – she hasn't had any negative comments on it. She wants everyone to think about that because right now this is a building of nothing because they can't utilize it. Marty said that he doesn't agree that no one can utilize it. Marty said that he wants to negotiate and added that the door has been wide open since January for negotiation so he doesn't accept that characterization. Mike Swartz asked if they could describe what the negotiation would look like. Jim said that they have a motion and a second, why don't they vote. Carla Anderson asked if they could get a negotiation together in one month – she thinks that could be a problem. Dave agreed that with each of their boards meeting only once a month that it would be hard to negotiate in that amount of time. He said that he wants to get the POA back in the building and move on from there. Marty said that there has to be an incentive for the POA to negotiate to have the whole community use the building. Jim said that the incentive is that the community wants it done and Dave agreed. Marty said that both parties have to agree from the get-go that that is the objective of the negotiation. Dave said that he just wants to rent the building for the POA's meetings under category 4 of the rental agreement. Don Finn said that Marty can't block the board from voting on the motion that is on the table. Marty said he wasn't doing that; he was allowing everyone to speak on the topic. Carla said that they should vote on the motion and Marty said that he had a problem with the motion because it involves money and it wasn't on the agenda and there are rules that they have to follow with motions that involve money. That is why he wants to do the negotiation. If they wanted to make that motion, he thinks that it would have been more proper to put it on the agenda to start with. For those reasons, even though he can't stop them from making the motion and seconding it, it doesn't mean that it is a legal motion that they should vote on. Jim said that if he had known that it was supposed to be there, it would have been. Dave said that that was the purpose of him being there. Marty said that it is a procedural thing, but he does not feel comfortable voting on it and he is going to abstain. Rose Henry asked for an explanation of why after all the volunteer work that the community has done to update the building and the tax dollars that are used to upkeep the building, how it started. Marty explained to Rose about the state statute that said that they have to defray the expenses to maintain it by charging fees and he feels that any reasonable person would say that it should be a sizeable amount of the total cost. Someone said that they haven't charged them for years and Marty said that they have been breaking the law all that time. Marty said that the money that they get from taxes that they are budgeting for going toward the lake. Rose said that if it needs to be a certain amount to follow the statute that they could lower it to that amount and Dave said that they need to negotiate that amount next. Marty said that he needs a sign of good faith that that is going to happen. Dave said that it is a sign of good faith – he has his word as a property owner that he will work with either board to make this work. More conversation in the audience ensued then Carla asked what the motion on the table was and Jim said to accept the POA offer to rent the building. Dave said that he doesn't want to rush the motion – they are still working on it and he wants to make sure everyone is understanding it. Becky suggested that they could motion to accept the \$25 an hour proposal from the POA with the stipulation that it is only good until August or September if they can't come to an agreement that includes the rest of the community. Mike Huber said that when they voted on Monday to propose \$25 an hour they had it all figured out and this is where the negotiation comes in – they make an offer and the RCD looks at it and makes a counter offer. Mike said that it doesn't need to be done by two guys meeting in a room someplace or over lunch, it needs to be done in public. The POA proposed to rent the building for \$25 an hour for their meetings and there are two other steps for use of the building. The second thing is community activities and the third thing is the club use – all that can be dealt with in a separate fashion. Mike said that is what should be done with the first step being their allowing them to use the facility for \$25 an hour. Marty said that they never got the offer prior to tonight and Dave said that he's here tonight to make a fresh offer, he doesn't want to dredge up past offers. Marty asked Mike if he would commit to something like what he is proposing if the RCD accepts their offer tonight, will he commit to a time certain to get the things done that he just said. Mike said that it should be done properly – regardless if the RCD accepts their proposal or counters it and the POA doesn't like it then it should be done in public meetings. Marty said that they can do it in public but he thinks that it would be more efficient if they did it face to face. Dave asked what happens if they put a time limit on the rental agreement and they are still negotiating when it expires and Marty said that they could mutually agree to extend it then. He added that they can do it in stages but they have to have an end date. He asked if they have a good faith commitment. Mike said that at the next POA meeting they will present an idea that they have talked about and if they can

agree to it they can present it to the RCD board. Marty asked if they would have a letter from them at the next RCD board meeting and Mike said that he can't speak for the whole board but he can state that every one of the board members wants this to be resolved. Marty said good and asked Mike to shake his hand on it. They shook hands and everyone clapped. Marty said that there is a motion on the table that he is stating again that he doesn't like that it was done this way. Dave stated that he can offer on behalf of the POA to rent the LCC for \$25 an hour for their meetings in good faith with continuing to talk about the other parts of the negotiation involving the use of the building for the community without threat of the loss of the ability to rent the facility. Jim said that if they accept Dave's offer that he just stated then his motion to accept Dave's offer on behalf of the POA to rent the LCC for \$25 an hour still fits. Marty said that he would like to see the stipulation that they will move on to a negotiation with the POA. Jim withdrew his motion and motioned to accept the offer presented by the POA tonight to rent the building for their meetings at \$25 an hour and as a next step we will continue negotiations with the POA to get everyone else back in the building. Tim seconded the motion. The motion passed with Jim, Mike and Tim for it and Marty abstaining on the grounds that it needed to be properly posted on the agenda because it involved money. He added that if it had been made properly, he would have voted yes. [05-15-07]

