

**KINKAID-REED'S CREEK CONSERVANCY DISTRICT
BOARD OF TRUSTEES MEETING
THURSDAY, NOVEMBER 12, 2020**

The Board of Trustees of the Kinkaid-Reed's Creek Conservancy District held its monthly meeting on Thursday, November 12, 2020. President Steve McGriff called the meeting to order at 7:00 p.m. at the KC Hall, 606 Plum Street in Murphysboro, Illinois.

ROLL CALL:

Chuck Novara	Present
Don Siefert	Present
Ken Carr	Present
Steve McGriff	Present
Tony Mileur	Present
Mike Barone	Present
Dale Jones	Absent

Also, Present: Manager Scott Wilmouth, Cathy Rothe, JT Jenkins, Richard Blake, Gary Rains, Agan Alkan, Bill Wallace, Tyson Nash, Tonya Knust, Andrea McDonald, Renee Dusch and Larry Mac.

MINUTES: Trustee Don Siefert made a motion to approve the minutes of the October 14, 2020 Board of Trustees meeting. Trustee Chuck Novara seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Ken Carr	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Dale Jones	Absent

President McGriff declared the motion carried

PUBLIC COMMENT: Bill Wallace asked what is the Boards contingency plan for when and if DAR has to pull out all of the equipment, what about all the electricity and water, what is your contingency plan on that? Also, too, I would like to know if any member on the Board feels like they are pressured into a partisan vote, when they go to take the votes, do they feel like they are pressured or in any way forced to vote in a way that you would not? Thank you. President McGriff stated that the Board has been looking into possibility floating a barge, where they drive pilings down on the corners to stabilize the boats up in the necks. That is one idea we have been looking at. As for as the water, the water will be shut off for the season. Electricity, if there is a problem with the electricity, we have looked at several different options on getting generators. We can get generators rapidly. There is a boat dock company just west of St. Louis, that we have consulted with on the possibility of bringing docks in quick. They have a parking lot packed full of them, that are ready to bring any shape, size or fashion, that we might need. We have been exploring several different options and if it comes to be, we will present them at that time. President McGriff asked if anybody on the Board had a comment to the second part of his question? President McGriff stated there seems to be no Board member stating they have been pressured.

Tyson Nash here, where would the funding come from to rectify all these situations that you speak of? President McGriff stated that would be taken care of by the water district, no I'm sorry, not the water district, the Conservancy District. Mr. Nash asked is that AKA taxpayers? President McGriff, replied, no it's not.

Hi this is Renee Dusch, I have a question, who is going to be responsible for the security of our campers and boats, when and if DAR does pull out? We have already had an issue with break ins, and there is a concessionaire on site, who is responsible for the safety and security of personal campers and boats if DAR does pull out? President McGriff stated the Board has talked about that issue, DAR didn't provide any protection either, we will probably get some security cameras and have them installed at locations where we need them. This is one of the options we are looking at. Ms. Dusch stated she has another question, for winter storage that goes through March, right now, will the Conservancy be charging us an additional fee on top of what we have already paid? President McGriff, replied, no.

I have a question, this is Tonya Knust, does the Board care about public opinion on this matter of this contract with DAR? (inaudible for several minutes, loud phone in noise). President McGriff stated we care about the public opinion, does the public care about our contract qualifications that is being disputed? Yes, we do care about that. But we were hoping for something to be worked out between your guys and DAR. But there doesn't seem to be anything, It's this way or the highway. President McGriff stated that will be between the court system to try to figure out at some point in time.

This is Tyson Nash, My question is moving forward is all this going to happen at the first of the year, who is going to be on-site, who is going to be protecting the property, who is going to be funding all of this? President McGriff stated it will have to be determined in the court, on what's going to take place. Mr. Nash stated, if there is 7 of you gentlemen are you 7 going to be taking care of this 24 hours a day, 7 days a week? That is a reasonable question to answer. President McGriff stated, we will see that somebody is out there or that something is taking place to secure it. Mr. Nash asked, are you going to hire somebody or are you going to do it yourself? President McGriff stated, that will be predetermined after we get direction from the courts.

