

**KINKAID-REED'S CREEK CONSERVANCY DISTRICT
BOARD OF TRUSTEES MEETING
WEDNESDAY, July 14, 2021**

The Board of Trustees of the Kinkaid-Reed's Creek Conservancy District held its monthly meeting on Wednesday, July 14, 2021, President Steve McGriff called the meeting to order at 7:00 p.m. at the KC Hall, 606 Plum Street, Murphysboro, Illinois. (Meeting was held by in person and phone/video conference.)

President McGriff stated that he would like to welcome Lisa Byrd the newest Board member, to the Kinkaid Reed's Creek Conservancy District. President McGriff asked Trustee Byrd if she had anything that she would like to say? Trustee Byrd replied, no not yet. President McGriff stated that he appreciated Trustee Byrd being here.

ROLL CALL:	Chuck Novara	Present
	Don Siefert	Present
	Lisa Byrd	Present
	Steve McGriff	Present
	Tony Mileur	Present
	Mike Barone	Present
	Joshua Hellermann	Present

Also Present: Manager Scott Wilmouth, Cathy Rothe, JT Jenkins, Ed Heller, Gary Rains, Mark Dirnberger, Brittney Dirnberger, Agan Alkan, Mark Rampley, Matthew Ferrell, Tonya Knust, Angie Rogers, Tim Rogers, Scott Lee and Lou Strack.

MINUTES: Trustee Barone made a motion to approve the minutes of the June 09, 2021, Board of Trustees meeting. Trustee Mileur seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellermann	Yes

President McGriff declared the motion carried.

Public Comment: President McGriff asked if there were any public comments. President McGriff asked again if there were any public comments. No public comments.

KINKAID-REED'S CREEK CONSERVANCY DISTRICT

OLD BUSINESS:

CONSERVANCY COMMITTEE'S REPORT:

Fish Management: Nothing to report

Fish Tournament Requests and Fish Tournament Regulations: Manager Wilmouth reported that there are 3 tournament requests from USA BASSIN for the dates of September 19, 2021, October 02, 2021, and November 13, 2021. The Conservancy committee recommends that the Board approve all

3 dates which are available. Trustee Barone made a motion to approve the 3 fish tournaments for USA BASSIN. Trustee Mileur seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellermann	Yes

President McGriff declared the motion carried.

Deck/Shed Requests: Nothing to report.

319 Update: Approval of Pay Application #3: Manager Wilmouth reported that in the packet is pay application #3 for the current 319 grant. This pay application is for the additional work off of Lone Oak Road. This is the final expense on the grant and will close this grant. President McGriff stated that he needed a motion from the Board to pay application #3. Trustee Mileur made the motion to approve payment of pay application #3. Trustee Barone seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellermann	Yes

President McGriff declared the motion carried.

Approval of HMG Professional Services Agreement to Submit New 319 Application: Manager Wilmouth reported that in the packet is a professional services agreement with HMG to submit a new 319 grant application, which is due August 1, 2021. The agreement is not to exceed \$5,000 dollars, and this 319 grant will focus on the Levan Bay area. Trustee Barone made the motion to approve the professional services agreement to submit a new 319 grant application. Trustee Mileur seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellermann	Yes

President McGriff declared the motion carried.

Marina / Campground:

Concession Contract Litigation:

Executive Session: Attorney Heller reported that he did not see a need for the Board to have an executive session. Attorney Heller reported that the case continues to proceed. We have now received the answers from DAR, and we already have the banks answers. Attorney Heller asked Attorney Ferrell, if he had sent him the follow up discovery? Attorney Ferrell replied, he did not think so. Attorney Heller stated that during our last conversation, you stated you were going to send some more stuff.

Attorney Ferrell replied that he would send it to Attorney Heller. Attorney Heller reported that we are in discovery process now, we have another status conference set for September 8, 2021.

