



Thursday, February 8, 2018, 6:00PM

LNNLRCD Meeting

- I. **Call to Order, Roll Call and Pledge of Allegiance** – Bill called the meeting to order at 6:02 p.m.
Board Members Present: Bill Winebaugh Joan Bonnamy Anthony O'Brien Ernie Richards
Board Members Absent: Andy Warcaba
- II. **Motion to Approve the Agenda:** Joan motioned to approve the agenda and Ernie seconded the motion. The board approved the motion unanimously by roll-call vote. [02-18-01]
- III. **Motion to Approve 12/14/17 1/11/18 & 1/22/18 Executive Session Minutes:** Joan motioned to approve the 12/14/17, 1/11/18, and 1/22/18 executive session minutes and Anthony seconded the motion. The board approved the motion unanimously by roll-call vote. [02-18-02]
- IV. **Motion to Approve Treasurer's Report:** Bill motioned to approve the treasurer's report and Anthony seconded the motion. The board approved the motion unanimously by roll-call vote. [02-18-03]
- V. **Board Member Reports**
 - A. **Bill Winebaugh**
 1. **Motion to Approve Review of Closed Executive Session Minutes:** Ernie motioned to approve Bill's review of the closed executive session minutes and his recommendations to keep them closed. Joan seconded the motion and the board approved the motion unanimously by roll-call vote. [02-18-04]
 2. **Legal Opinion on Lake Access** – Bill said that Attorney Tim Zollinger, the RCD's attorney, has the opinion that the lake is public. He read the following from the opinion:

“As an initial matter it is our opinion that the Lake is considered a public lake. We conclude this status as the Lake is owned and operated by the District, a public body created pursuant to the River Conservancy District Act (the “Act”). (70 ILCS 2105/1 *et seq.*)

“...the District holds the Lake “in trust” for the public and therefore must allow the public access to the Lake or adopt rules prohibiting all members of the public access.”

Bill said that when Attorney Zollinger refers to the public, he means everybody – residents and non-residents. Bill read further:

“If the Lake is held in trust for the public, once a person is on the Lake, they are entitled to be there absent rules prohibiting all use (e.g., no use in June due to spawning). The District also cannot prevent member of the public from using the Lake in any manner different from those who live within the District.”

“Although the District cannot unreasonably deny the public use of the Lake, there is nothing in the law which compels the District to ensure that the public can access the Lake by using private property. Based on the information you have provided to us, the Lake and District property are surrounded by private property that is managed by the POA. The only means to access the Lake is to cross over that private property or travel on private roads owned by the POA. As private property owners, it is within their discretion whether or not to allow member of the public to cross their property. Therefore, the POA is fully within its rights to prevent members of the public from using its roads.”

“As the result of our research, there are several things that the District must consider. First, the District has no authority to prevent the public (*i.e.* individuals outside of the POA) from using the Lake if residents of the POA are allowed to use the lake... Second, although the District cannot prevent the public from using the Lake, it is under no affirmative obligation to allow the public to use private property

to reach the Lake. Whether the public can use the private roads leading to the Lake is up to the POA and the individual landowners.”

Bill said that the only exception to this is that the RCD would need to enter into an agreement with the POA that if an individual from the public wishes to attend an open meeting, they are free to do so, otherwise we would be in violation of the freedom of information act. Bill said that the RCD’s prior attorney had the same opinion that the lake was public. Mr. Wasilewski asked if he obtained a pass from the POA for his children and grandchildren as guests, would they be able to access the lake and Bill said yes, they would not be trespassing because they would have the permission of the POA to use their private roads to access his house and the lake and properties. Shawn said that includes all RCD properties and Bill said yes, it includes the other RCD properties such as the campground and the turnaround at the dam. Anthony asked if that included the property that is north of the campground that they allow hunting on and Bill said that they could charge non-resident fees for people to hunt there (but they’d have to still get permission from the POA to use their roads to access the area otherwise they would be trespassing).

Dan Perry asked if the RCD would have the authority to enforce their creel limits and Bill said yes. He said he also talked to the IDNR and the IDNR will enforce state rules; however, they are underfunded and understaffed. Bill said that he would hope that the property owners would realize the time and money that is put into stocking and maintaining the fish population of the lake and wouldn’t abuse it. Dan Perry said that for people who may be concerned about this opinion the only alternative would be to vote to disband the RCD then they would have a private lake and would take on all of the responsibility and maintenance (of the lake). Bill said that that would be very expensive. Mike Swartz said that it makes a good case for giving the property adjoining the lake to the POA so that there wouldn’t be other properties other than the lake that would be considered public. Bill said that he posted on the neighbor’s network that he would let them know once he got more information and he would like to follow through if that’s all right with the other board members. The other members agreed that it was a good thing to do. Laurie Perry asked if the RCD would be willing to share that legal opinion with the POA board and Bill said if they ask for it he doesn’t have a problem with it.

3. **Burn Pile on 22-Acre Site at Flagg Rd** – Once the weather improves, he wants to have Shawn take care of the burn-pile. They will notify the sheriff’s department, the fire department, and the community when they do it.
4. **Dock Notices** – Becky is almost done compiling the notices to private dock owners and will send them once Andy has reviewed them.

B. Andy Warcaba – No Report.

C. Joan Bonnamy – Lake Programs - Joan said that she’s been doing a lot of reading about public and private lakes and since our lake is considered a public lake, we should have access to the IL EPA to get materials for programs like the Volunteer Lake Monitoring Program (VLMP). Joan has some phone numbers and is ready to make some calls to get the RCD involved in some programs, at no cost to the RCD, to try to monitor the lake. There are also some stocking programs and other things to look into. Bill thanked Joan for getting her project list to him.

