

**KINKAID-REED'S CREEK CONSERVANCY DISTRICT
SPECIAL BOARD OF TRUSTEES MEETING
THURSDAY, APRIL 28, 2022**

The Board of Trustees of the Kinkaid-Reed's Creek Conservancy District held a special board meeting on Thursday, April 28, 2022, President Steve McGriff called this meeting to order at 5:00 p.m. at 1763 Water Plant Rd, Murphysboro, Illinois.

ROLL CALL:

Chuck Novara	Yes
David Ardrey	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellmann	Yes

Also Present: Manager Wilmouth, Cathy Rothe, Ed Heller, Jason Peach, Tonya Knust, Tim Rogers, Tammy Ryan, Angie Rogers, Dee Cross, Julie Loy, Christine Snyder, LeAnn Snyder, and Travis Lott

Public Comment: Dee Cross asked, what is the vision for the marina this year and the year after, what is the end result that you guys are looking for? President McGriff replied to Ms. Cross, basically to improve the marina starting with the campground. These people in the campground have not had sewer and water. This is one of the prime responsibility's we want to start with. It was supposed to happen in 2019 and it didn't happen. Ms. Cross stated that it did not get started in 2019 and then 2020 and much of 2021 because of Covid, so those two years don't even count in my book. President McGriff replied to Ms. Cross, they count on our book. Ms. Cross stated, not when there is not any income coming in. President McGriff replied to Ms. Cross, the Board gave them leeway in 2020, but in 2021 construction was stronger than it has been anywhere. Ms. Cross asked, when did the lawsuit start? I'm just looking at this from a person who lives in the county, going wait a minute, is somebody suing me, and I may lose this, why am I improving it. If I have a home and somebody is telling me, I'm suing you and I'm going to take that home away from you, but I want you to put a new roof and a new air conditioning system in it. President McGriff replied to Ms. Cross, we still had a valid contract with them. They were suing on one little page, and we still had many pages of the contract, they had to live with. They are the ones who signed it. Ms. Cross stated that one little page could take the whole thing away from them. President McGriff replied to Ms. Cross, it could have, but it did not. Ms. Cross stated that the lawsuit got over, then there was some stuff happening at the pump station, I'm not sure if that was 20 years ago, which in my opinion, you all are responsible for that because you are in charge and if you're in charge you are responsible. That's been wrong for twenty years. Why didn't you know it before? President McGriff replied to Ms. Cross, we are in charge, but they will flat tell you that it is our responsibility, IDPH to comes around every year and inspects all of those facilities. Ms. Cross asked why wasn't it being done? Trustee Novara replied to Ms. Cross, they did do it. Ms. Cross asked who did it? Trustee Novara replied to Ms. Cross, IDPH was inspected that campground since they have owned it. Ms. Cross stated that she is talking about the lagoon. President McGriff replied to Ms. Cross, that is what we are talking about. Ms. Cross stated that she is still confused, if I know that IDPH is going to come and inspect something that I am responsible for, I'm going to walk around with them, every year they inspect it. So why didn't you do that and if they did, they missed the lagoon. President McGriff replied to Ms. Cross, I can not speak for the Board previous

