

**KINKAID-REED'S CREEK CONSERVANCY DISTRICT  
CONSERVANCY COMMITTEE MEETING  
Wednesday, October 13, 2021**

The Conservancy Committee of the Kinkaid-Reed's Creek Conservancy District held its meeting on Wednesday, October 13, 2021. Trustee Chuck Novara called the meeting to order at 6:14 p.m., at the KRCCD Office Building at 1763 Water Plant Rd., Murphysboro, Illinois. Meeting was also held by Zoom.

<b>ROLL CALL:</b> Chuck Novara	Present
Steve McGriff	Present
Mike Barone	Absent
Joshua Hellmann	Present
Scott Wilmouth	Present

Also, present: Brittney & Mark Dirnberger, Gary Rains, Ed Heller and Cathy Rothe

**Minutes:** Trustee Novara stated that he did not receive the September 8, 2021, minutes and would like to add their approval to the November meeting.

**Old Business:**

**Fish Management:** Manager Wilmouth reported that Shawn Hirst stocked 2200 bass which ranged in size from 4-10 inches.

**Boat Fee for Fish Tournaments:** Trustee Novara stated that the committee has discussed this, however, he would like Shawn Hirst to come here next month and have him explain where he stands on this. Where I am with this is, we put money into the Fish Management, he gets that money, why can't the fisherman put some money in. Manger Wilmouth replied to Trustee Novara that he would invite Shawn Hirst.

**Fish Tournament Request and Fish Tournament Regulations:** Nothing to report

**319 Update:** Manager Wilmouth reported the new application is up and on the Board agenda there is approval for the 319 application.

**Deck/Shed Requests:** Nothing to report

**MARINA/CAMPGROUND:**

**Sewer System Violation/Repair update:** Trustee Novara stated that there are several things, one is Mr. Heller should send a letter to DAR and find out who is going to winterize the campground and what are their qualifications to do that. The Illinois Department of Public Health and Jackson County, it is in their court, to me they are the ones who should be ram rodding this and they should be reporting to us. I don't know how this is going to work, didn't you say Ron Clark has resigned? Trustee McGriff stated that he took retirement on October 1, 2021, and the gentleman who was out there with him that day when you and I were there, his name is David McKinney. He is taking over for Mr. Clark. I have a message in for him and have never received a return. Trustee Novara stated, all the stuff that DAR has not done, my idea is we go ahead a do it and we put a lien on the contract, a mechanics lien just like a small business. It's got to be done and the longer we go, it's just going to create a mess next spring. I don't think they are going to do anything. Trustee McGriff stated that he talked to Kyle at the Jackson County Health Department today and he is the one who put the stipulations on the dates and times, and I asked him if he was coordinating with DAR or if he is checking. He said no, that is not part of what I do, I tell them the deadlines and when the deadlines are up, I will let them know. If they have started that is fine, if they have not started then that is fine to, because they will have to reap the repercussions. I informed Kyle today, as an overview, you can't see anything that has been done. I asked about Ed Bottoms, he said that was his. I told Kyle that nothing has been touched out there. Kyle said they still had until the end of this month, a deadline at the end of November and deadline at the end of December, on different stages. Kyle said this has been going on for so long, I separated it into three months. Trustee Novara stated if they go all the way to December, then basically we have January