No Fishing on Covered Docks: President McGriff reported that there is a request from the concessionaires for no fishing off of the covered docks. President McGriff asked Manager Wilmouth to discuss this. Manager Wilmouth reported that this was discussed in Conservancy committee, it is my understanding from Mark and Brittney that the biggest issue was on the covered docks, however, Agan is wanting to have no fishing on all of the docks. The covered dock already has a sign. Manager Wilmouth asked the concessionaires if the Board just approved the covered dock for now, then see how the rest of it goes and if you continue to have issues, it can be revisited? Manager Wilmouth asked DAR if that is a fair compromise? DAR replied, yes. Tim Rogers asked, what are the issues that we are trying to deter? President McGriff asked Mr. Alkan to speak on that. Mr. Alkan replied to Mr. Rogers, we are having a lot of complaints about people leaving hooks, leaving bait, putting their equipment on people's boats, having lawn chairs, trip hazards, so we need to stop these hazards. President McGriff asked Mr. Alkan, if they will take care of putting up the signs? Mr. Alkan replied, there are several other docks that have no fishing. The main concern is the covered docks. Manager Wilmouth stated to Mr. Alkan, if he thought a sign that says if you're going to fish on the docks, clean up your mess would help? Mr. Alkan replied to Manager Wilmouth, I have been trying that since we purchased the place. I've had a slip on the covered docks for years, it has been an issue going on for a long time. When we purchased it, I was able to talk to everybody, we have been trying for a couple of years. Recently there was a 4.2-ounce crappie caught, the picture hit Facebook and we had dozens of people coming to fish off the covered dock. It got way out of control. We definitely would like to revisit this again. Manager Wilmouth stated that this is a fair compromise for now. If you continue to have issues, we will revisit. President McGriff stated that since the concessionaire asked for no fishing on covered docks, he needed a motion from the Board. Trustee Siefert stated that he had a question and asked if this was a decision for the Board to make, because it is the concessionaires docks? Attorney Heller replied to Trustee Siefert, there are provisions in the contract where we are involved in their rules and regulations and their operations to an extent. This is not a big event, but we do have provisions in the contract to give us oversight. Trustee Siefert stated if they are responsible for the boats out there, and the people out there, I would think that it's their decision to make if they want to allow people to come out there and fish. Attorney Heller stated that he thinks in this particular situation, they brought the question to us. They want to get our approval, because they have the public to deal with. Trustee Siefert stated (inaudible) Attorney Heller replied to Trustee Siefert, in this particular situation, they have had a problem, that is why they have asked us to do this. President McGriff asked if any other Board member had a comment? If not, I will entertain a motion to go ahead and grant DAR permission, since they have asked, to put up no fishing signs on the covered docks and to enforce it. Trustee Novara stated that his understanding was that it was going to be on all the docks, and asked if that was correct? President McGriff replied to Trustee Novara, at first there was just the discussion from Mark and Brittany about the covered docks, and then Agan suggested later on that maybe all the docks should have it. The Board compromised, and they agreed to see how it works with just the covered dock right now. If this needs revisited, we will. Tonya Knust asked, will you force them to enforce this? President McGriff replied to Mrs. Knust, that will be up to DAR. Mrs. Knust stated, you can't write a ticket, and Ed made the point that they have to enforce it and I think all they are asking is to put the signs up. Mrs. Knust stated she did not want it coming back on DAR that they are not enforcing it, because I don't know how they can enforce it. Attorney Heller replied to Mrs. Knust, that is a really good question, but that is not where we are at. Mrs. Knust replied, you added the word enforce it. Unidentified person, so Don is probably more correct, it's up to them, it's their problem, not the Boards. No one is ever going to contact the Board and ask, can I fish out there. Attorney Heller stated the the Conservancy District has had a lot of contact from people with that issue. This is not an issue that the Board brought, the point is, they have a lot of different rules that they employ out there to control the behavior of their customers. I wasn't suggesting that they had a duty to enforce it and if they don't, we are going to come after them. I wanted that motion to authorize them not only to have it but also the ability to enforce it. The motion just said put a sign up. Mrs. Knust stated, I don't want it coming back on them that they are not enforcing this rule that was just passed. They are just asking to put the signs up. President McGriff stated that is what we agreed to and how they do it is up to them. President McGriff stated, I'll ask again for a motion. Trustee Mileur made a motion to allow DAR to

put up no fishing signs on the covered docks. Trustee Byrd seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellermann	Yes

President McGriff declared the motion carried.