- F. Park Drive Park Agreement** – Marty wanted the part in the agreement that stated that the RCD would be billed for mowing expenses if they failed to mow the park properly to have the words “with reasonable warning” added. Mike Hubert said that are trying to avoid having it mown sub-standardly and Marty asked if they are mowing it the same as they are now that they are okay and that if the POA should feel that it is not being mowed to their satisfaction then they would give fair warning. Mike said that they are trying to work together on it. Mike Swartz suggested that #3 be stricken from the agreement because some friends and relatives of property owners, while not owners themselves, are currently allowed by the RCD to have boat stickers. Mike motioned to accept the Park Drive Park mowing proposal with #3 stricken from the proposal and Tim seconded the motion. The board accepted the motion unanimously by roll-call vote. [05-15-08]
- G. Pennies for Parks Request for RCD to Motion to Dedicate Use of Lots 12 & 13 as a Native Grass/Plant Walking/Fitness Park – AKA “Memorial Park”** – On behalf of Pennies for Parks, Becky requested the RCD to motion to dedicate lots 12 & 13 as a Native Grass/Walking/Fitness Park – AKA “Memorial Park”. Marty asked Tim what his opinion was since he is involved with the silt survey and Tim said that based on the lake survey that they did that part of the lake is holding up pretty well because the silt moves fast enough through there that it is not settling in that part of the lake so he would be in favor of dedicating the park's use as Becky requested – he doesn't know if the public wants to talk about it and if it's something that they'd like to see vs. other properties that they own such as the campground – it seems to be a better location for everyone's use. Becky said that the location is ideal because it would be an attraction, especially if attractive native grasses and flowers are planted vs. at the campground won't really see it that much. Marty asked how they would maintain it and Becky said that she assumes that initially Pennies for Parks would create the path but long term maintenance, while minimal, would continue to be done by the RCD as they are currently mowing the property now, she foresees that it could cost less that mowing to maintain the native grasses and plants once they are established. There would also be volunteers to help with the planting of grasses and the removal of invasive plants. Tim asked if the bus stop will still be there and Becky said yes. Mike asked what the likelihood of dredging there and Tim said that they could hydraulically dredge and put the spoils on their property elsewhere and while there is always the chance that they could be mechanically dredging there, perhaps they could work with the POA or other contiguous property owners to store the silt on their property with the promise of restoring their property back to its original state. Marty motioned to dedicate the use of the lots 12 & 13 on Oak Lane for the purpose of the Pennies for Parks walking path. Mike seconded the motion. The board approved the motion unanimously by roll-call vote. [05-15-09]

#### **VIII. Guest Comments**

**Rich Schlaf - Lake Security** – Rick asked about security on the lake and Tim said that they have never had a security presence on the lake. In the past the POA security had patrolled RCD properties that lead to the lake but not the lake itself. We attempted to do a volunteer patrol in the past. Marty said that there are obstacles in place now that stop people from being on the lake if they are not supposed to be like the security



stopping them from being on POA property or a private citizen approaching them. Marty said that if someone has the proper IDNR stickers and RCD stickers then they can be on the lake.

**Boy Scouts being charged for LCC?**- Rick asked if the boy scout troop would be charged for usage of the LCC and Tim said that that troop has done a lot for the RCD in terms of the campground walking path and Becky said that it falls under the agreement for a non-profit.

**Mike Huber or Dave Shaw?** Thanked Marty for accepting the proposal that they presented.

**IX. Motion to Adjourn** – Marty motioned to adjourn the meeting at 7:51PM and Jim seconded the motion. The board approved the motion unanimously. [05-15-10]

#### **May 21, 2015 Motion List**

1. Tim motioned to approve the agenda and Mike seconded the motion. The board approved the motion unanimously by roll-call vote. [05-15-01]
2. Tim motioned to approve the 1/15/15 minutes and Marty seconded the motion. The board approved the motion with Tim and Marty for it and Mike and Jim abstaining from the vote. [05-15-02]
3. Mike motioned to approve the 3/26/15 minutes and Jim seconded the motion. The board approved the motion unanimously by roll call vote. [05-15-03]
4. Jim motioned to approve the treasurer's report and Mike seconded the motion. The board approved the motion unanimously by roll-call vote. [05-15-04]
5. Marty motioned to accept the tentative FY2015-2016 budget & appropriation ordinance and file it for public inspection for 30 days and Tim seconded the motion. The board approved the motion unanimously. [05-15-05]
6. Marty motioned to hold a public hearing for the budget & appropriation on June 25<sup>th</sup> and to publish a notice of the hearing at least one week prior to it and Tim seconded the motion. The board approved the motion unanimously by roll-call vote. [05-15-06]
7. Jim motioned to accept the offer that Dave presented for the POA to rent building for \$25 an hour for their meetings and Tim seconded the motion. Jim withdrew his motion and motioned to accept the offer presented by the POA tonight to rent the building for their meetings at \$25 an hour and as a next step we will continue negotiations with the POA to get everyone else back in the building. Tim seconded the motion. The motion passed with Jim, Mike and Tim for it and Marty abstaining on the grounds that it needed to be properly posted on the agenda because it involved money. He added that if it had been made properly, he would have voted yes. [05-15-07]
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