This is Bill Wallace and I have a question, another gentleman asked about the taxpayers fitting the bill for this. Isn't the Water District funded by tax dollars already? Manager Wilmouth replied, no, the Water District is not funded by taxpayers. The Water System is funded by water sales. The Conservancy District is funded by taxpayers and various rents that we have.

This is Larry Mac and I have a question, who is going to pay for the Water Boards legal battle over this? President McGriff stated, I think that will be determined if it goes to court. Mr. Mac stated, if it goes to court, who's paying for your lawyer, Heller, to actually represent you guys in court? President McGriff stated the Conservancy District will be paying for Mr. Heller. Mr. Mac stated, okay the Conservancy District, so who pays that, where does that come from, where does the money come from? Manager Wilmouth replied, tax revenue and various rents that we receive. Mr. Mac stated, so the taxpayers are going to pay for you guys to fight this in court. Cathy Rothe stated, and various rents that the Board receives. We have leases on other properties. Mr. Mac, asked if that was a Board member that just spoke? Cathy Rothe stated, no I'm the secretary, because it is vary hard to hear because nobody will mute their phones. President McGriff stated that we have several pieces of farming ground that we get rent off of. Manager Wilmouth stated we get rent from 2 farms and rental property, the old Reiman Farm. A gentleman stays there and pays rent for security reasons, the rest is tax revenue, outside of the Marina rent.

Unknown caller, I have a question, what has happen to all this money for all of this. That is money that land is being rented or whatever you guys are doing with it, that is tax dollar money that you guys are using to fund your legal battle with DAR, correct? President McGriff stated that money

has been used to fund legal battles for everything that we have had to encompass before this ever took place.

Unknown caller, I have a question, what is your plans for the permanent campers and boaters? President McGriff stated that will be determined at some point in time after this goes to court. There will be a slow down in everything, it's going to take a while, but we are guaranteeing that the District will keep the marina open and keep the campers and the boaters there. We will provide this, it's just might take a while. Unknown caller, when you say campers, do you mean the permanent campers and boaters, or do you mean the campers that come in on the weekends? President McGriff replied, all of it. Unknown caller, who is going run it? President McGriff replied that will be determined at some point in time.

Unknown caller, I don't think you know a whole lot.

Unknown caller, I have a question, you keep referring to, when it goes to court that will determine what is going to happen, so I guess my question is, so it goes to court and something is determined, who is actually going to be running the place, as December 31st? Who are we going to get in contact with, how is that going to work? President McGriff stated, on December 31st, either they will have a buyer for their real estate that they are trying to get rid of or they will take everything off the ground and leave. That will be determined in court. Unknown caller asked, what if the court date is put off until February, what happens in those 2 months? President McGriff stated, I'm sure in the interim period there will be a court statement on what we will be doing to take care of the matter. Unknown caller asked, do we know when we are going to court? President McGriff replied, in the near future, possibility.

This is Richard Blake speaking, I'm here on behave of Ed Heller today. There is no court date set. These matters as to where things are going to be are pending on certain factors that are just unknow at this point. The Board will have to address them later as to what will happen in the near future.

Unknow caller, so did I just hear that there is no court date set? Attorney Blake, that is correct. Unknow caller, can we make that clear, Attorney Blake, replied, yes. Unknown caller, so we are a month and a half out and who would be taking over the property (inaudible, female laughing loudly on the phone). President McGriff stated we won't know who is taking over, until they bring us a buyer, or they decide to move. Unknown caller, so you as the Conservancy Board don't know who is taking over and it's almost 45 days. President McGriff stated, that is out of our hands, the DAR is supposed to provide a buyer or clean the property. It's up to them. Unknown caller, but isn't it in your hands because, why do we have these meetings every month? I mean you are the reason you terminated the contract. You're the reason you found everything wrong with DAR, you're the reason that we are in this situation. President McGriff stated, the Conservancy Board is not the reason we are in this situation. DAR is the reason we are in this situation. All they have to do is provide a buyer as we requested, when their contract was null and void or remove everything off the premises. That is their option. Unknown caller, so you would rather terminate a 32-year lease than try to work something out? President McGriff stated, you will have to talk to DAR about that, they are the ones that didn't (unknown caller talking over President McGriff), so you are talking about a contract that is worth more than most football players, basketball ball players, baseball players, professional athletes.