to us. Since we have been here, that has never been an issue until we had to contact IDPH to find out. They said they dropped the ball. Ms. Cross stated that in last weeks meeting it you said something about pumps that were not working that are supposed to pump it up to the lagoon, that was fixed, did I misunderstand that? President McGriff replied to Ms. Cross, yes it was fixed, and it was at Ed Bottoms. There were two sceptic tanks, a manhole, then a lift station to take it to Ed Bottoms. The IDPH gentleman, Ron Clark, said there are two sceptic tanks there. I asked where at Ron, show them to us? The Health Department was there, I was there, Manager Wilmouth and Trustee Novara, and Rampley was there. Mr. Clark said they have to be right in this area. I said the ground hasn't been disturbed. We don't even know they are there. Mr. Clark said they are there because I was in charge of this lagoon. I asked why is it too big if you where in charge? Mr. Clark replied, Steve I dropped the ball. Ms. Cross stated, so those were pumped, and the pump station was fixed and that is now working properly, getting the sewage to the lagoon? President McGriff replied to Ms. Cross, it is getting it to the lagoon, but the lagoon is not finished yet, because it is too big. Ms. Cross stated that IDPH gave whoever owns it till the end of the year. Do you know what the cost was for them to fix that pump station and get that pumped out and get that right? President McGriff replied to Ms. Cross, that he had no clue. Ms. Cross stated, but they did it right, and IDPH issued the license? They are doing things that need to be done. President McGriff replied to Ms. Cross, let me explain this to you, when they bought the place from Mac, they knew buying from Mac there were problems with the sewer systems. We didn't know what they were, but Mac did. They also know that the fuel pump had a problem, they knew that going in. They didn't work on any of that until the Fire Marshall come and shut the pumps down. They didn't do anything to the sewer system until IDPH came and shut them down. They knew this going in. Ms. Cross stated, I guess my next question is, who give this Board, an appointed board, the authority to borrow money to buy something? President McGriff replied to Ms. Cross, we borrow money to buy stuff, and repair stuff all the time. Ms. Cross stated, well that has to do with water and supplying people with water. Maybe I am wrong but, is that not the number one responsibility of this Board? President McGriff replied to Ms. Cross, yes, it is. Ms. Cross stated then that takes me back to the pump station, because if one thing can contaminate water more than anything, It's sewage. I guess I'm really confused, like Tonya said last meeting, why now? You never did this to Mac. President McGriff replied to Ms. Cross, we had no clue, we don't get those reports. The operator over there running it, get's those reports. When IDPH or the Health Department comes and checks those systems, the reports go to the concessionaire not to the Board. Ms. Cross asked, do you have a right to ask for those reports? President McGriff replied to Ms. Cross, we can ask for anything. Ms. Cross asked, have you asked for those reports in the past years? President McGriff replied to Ms. Cross, a couple of months ago, I got really upset because Agan was given the permit. Ms. Cross replied, and you guys were not there to see the inspection. President McGriff replied to Ms. Cross, I have met with them four times, each time I have met with both gentlemen, they have been told, you have to contact somebody on this Board, the Manger or I will see that someone is out there. They didn't do that. Ms. Cross asked, two people. you mean two people from IDPH or two people from DAR? President McGriff replied to Ms. Cross, IDPH and the Health Department, anytime they enter that property they are supposed to contact our manager or I and tell us that they are going to be out there for an inspection or a meeting. Ms. Cross asked, so why was your argument with Agan that day? President McGriff replied to Ms. Cross, because they didn't tell us. The last thing we knew was they were shut down, then all of a sudden, Agan says here is my permit. We were not called to come out there and meet with them. We didn't get told, even though I asked four times to please keep us informed with what is going on out here. Just like the Health Department, when Agan was here that night, I asked him, how is the Health Department? He said there fine. Yesterday we got a letter that the boat docks were no longer functioning. The Health Department had them shut down because one of their systems that they installed, a flow meter, went out. On the letter from the Health Department, Kyle, it says until the meter is put back the boat docks are closed down. Ms. Cross

asked if it was a water meter or a sewer meter? President McGriff replied to Ms. Cross, it is a sewer meter going into the lagoons. The night of that meeting, everything was fine, we have to call Kyle at the Health Department to find out what is going on, because we are possibility buying it, we want to know what is going on. Today we got another letter that Agan had decided that he would personally take it on himself when they need a pump out he will do it for them, because he knows how to do it. It is shut down, but they know how to do, so they are going to do it. Ms. Cross stated A dock is shut down, not all the docks? President McGriff replied to Ms. Cross, wherever the pump station is. Ms. Cross stated that comes back to another thing, why don't you know that the pump station is on A dock? President McGriff replied to Ms. Cross, we know that the pump station is on A dock. Ms. Cross stated, you just said that you didn't know where it was. President McGriff replied to Ms. Cross, no I did not say that. I know where the pump stations are at, they are on A dock. We didn't get the letter that Agan got, when I asked him how is the Health Department? Ms. Cross stated so that letter was dated prior to that night when you said that to Agan? President McGriff replied to Ms. Cross, yes it was. It was dated a day or two before because that is when IDPH came out and gave him his permit. Ms. Cross stated, that my last question is, if you do purchase this, who is going to run it on a day to day basis? President McGriff replied to Ms. Cross, we will have a committee to get a concessionaire. Ms. Cross asked, what if you don't get a concessionaire, are we going to be without boats this summer, without a marina. President McGriff replied to Ms. Cross, we are going to keep things going just as regular as clockwork. We have no reason to change any of the things that are going on out there, right now. Ms. Cross stated, you are going to run the restaurant? President McGriff replied to Ms. Cross, I did not say that. If we can find a concessionaire that wants to run the restaurant, we are going to hire a concessionaire, that is his. He will pay us to run it, if he decides he wants to open up the kitchen that is up to him. If he decides he wants to open up the bate shop, that is up to him. Ms. Cross stated, so you are looking for one concessionaire to run it all. President McGriff replied to Ms. Cross, one manager, he will take the responsibility for whatever is going on out there. Keeping the fuel, keeping the booze, whatever is going on out there on a daily basis. We are getting a committee to look for a concessionaire. Our new gentleman here, knows a couple of people who have stepped in and run them on an interim period. Ms. Cross stated that she heard Mr. Peach say that he would help for 3 weeks and then he is done. President McGriff asked if there were any other questions?