Insurance Coverage for Liquor Liability: Attorney Heller reported that this was an issue that has come up on the liquor licenses, and there has been several discussions about this. I have talked with Attorney Ferrell about this during the break. The concern that we have is that the application for the liquor specifies the main building with the bar, a walk-up window, and a beer patio, that is what their license is for. Their dram shop insurance is based on their license and their dram shop insurance makes reference to one building as the location that is being covered, which we would expect to be that main building. The dram shop coverage also says that the coverage won't apply if the licensing isn't correct. Attorney Heller stated that we hear consistent reports that besides selling alcohol at the main building, beer patio and walk-up window, they also sell alcohol at the gas dock and at the boat shop. The boat dock, is probably just selling package, but there is also some sitting around and drinking. The problem is, and I think that Attorney Ferrell and I agree, if somebody was to buy alcohol at the gas dock, get intoxicated on that alcohol, and go out and run over a boat with people in it, there is going to be a big lawsuit. DAR will get sued and the Conservancy District will get sued and if the dram shop coverage isn't covering the gas dock, there won't be any coverage for DAR or for the Conservancy District. The Conservancy District is the deep pocket. What I want to ask the Board, is to permit me to go back to the dram shop carrier and explain that this is their liquor license, here is the ordinances, and here is where we understand liquor is being sold, now tell us if this is covered, and provide that answer in writing. We don't want to have a question unanswered when we are arguing over a millions dollars after it has already happened. We know the insurance company will fight not to pay. Attorney Ferrell agreed that this is an issue because the District owns the property, therefore as a landlord, we are subject to dram shop coverage as well. At the same time, if there was a dram shop event, and that is DAR's primary coverage, they are not going to have any coverage either. Attorney Heller stated that with permission from the Board, he will contract the dram shop carrier directly, present these questions and ask them to respond in writing so we will know how they interpret their coverage. If their interpretation of their coverage is that those other sales will not be covered, then I think that from the Board's position, they will need to require DAR to get more coverage and more licensing or stop selling at those other places. Attorney Ferrell stated, that he thinks that we are all on the same page with this. We would want the coverage just as much as you would. The coverage question, helps us both. Attorney Heller stated if they come back and say that there is no coverage on it, I'm sure DAR is going to get more coverage or stop selling beer at those places. My request is for the Board to approve me contacting the insurance company directly and put that question to them. President McGriff ask the Board members if they were okay with this? Attorney Heller stated that this doesn't need a motion. President McGriff asked Trustee Siefert if he was okay with this? Trustee Siefert replied, yes. President McGriff asked Trustee Byrd if she was okay with this? Trustee Byrd replied, yes. The rest of the Board members were all in favor of allowing Attorney Heller to contact DAR's insurance carrier.

OSLAD Grant Update: Manager Wilmouth asked Gary Rains, from HMG, to update the Board on the OSLAD project. Mr. Rains reported that the survey and design work on the OSLAD additional short-term campground has been going on for several weeks. The civil side would be the campground layout, and roads, this is all done on sheets. We are completing the water distribution and also the sewage collection system in the campground. We are also working on the electrical and working with the power company on distribution and service from the main. The item that we are behind on is the wastewater treatment design because we are waiting until this whole situation evolves, in terms of whether the OSLAD system will be part of an overall upgrade or will be a stand alone.

Concessionaire's Report: Mrs. Dirnberger reported that they are experiencing the same difficulties that all other businesses in the area are. We have a very small staff, however, we are blessed to have a strong team. We are very proud of the Kinkaid Marina crew and Moody crew. They are doing a wonderful job. The 4th of July weekend was a great success. We had a great turn out on the patio with the band. Everyone enjoyed the fireworks display. Our updated fuel system is doing very well, pumping 92 octane to all of our customers. We can only hope the rest of the season and every weekend goes as well as the 4th of July weekend. We had a really nice time with our customers. Other than that, not a lot to report.