Attorney Blake stated that this section of the meeting is for public comment, it's not for questioning the Board members. If anybody has a comment to make this is the time to make it. It's not to paraphrase the Board members as to what's going to happen. (Inaudible phone in callers taking over each other).

Tonya Knust stated, I have a comment, I'd like to say that I think it's pretty ridiculous that the Board will not even be willing to work with DAR to resolve this, instead, they want to take on a legal battle that is going to cost all the taxpayers and cause all this headache and problems for the people that have houseboats, that have boats, that have campers, that have all this stuff out here, with security and everything else, all these issues and seems like it's something that can be done simply by having the Board actually work with DAR, instead of just trying to throw them out because they think they can. President McGriff replied that the Board worked with DAR for almost 18 months and they still determined that they wanted the contract changed. Right know it is up to them. Ms. Knust stated, it's actually up to the court know. President McGriff replied, correct.

President McGriff stated that we have had 20 minutes, so public comment is over. We will continue on with the meeting.

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 (interrupted by unknown caller on the phone, stating that I have a question.) President McGriff stated, I'm sorry but you had 20 minutes for public comment, we are going on with our regular meeting. Unknown call stating I've never made a comment, I just want to make a comment. President McGriff replied, I'm sorry, we are on with the regular meeting. Unknown caller, I live in Illinois and I pay taxes here. President McGriff stated we are going on with our regular meeting, it is in our by-laws that there is 20 minutes of public comment. (Unknown caller continuing to talk over President McGriff.)

Manager Wilmouth reported there are 2 fish tournament requests, one form Illinois Bass Fishing Coaches Association for Sunday, March 31, 2021 and one for Illini Team Trail for Saturday, May 16, 2021. Those date are available. (Unknown caller shouting profanity) Trustee Novara made a motion to approve both fish tournaments. Trustee Miluer seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Ken Carr	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Dale Jones	Absent

President McGriff declared the motion carried

Deck/Shed Requests: Nothing to report

319 Update: Manger Wilmouth reported in your packet is pay request #2 for the 319 Project, this will finish up this current project, the amount is \$18,750.64. Approval is needed from the Board to pay this. Trustee Miluer made a motion to pay the pay request #2 in the amount of \$18,750.64. Trustee Novara seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes

Ken Carr	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Dale Jones	Absent

President McGriff declared the motion carried

Marina/Campground: President McGriff stated that the Board is going into Executive Session. Attorney Blake stated the Board is going into Executive Session under section 2C11 of the Open Meetings Act. Trustee Miluer made a motion to go into Executive Session. Trustee Novara seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Ken Carr	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Dale Jones	Absent

President McGriff declared the motion carried

Trustee Siefert made a motion to resume regular session. Trustee Novara seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Ken Carr	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Dale Jones	Absent

President McGriff declared the motion carried.

President McGriff would like to entertain a motion to authorize the District's attorney and Manager to prepare and file pleadings with the Court to put forth the question that the District had the authority to take the action it did in terminating the Concession Agreements. Trustee Miluer made that motion. Trustee Siefert seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Ken Carr	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Dale Jones	Absent

President McGriff declared the motion carried

Watershed Management: Nothing to report

OSLAD Grant: Manager Wilmouth reported that the project is moving forward. HMG is going to begin the design phase and the District will get Holcomb to do soil borings where the actual sewer system will be put in.

Concessionaire's Report: Mr. Alkan reported that the season is over, and the water is turned off.

Besides that we are just in winter mode. The shop is open, the quick store is open 7 days a week. I want it clear for everybody that for the fourth time, DAR is willing to sit down a talk about this litigation. I know that has been a question for most people. We just want to make it clear that we are willing to sit down and talk about this. Thank you.