and February and then we have people coming in March. Trustee McGriff stated that Kyle said ultimately no matter what happens, if the marina changes hands or whatever, the citation is on DAR, they have to correct it, it is their obligation, and they will have to correct it. Trustee Novara stated he heard that if DAR does not fix this, they will shut down the campground, I do not know if that is true or not. Attorney Heller stated that they have rules that say they can. They sometimes enforce them and sometimes they don't, it depends on the circumstances. Trustee Novara asked Attorney Heller if he could reach out to those guys and try and get some guidance as to what needs to be done? Attorney Heller replied that Manager Wilmouth could reach out to the guy succeeding Ron Clark. The corrective orders have already been issued. Trustee McGriff stated that Kyle's statement today was, I don't come and check them each month, but when I come out there in December it all had better be done, they are responsible. If it changes hands, they are still responsible. Trustee Novara asked Attorney Heller, if we did all the sewer repairs, is there such a thing as putting a mechanics lien on the contract? Attorney Heller replied that would not be how that would work. We would have a cause of action against them. If they don't fix it, we would have to resort to our contract and our cause of action for not doing that. We can't compel the State to enforce their rules. We have as a part of our contract that they have to abide by the States rules. It is difficult to get civil enforcement in civil courts. We have remedies of what we can actually do. If come December, and they have not done any of it, we will have to look at it. For them to not correct these things that the State is requiring them to correct by the deadlines that the Stated has set, I believe would be a breach of our contract. Trustee McGriff stated, it states in the statement from both entities that it is a \$500 a day penalty. Attorney Heller stated they do that, however, it is rarely enforced. The District has the resources, if we had control of the situation, we could fix that. They should have the resources in their operation. I don't think they spent any money this year on fixing anything, except what the State required with the gas tank.

**Swimming Beach:** Trustee Novara stated that we left this on, since we are going to lower the lake and could then possibility look for a location. Trustee McGriff stated the stop logs will be removed November 1<sup>st</sup>. Manager Wilmouth replied approximately November 1<sup>st</sup>.

**NEW BUSINESS:** Trustee McGriff asked if Mrs. Dirnberger was on the call. Mrs. Dirnberger replied, yes, they were. Trustee McGriff asked Mrs. Dirnberger if she had an update on when the water was to be shut off of at the marina. Mrs. Dirnberger replied that the water would be shut off on November 1<sup>st</sup>. Trustee McGriff asked if she knew who was going to do that. Mr. Dirnberger replied, that Agan and Jack would be doing that. Trustee McGriff asked if they had anything to discuss at this time? Mr. Dirnberger stated that he wanted to bring up a point of where we are at, at this time of year. We have issues that are stressing up because of the pending sale of the marina or the litigation of the lawsuit and we are coming into some issues that are going to have be dealt with. The on-going winterization of the campground and the boats and the boat shop. We have jobs to do, and people are still coming to us wanting us to work on their boats. We are at a point where we need to move one way or another on this. We have people that are wanting to pay their \$300 for the winter rentals, all these things that we were hoping to avoid if we can make a deal with the sale of the marina, that all of this could be avoided. It is going to be some conflict of interest going forward, it's going to hinder a lot of things going on. We came to the Board a month ago and put out a statement about wanting the Board to buy the marina and we have not heard anything. The District put together a team to discuss it or look into it, but we have not heard anything about that, it sounds like nothing is happening at all, it is a stall tactic. If the lawsuit goes one way or the other, there are things that need to be handled during the winter that would obviously affect the new owner or the District itself. The idea was to try and get something done before the winter hit. It's close to November 1<sup>st</sup>, DAR and the District were sitting in the same situation three years ago, trying to hurry up and get something done. If in fact the rumor as it will, that DAR wins the lawsuit they go on as they were before and if the District wins the lawsuit, well they will kick DAR out, then you have another situation going on right into the spring. There is just a whole lot of if's, and but's and unclear things that are roaming around. A group of people need to sit down and talk about and get this done. For the betterment of both sides, DAR and the District. I think that on the sewer deal, we have looked into it. There is one deadline on there and that was the September 30<sup>th</sup> deadline. They wanted our water bill from the city of someplace and we don't have that water bill, we get our water from the water plant. That was the only other thing going on. We question that if DAR went ahead and did a little bit of repairs on the sewer system that the new owner or somebody else would have wanted to do it different or have a different ideal with what they wanted to do with the lagoons. In addition to the