Manager's Report:

Website Expansion: Manager Wilmouth reported that the District has a quote from Northbridge for \$1,300 to expand the website. The quote is not to exceed \$2,000. This was put in the quote in case there is something that was not originally discussed. Approval is needed to proceed with the expansion of the website. Trustee Barone made a motion to approve the quote from Northbridge for the website expansion. Trustee Siefert seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellermann	Yes

President McGriff declared the motion carried.

Lake Draw Down 2021-2022: Manager Wilmouth reported that he is requesting approval to draw the lake down this fall. We didn't get to lower it last year. It helps with the water quality coming into the water plant. By approving it now, this will allow enough time to get the information out to the boaters and the boat movers, so they can adjust accordingly. Trustee Novara made a motion to approve the lake draw down this fall. Trustee Siefert seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellermann	Yes

President McGriff declared the motion carried.

Manager Wilmouth reported that the remainder of the dredge material was sold. The parking lot is now empty.

Manager Wilmouth reported that he spent several hours out on the lake identifying shoreline areas that are eroding. HMG put those locations on a map, which will help put more 319 grants applications together in the future.

Manager Wilmouth reported that the current 319 grant draft final report has been submitted for approval. Manager Wilmouth will be submitting the final invoice and quarterly report before the end of this week.

Manager Wilmouth reported that the quarterly reports for the OSLAD grant have been submitted for approval.

New Business:

Legal Report – Ed Heller: Attorney Heller reported that there is insurance for the Scott lawsuit and this will be going on for a while. There is currently nothing happening that involves us, no matter what the outcome is, we have insurance to cover this.

Levy Ordinance 21-187: Manager Wilmoth reported that the annual levy ordinance has been reviewed by Attorney Blake and ready for approval. Trustee Siefert made a motion to approve levy ordinance 21-187. Trustee Mileur seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellermann	Yes

President McGriff declared the motion carried.

Kinkaid-Area Watershed Project: Lou Strack reported, for the enlightenment of the new Board members, Kinkaid Area Watershed Project is a private not for profit corporation with the purpose of maintaining and improving water quality in Kinkaid Lake. KAWP has been in existence since 1998. Let's go back to the early 1960's, when the Illinois legislature, by means of a special appropriation's bill, committed several million dollars for the construction of Kinkaid Lake. The justification for that expenditure was that it would create a water supply, subsequently, people who are now living in this Conservancy District voted that they would be taxed, to create and maintain this Conservancy District. They were okay with being taxed, they had the expectation and rightly so, that this Conservancy District would protect their water supply, process the water and distribute the water to them. KAWP has never been opposed to reasonable recreation on Lake Kinkaid. Recreational use is going to cause pollution in this lake or any other lake, however, it does have benefits. Recreation itself is probably the greatest benefit. As long as the cost of the environmental impact of that recreation does not exceed the benefit of recreation. Our lake is filling up with sediment. That sediment has come from the eroding shoreline, it's come from the uplands of a 38,000 acre watershed. There is good evidence that we have lost about 40% of the water holding capacity in Lake Kinkaid. That is alarming to me. I know there is still a lot of water out there, but that situation would be worst, and we would have lost significantly more had it not been for the efforts of KAWP and the Conservancy District getting grants to slow down the erosion. I have to ask the question, is the current level of recreational activity on Lake Kinkaid, and I looked at what went on out there on the 4th of July weekend and other times, is that level of recreational activity reasonable for a small water supply lake, which is getting smaller? Putting it another way, is the recreation tail now wagging the water supply dog? I think that this is something the Board needs to consider.

President McGriff thanked Mr. Strack for his comments.

USFS – Brooke Hagarty: Nothing to report

FINANCE CHAIRMAN REPORT:

District Account Balances Approval:

Secretary Mileur stated he reviewed the account balances and asked for a motion to approve the District Account Balances as of July 14, 2021. Trustee Barone made a motion to approve the Districts account balances as of July 14, 2021. Trustee Novara seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
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Don Siefert	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellermann	Yes

President McGriff declared the motion carried.

District Budget vs. Actual Report Approval:

Secretary Mileur asked for a motion to approve the current District Budget vs. Actual Report. Trustee Barone made a motion to approve the District's budget vs actual report. Trustee Siefert seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellermann	Yes

President McGriff declared the motion carried.