LeAnn Aaron stated, I have to say something. I was the manger before, and you are talking about the septic and all that. Every year we got our license from the Health Department and IDPH. We never had a problem. President McGriff replied to Ms. Aaron, can I explain that to you? Just like Mr. Clark told us, he said, he drives through Ed Bottoms, and it looks fine. He never got out once, and he admitted this to us. He never looked to see if those septic tanks that are buried have ever been used. He said that was his fault and that was his job, he just never did it. I am sure you did get your permits. Ms. Aaron replied, I was just confused because you were saying, Mac knew about it, well Mac didn't know about it because we always got our permits. President McGriff replied to Ms. Aaron, you always got them, but we didn't know about it. We didn't know there was a problem. The gentleman even stated that he didn't know about it, because he didn't get out and look, he didn't do his job. He retired during all this going on. He admitted that he was at fault. President McGriff asked if anyone else had any comment.

OLD BUSINESS: Consideration of Purchase of Concession Rights From DAR:

Executive Session: President McGriff asked for a motion to go into Executive Session to discuss contract purchase. Trustee Ardrey made a motion to go into Executive Session. Trustee Novara seconded the motion. All members present voted "Aye" President McGriff declared the motion carried.

President McGriff asked a motion to come out of Executive session. Trustee Novara made the motion to come out of Executive Session. Trustee Byrd seconded the motion. All members present voted "Aye" President McGriff declared the motion carried.

President McGriff asked a motion from the floor to resume regular session. Trustee Byrd made a motion to resume regular session. Trustee Novara seconded the motion. All members present voted "Aye" President McGriff declared the motion carried.

Trustee Ardrey stated Mr. Chairman, I have a motion. I move that we recess this meeting at 6:14 pm this evening and reconvene at 4:30pm tomorrow, the 29th of April 2022, with the same agenda. Trustee Hellman seconded the motion. All members present voted "Aye" President McGriff declared the motion carried.

Attorney Heller spoke to the audience and stated, what that means is, we will continue the same agenda and we will continue our same discussion, tomorrow at 4:30pm. Unidentified person asked , when we come in will it be Executive session? Attorney Heller replied, this will be a continuation of this meeting and we won't start that meeting with a call to the public for comment. We will be starting where we are right now, then we will come out of Executive Session and the public can be back in here. We will take whatever action we take.

President McGriff called the meeting to order and stated the continuation of the Executive Session will reconvene.

ROLL CALL:

Chuck Novara	Yes
David Ardrey	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellmann	Yes

Executive Session: President McGriff asked for a motion to go into Executive Session to discuss contract purchase. Trustee Novara made a motion to go into Executive Session. Trustee Byrd seconded the motion. All members present voted "Aye" President McGriff declared the motion carried.

President McGriff asked for a motion to come out of Executive session. Trustee Novara made the motion to come out of Executive Session. Trustee Ardrey seconded the motion. All members present voted "Aye" President McGriff declared the motion carried.

President McGriff asked for a motion from the floor to resume regular session. Trustee Mileur made a motion to resume regular session. Trustee Hellmann seconded the motion. All members present voted "Aye" President McGriff declared the motion carried.

Trustee Ardrey made a motion to authorize the Chairman to sign the current draft agreement and ask legal council to tender that to DAR as the expected final contract. Trustee Novara seconded the motion.

ROLL CALL:

Chuck Novara	Yes
David Ardrey	Yes
Lisa Byrd	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Joshua Hellmann	Yes

President McGriff declared the motion carried.