new transient campsite that the District is putting in, there is a sewage thing that has to be done with that to. So all this stuff is a bigger picture than what these little things that we are dealing with right now. I think that it needs to be discussed along the line. Those are just thoughts and some issues that we are dealing with right now. I think that we need to make a decision and say that the District is just not interested in the purchase of the marina and move on in a different direction. Something needs to be said one way or another, so we have some guidance on some things that we need to be doing. President McGriff stated to Mr. Dirnberger, one item you just mentioned, whether you do it or whether we do it, we have to follow the guidelines of the licensed person who is doing it, no matter what the plans that you might have, or we might have. The licensed person who is doing it, will tell you how its going to be done. So that is not a conflict there. Mr. Dirnberger replied to President McGriff, no that is not a conflict but there is different ways to get it done, there is different ways to accomplish the goal. Guidelines are just that, you still have options once you have the guidelines. They don't have the plan or else they could tell right now what the plan is and how much it's going to cost. We are talking to people about what has to be done and where to do it, where to put certain parts. President McGriff stated to Mr. Dirnberger, I think one of the main reasons that the District has not gotten back with you is because your price is too high. That is the Districts main thoughts. I think that Manager Wilmouth and I have talked with Brittney and you before, but that is just too expensive. Mr. Dirnberger replied to President McGriff that is the first that I have heard you say that, right now is not the time to discuss it, I don't guess. If that was the point from the beginning, we could have sat down and talked, and ask why do you think that and we can show what we have and how we can support that theory. President McGriff replied to Mr. Dirnberger, we brought that to the Board, and we did talk about it, and you said, possibly 1.5 million, that is still way too high for us to even think about it. That is why the District has held back and have not said anything, because there is nothing to say. You said what you have to have and that is where you are at. Mr. Dirnberger asked President McGriff, so you are not interested in it at all? President McGriff replied to Mr. Dirnberger, not at that price. Mr. Dirnberger replied to President McGriff, draw down on a piece of paper what it is, and we can negotiate. Silence doesn't help. President McGriff replied to Mr. Dirnberger, I understand that, and I agree with that, but you made the statement that, that was the price. Your right silence is a bad influence but at this point in time it is too high for the Board to consider it. Manager Wilmouth stated to Mr. Dirnberger, that he wanted to clarify something you said, you didn't have the water bills? Mr. Dirnberger replied to Manager Wilmouth, the Health Department wanted, let me see if I can find it here. Manager Wilmouth stated it was 12 months worth of water usage for Ed Bottom, is that correct? Mr. Dirnberger replied to Manager Wilmouth, I don't think it was from Ed Bottom. Gary Rains from HMG stated to Manager Wilmouth, that's what it was, it was from the Gorham Water District for Ed Bottoms for the last 12 months. Mr. Dirnberger stated yes the Gorham Water District, but we don't have a bill from them. Manager Wilmouth replied to Mr. Dirnberger, you get your water for Ed Bottom from the Gorham system but you get billed by the District. Mr. Dirnberger stated they are wanting a bill from Gorham and we don't have a bill from them. Manager Wilmouth stated, that we understood that, but the water usage for Ed Bottom is on your monthly bill that the District sends you, it's broken down. It says new campground, the new campground is the Ed Bottom, so you actually have those numbers in your bills. Mr. Dirnberger replied to Manager Wilmouth, okay. Manager Wilmouth stated, I understand where the confusion came in, however, you do have those. Mr. Dirnberger stated that they will look for those and get it to them. We are going to need the name of the new guy because our information was to Ron Clark, who is no longer there. President McGriff replied to Mr. Dirnberger that the name is Dave McKinney.

**OTHER MATTERS TO DISCUSS:** Nothing to report

**ADJOURNMENT:** There being nothing further to discuss Trustee Novara made a motion to adjourn the meeting. Trustee McGriff seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Steve McGriff	Yes
Mike Barone	Absent
Joshua Hellmann	Yes
Scott Wilmouth	Yes

Trustee McGriff declared the motion carried.



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**CHAIRMAN**