District Bills:

Secretary Mileur asked for a motion to pay the Conservancy District bills. Trustee Barone made the motion to approve payment of the District bills. Trustee Byrd seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellermann	Yes

President McGriff declared the motion carried.

KINKAID AREA WATER SYSTEM

OLD BUSINESS:

Legal Report – Ed Heller: Attorney Heller stated that the Edward Kindle case is still pending. Mr. Kindle has been kicked out of the Federal District Court. He is now at the 7th Circuit Court of Appeals, asking them to provide him with a lawyer to continue to pursue this case. They have already ruled against him on summary judgment in District Court. The question now is, has he timely filed those petitions. This is what is in front of the Appellate Court. We may have to go up there and defend that again.

Manager's Report: Manager Wilmouth reported that in May there were some issues with the mail, where Board members did not get their packets on time. We also had problems with the water bills. All of the customers did not get their water bills promptly. Everybody was able to get their payment made on time except for Oraville, who was late. Under the circumstances they have not been assessed a late charge, and I think that should be waived. Manager Wilmouth stated that he wanted to make sure the Board was okay with that. Cathy is now either faxing or emailing a backup copy to all the customers to make sure they get their water district bills on time, followed by a mailed hard copy. President McGriff

asked for a motion to waive the late fee for Oraville Water District. Trustee Barone made to motion to waive the late fee for Oraville. Trustee Mileur seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellermann	Yes

President McGriff declared the motion carried.

Manger Wilmouth reported that he has been receiving submittals from ECC for the electrical components for the electric efficiency upgrade to the plant. Manager Wilmouth spoke with Aaron from ECC a couple of weeks ago and the project is on track for installation this winter.

Manger Wilmouth reported that most of the material is in for the valve replacement project. Once all the material is in, we will send letters to all the customers advising them that we are going to be shutting the big tank down to install new valves. We will coordinate with them and with the contractor.

New Business:

Tap Requests – None

FINANCE COMMITTEE:

Water System Account Balances Approval:

Secretary Mileur reviewed the Water system Account Balances and ask for a motion to approve the balances as of July 14, 2021. Trustee Barone made a motion to approve the Water System account balances as of July 14, 2021. Trustee Siefert seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellermann	Yes

President McGriff declared the motion carried.

Water System Budget vs. Actual Report Approval:

Secretary Mileur asked for a motion to approve the Water System Budget vs. Actual Report. Trustee Barone made a motion to approve the Water System Budget vs Actual Report. Trustee Siefert seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellermann	Yes

President McGriff declared the motion carried.

Approval of the Water System Bills: Secretary Mileur asked for a motion to approve the Kinkaid Area Water System bills. Trustee Barone made a motion to approve the Water System bills. Trustee Byrd seconded this motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellermann	Yes

President McGriff declared the motion carried.

OTHER MATTERS TO DISCUSS: Trustee Barone stated, he wanted to follow up on what Mr. Strack said. I know when we first started shoreline protection, there were banks that were 30 to 40 foot tall, nothing but mud. If it wasn't for the efforts of this Board the island would be gone now. I think we have done approximately 9 miles of rip rapping around the lake protecting these points. So I think the Board should be commended on the efforts. What people don't realize also is the work we have done offshore at gullies that you don't see while you are on the lake. You have to correct the problem away from the lake before you can fix what's going on with the lake. It satisfies me to go out on the lake and see all the vegetation growing where it used to be nothing but a mud slick bank. Mr. Strack stated to Trustee Barone that he had one correction, that was a KAWP grant that protected the big island. Mr. Rains stated to Manager Wilmouth, one thing that he might want to do is, we have a map with all that work on it with an ariel background showing the work on the shorelines as well as all the work that has been done in the watershed. Manager Wilmouth replied to Mr. Rains, the map is at the office and when we get back there, the Board members will be able to see it.

ADJOURNMENT:

President McGriff asked for a motion to adjournment until next month's regular Board meeting scheduled for August 11, 2021. Trustee Novara made a motion to adjourn. Trustee Barone seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellermann	Yes

President McGriff declared the motion carried.



SECRETARY – Anthony Mileur

PRESIDENT – DeWitt S McGriff