Manager's Report: Manager Wilmouth reported on the 319 Project, the final inspection was completed for the Gum Ridge Gully project. The USFS was happy with what they seen. That project is complete. The quarterly report has been submitted and invoice #4 for reimbursement in the amount of \$86,176.58. HMG Engineers are beginning to survey a gully off of Lone Oak Road. That is proceeding.

Manager Wilmouth submitted the quarterly OSLAD grant reports.

Manager Wilmouth filed the Annual Financial Report with the Comptroller's Office.

Manager Wilmouth reported the partners have been putting numbers together for the match on the RCPP Grant application. That will determine the amount of grant assistance we ask for. Before we can determine how much to ask for, we need to know how much we are matching. I should have that by the first of the week. (Inaudible unknown caller whistling.)

Lake Drawdown: Manager Wilmouth reported he spoke with Joe Green with Lake Murphysboro, they have been trying to get under contract to repair the ramps, as of now they are not under contract, so under the circumstances I know there some boats that need to be pulled out this winter, they have been sold apparently. At this point the District is not going to draw the lake down this winter. Hopefully, we can do it next year. If IDRN would happen to get that under contract, then we would have to work with them.

Mt. Joy Boat Ramp Repair: Manger Wilmouth reported he reached out to Abbott Boat Movers here in Murphysboro and they are having trouble with their trailers they use for hauling the big houseboats in and out. There is a problem at the end of the ramp. The District had a diver go down this week and took video of what it actually looks like at the end of the ramp. There is a void at the end of the ramp, that drops off about a foot or two. There is rip rap and the trailers are dropping off that ledge. Manager Wilmouth spoke with prior managers, Dave Fligor and Ryan Guthman and in 2012 they had to repair this. They brought ET Simonds in a put some rip rap back in that void. After meeting with HMG today, I would like authorization from the Board to help these boat movers get there boats out this fall, by repairing about a 15 feet wide area with rip rap and hire ET Simonds to get this done, with an estimate of approximately \$4,800. However, I'm going to ask not to exceed \$8,000, just in case there is something we are not seeing. At least repair enough so these boaters can get their boats in and out. I will try to work with IDNR in the future to come up with a better solution that will last longer. If this is approved, ET Simonds can start as early as next week. Trustee Carr made a motion to proceed with these repairs. Trustee Novara seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Ken Carr	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Dale Jones	Absent

President McGriff declared the motion carried

New Business:

Legal Report – Richard Blake: Attorney Blake reported with the Federal litigation with Edward Kindle, we did receive an entry on a motion for summary judgement resolving the litigation in the District's favor. Mr. Kindle has filed with the Federal court what he calls a motion for an attorney to assist plaintiff in drafting an appeal. With the rules of the Federal Appellate court there is a 30-day period from entry of final judgement for a person to file what is called a notice of appeal. Our order granting summary judgement was entered September 14, 2020, his motion, if the court were to take it and consider the notice of appeal, it was filed October 16, 2020, which the filing date was beyond the 30-day period. There is under Federal rules, for certain filings, when filings are done by mail, which is how Mr. Kindle does everything. There is normally a three-day cushion given from date of mailing. If the actual postmark is to be used his actual postmark would be October 13, 2020, putting him within 30 days. With a notice of appeal, with what we have seen, it is a repeal of the rules, in case law, they use a more strict filing requirement, meaning by the word filing, they mean actually filing with the court, not the extra 3 day cushion that is given for certain filings, which would put him beyond the time frame. At this point, this is setting with the court. The Federal court has been slow in taking any action, partly due to Covid. Right now it is sitting there without any action having been taken by the court. Mr. Kindle is required to do other things with this appeal that he hasn't done. We don't expect anything to become of this filing. We may have to deal with him further, as of right now, we haven't been called to. We will wait and see what the court does.