D. Anthony O’Brien – Beaches – Anthony said he’s has had a few people approach him about updating the beaches such as updated play equipment or a foot washing station and he promised them he would bring it to the board. Bill asked Anthony to bring it to him in writing so that they can add it to the projects that he and Andy are going to prioritize so that they can figure out if there is money in the budget for them.

E. Ernie Richards – Ernie said he’s been researching the lake and he thinks what may work best is cattails as once they take root they would spread. Becky said that they may want to talk to Rebecca to find out if cattails are considered an invasive species to see whether she would recommend them or not. Bill asked Ernie if he had looked at waterlilies and Ernie said yes, they could do that too. Bill said that he is on another board that they would lily pads in and they did fairly well. Ernie said that they would just have to do it in front of RCD property – not on the shores of private property owners. Bill asked if the seeding of water plants is on Ernie’s priority list and Ernie said yes. Bill asked him to put it in writing.

VI. New Business

A. Motion to Approve Easement to Ogle County Highway Dept. for Box Culvert Update on Lot 1 of

RCD's property on Flagg Rd (#22-09-376-001) – Bill said that he and Shawn met with Jeremy Ciesiel of the Ogle County Highway Dept. to look at the RCD property east of the west gate that they want to update the culvert on. The update involves removing the guard rails that are on either side of the road there and enlarging the box culvert. In order to accomplish this, they would need the RCD to deed them an easement of .012 acres (505 square feet), worth \$110.04, to access the area that the culvert is located on. Mr. Ciesiel said that many times the property owners just deed the property to them with no fee. Bill asked him if they would have silt fencing, seeding and matting as a part of their restoration of the property once the project is complete and he assured Bill that he already has a list and would do everything possible to ensure that it gets restored properly. Joan said that she is okay with not taking compensation as long as they take the preventative measures to ensure that it doesn't washout through there. Becky said instead of asking for compensation perhaps they could ask them if they would plant suggested native grasses and plants that we could get a recommendation on (from Rebecca as a part of the wetland restoration project that we are currently slated to do). Bill said that he thinks that the improvement will help the appearance of lot number 1 as well. Bill asked the board what they wanted to do in terms of compensation and Ernie said he liked Becky's idea regarding native grasses. Joan said that she is in favor of no compensation as long as they will put down the matting and silt fencing and seed using native grasses (with deep roots). Joan motioned to approve allowing the Ogle County Highway Dept. an easement to update the culvert that is located on Lot 1 of Section Re-Sub. Pt.1 (#22-09-376-0001). In lieu of compensation for the easement, the RCD board will talk to the highway department about planting native grasses when they landscape after the project. Bill seconded the motion and the board approved the motion unanimously by roll-call vote. [02-18-05]

B. Tyler Vankirk Request to Allow Bow Hunting of Turkey in April/May on RCD Property – Bill said that this request involves the property that is north of the campground that they already allow registered hunters to bow-hunt deer from Oct. 1- mid January. Ernie asked who would be allowed to hunt there and Bill said it would be the same as it is now, open to property owners that are authorized to access the property using private POA roads. Ernie said that he is a turkey hunter and turkeys are very smart birds so he doesn't know if they would go in there so soon after the planned controlled burn that Nachusa has planned for the area (because their protective cover from the underbrush would be taken away); however, he thinks it's a great idea otherwise. Bill has talked to others about this and opinion has varied; *specifically*, some people have no problem with it while others say there are residents that like to mushroom hunt there and others that like to go for hikes and walks and they were concerned about people being out there while turkey hunting was going on. Ernie said that those were very good arguments as he mushroom hunts too. Mr. Wasilewski said that turkey hunting doesn't last all day (*the IDNR website says that authorized hunting hours are ½ hour before sunrise until 1:00p.m*). *There are 5 -1 week seasons: 1st – April 16-April 20; 2nd – April 21-April 26; 3rd – April 27-May 2; 4th – May 3-May 9th; 5th – May 10-May 17.* Andy said that they would put signs up as they have for deer hunting season so no one gets shot with an arrow. Bill recommended that they table it until they get more information on it. TABLED.

C. Spelde Shoreline Improvement – Becky said that when Amy Spelde brought the application in, she said that it could wait until next month's meeting for the board to decide on it. That would also give Andy a chance to look at it. Becky said that she wondered how wide of an area that Tim would want to incorporate the pebbles/sand to access the lake as there would be a concern of it washing into the lake. Joan agreed, stating that then there could be a water quality issue. Bill recommended tabling the issue until Tim can get to a meeting or talk to Andy to explain exactly what he wants to do. TABLED.

VII. Guest Comments

Becky Miller – Boat Sticker Fees – Becky asked what the board felt about raising the boat rack sticker fees this year as they haven't been increased since they implemented the \$7.00 fee in 2007, even though the material and processing costs and labor to maintain the rack areas has gone up. She suggested an increase of at least \$8-9 for a 1 year sticker and offering a three year sticker for \$21-24. Ernie asked if \$1 or \$2 would be enough of an increase to cover the increased costs and Becky said no. They board recommended that they raise it to \$10 a year per boat with a 3-year sticker offered for \$25 (a \$5 savings over getting a 1-year sticker). Bill asked Becky to bring the information to the board at the next meeting.

VIII. Motion to Adjourn the Meeting: Joan motioned to adjourn the meeting at 6:44 p.m. and Anthony seconded the motion. The board approved the motion unanimously by roll-call vote. [02-18-06]

2/8/2018 Motion List

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