Attorney Heller stated, I know you all have this question today. What we hope is the final draft we have to have discussions with the other side, we think there is a good chance that we are there but until they actually sign it, and all they have to do is sign it, then we have a contract. Until they sign it, we cannot disclose the documents because it is still in negotiations. If it is signed, or whatever version is signed by both parties, we will disclose the contents. We can not do it today. Unidentified person asked, if that means talking to their attorneys, and you guys hashing out what you think are the final details? Attorney Heller replied, yes, I believe so. A couple of final changes were made this afternoon. We have been in contact with their attorney, he has been in contact with DAR. They have the contract and they have been going through it. Ms. Knust asked, if this contract is signed by them, when do you think it will all be transferred over, do you have an estimated date? Attorney Heller replied, I think I know exactly when it will be but at this point, I really can't say. We will get it out as soon as we get it signed, we will get it out so all the public will know. Everybody needs to know. Unidentified person stated, the concern of a lot of people, especially those who have just signed contracts with DAR for our boats and our campers is, are they secure? Attorney Heller replied, yes. Through out the litigation and discussions, we have always maintained that the contracts will be honored. We are not going to come in and cancel anybody. Those are yearly contracts. Unidentified person asked, what about the reservations at Ed Bottoms? Attorney Heller replied, the reservations at Ed Bottoms that have been disclosed to us, will be honored as well. We are not in this to step on any boaters or campers or anyone in the public. Ms. Knust asked, if someone reserves a campsite at Ed Bottoms between now and when this is done, will those be honored? Attorney Heller replied if it is done within the accordance and procedures that are currently in place. Ms. Knust stated, it is all online, if somebody went in to reserve for the 4th of July weekend, that is still going to be honored? Attorney Heller replied, yes. Trustee Ardrey stated the Board is hoping that as soon as this is signed, we will recover the data for that, and we will know right up front. Attorney Heller stated that we know what they are to date, as of two days ago.

NEW BUSINESS: President McGriff reported that he would like to form a transition team to step in and prevail during this transition period. I have talked to Trustee Ardrey and Trustee Mileur, and Manager Wilmouth, they will be the transition team.

Jason Peach stated that tonight was Trustee Novara's last vote. It is very dishearten to me, Chuck has been a friend. I was telling some people in the parking lot that my relationship with Chuck did not get started that way. Basically I was in violation of something, I drilled holes into a premium camper and put a nice awning up and attached it to my deck. I got red flagged for having an illegal awning. So me and him went back and forth and I came to a Board meeting raising a big stink. Chuck made a statement to me that sunk in, this is not your land, you lease it. There are rules behind the lease. If you don't like it, go buy your own land. So I took that advise, I don't know whether to hate him even more or thank him. One of the things that people don't know is that Chuck has a degree in recreation. Chuck is a republican, he looks like he sides with democrats at times and people don't like that. It should not matter what his political status is. He has always done his job on this Board. He has always went above and beyond to work on committees. To

get the carbon feed building going. He has always had an interest in the lake, the water quality, he is a member of KAWP. I'm very disappointed in the mayor's decision without coming and talking to Chuck, he did the same thing to Don Siefert. Don is another good friend of mine. I feel that he owed those two gentlemen a sit down and a conversation about the overall demographics about what is going on and just not read what he is seeing on social media. There has been a lot of nasty stuff both Conservancy and DAR. I get it, but at the end of the day, we have to get past it, and that means everybody here. In order to get over this hump, and to this place the staple of what it can be, and I know it can be, we all have to support each other. Whether we like each other or not, we have to be civil, work with one another to make this a better place. I feel that the District is in a good position to do that. They have an opportunity to take some blemishes off of themselves from years ago, mistakes potentially. Moving forward, I think they have the ability to earn back the publics trust, by doing that, transparency, getting a good concessionaire, getting this place improved to what it needs to be, and what it can be. There have been several plans put in front of this Board, and they all make sense, they make sense financially. It is Just rolling up your sleeves, like I am, and getting to work. It is not always fun, but at the end of the day, you get to look back at something to be proud of. My main focus on Chuck is, buddy I'm sorry it happened to you. Hopefully you stay engaged, hopefully this Board reaches out to you. His heart is in this lake, his heart is in this Board. I go by his house and sit in the living room, and he's got a mountain of paperwork from every meeting. A lot of people throw it in the trash or burn it, he saves it. That shows me that the guy puts the time in, for \$300.00 bucks I would not have done it. Good for you Chuck. I appreciate your time.

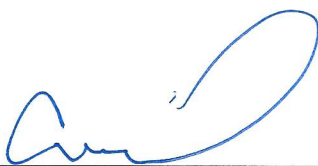
OTHER MATTERS TO DISCUSS: Nothing to discuss

ADJOURNMENT:

Trustee Barone made a motion to adjourn the meeting. The motion was seconded by Trustee Byrd. All members present voted "Aye" President McGriff declared the motion carried.



PRESIDENT - DeWitt S McGriff Vice President - Michael Barone



SECRETARY - Anthony Mileur