Kinkaid-Area Watershed Project: Nothing to report

USFS – Brooke Hagarty: Nothing to report

FINANCE CHAIRMAN REPORT:

District Account Balances Approval:

Secretary Mileur has reviewed and made a motion to approve the District Account Balances as of November 12, 2020. Trustee Novara seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Ken Carr	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Dale Jones	Absent

President McGriff declared the motion carried

District Budget vs. Actual Report Approval:

Secretary Mileur made a motion to approve the current District Budget vs. Actual Report. Trustee Carr seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
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Don Siefert	Yes
Ken Carr	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Dale Jones	Absent

President McGriff declared the motion carried

District Bills:

Secretary Mileur made a motion that payment of the Conservancy District bills be approved. Trustee Carr seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Ken Carr	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Dale Jones	Absent

President McGriff declared the motion carried

KINKAID AREA WATER SYSTEM

OLD BUSINESS:

Legal Report – Richard Blake: Nothing to report

Manager’s Report: Manager Wilmouth reported that he is still reviewing the insurance quote from Ozburn Insurance. Manager Wilmouth reached out to Dean Brandenburg who used to be our agent here at the District. He has agreed to help me, however, he has been out of town. We will get together to review what kind of coverage Ozburn is offering.

Manager Wilmouth reported that after the audit, a rate study is done to determine where our water rates are at. This has been put together based on the debt and the estimated revenues and expenses from this prior year. The rate study is not 100% complete, however, it looks like we are over 14 cents away from needing a rate increase.

New Business:

Annual Chemical Bids: Manager Wilmouth reported it is time to let the chemicals out for bid, we need authorization from the Board to do this. Trustee Carr made a motion to let bids out for the chemicals. Trustee Novara seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Ken Carr	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Dale Jones	Absent

President McGriff declared the motion carried

REDGL – Electrical Upgrade to Water Plant: Manager Wilmouth reported that the loan closing was Monday, President McGriff, Secretary Miluer and me attended and signed the paperwork. They will be presenting the District with a check. They have an automatic bank draft where they require payment deposited by direct wire to their bank account, on the 15th of every month, beginning December 2020. Once that happens, they will cut the District a check for \$268,000. The engineers are working on the specs for this. This is something we will have to look into, because we are using a specialized company. Rural Development and Egyptian Electric do not require any type of bidding for this project. We need to look at the District's side of the statute on what we may have to do. Manager Wilmouth stated he will reach out to Attorney Blake on this. This is specialized equipment because we use a ECC Scada System, so it has to be that type of system to work.

Approval of Professional Services Agreement: Manager Wilmouth reported that the District is needing approval of Professional Services Agreement with HMG to provide the engineering services on the electrical upgrade project. Trustee Siefert made a motion to approve the professional services agreement with HMG. Trustee Miluer seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Ken Carr	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Dale Jones	Absent

President McGriff declared the motion carried

Manager Wilmouth reported under this project, by installing the variable frequency drives, the engineers are estimating that our electrical costs will drop in half. There is an agreement for the President and Secretary to sign.

Tap Requests – None

FINANCE COMMITTEE:

Water System Account Balances Approval:

Secretary Mileur has reviewed and made a motion to approve the Water System Account Balances as of November 12, 2020. Trustee Novara seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Ken Carr	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Dale Jones	Absent

President McGriff declared the motion carried

Water System Budget vs. Actual Report Approval:

Secretary Mileur made a motion to approve the Water System Budget vs. Actual Report. Trustee Carr seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Ken Carr	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Dale Jones	Absent

President McGriff declared the motion carried

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

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Ken Carr	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Dale Jones	Absent

President McGriff declared the motion carried

OTHER MATTERS TO DISCUSS: None

ADJOURNMENT:

President McGriff asked for a motion to adjournment until next month's regular Board meeting scheduled for December 09, 2020. Trustee Carr made the motion to adjourn. Trustee Miluer seconded the motion.

Roll Call Vote:

Chuck Novara	Yes
Don Siefert	Yes
Ken Carr	Yes
Steve McGriff	Yes
Tony Mileur	Yes
Mike Barone	Yes
Dale Jones	Absent

President McGriff declared the motion carried



SECRETARY – Anthony Miluer



PRESIDENT – DeWitt S McGriff