



# REND LAKE CONSERVANCY DISTRICT

P.O. BOX 907 ■ 11231 MARCUM BRANCH ROAD ■ BENTON, ILLINOIS 62812

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## MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE REND LAKE CONSERVANCY DISTRICT HELD November 24, 2014

The Board of Trustees of the Rend Lake Conservancy District held a regular meeting on Monday, November 24, 2014, at the Rend Lake Conservancy District Administration Office, 11231 Marcum Branch Road, Benton, Illinois. President Todd Thomas called the meeting to order at 8:30 a.m. The following were in physical attendance:

**Board of Trustees:** Ernest Collins, Don Lucas, James Rippy, Jere Shaw, Todd Thomas, and Keith Ward;  
Absent: Robert Walton

**Staff:** Keith Thomason, General Manager; Larry Sanders, Legal Counsel/Treasurer; Michael Johnston, Comptroller; Leonard Killman, Water Superintendent; Robert Clodi, Executive Assistant; and Brian Laur, Golf Pro.

**Visitors:** None at beginning. Arlan Juhl, Rita Lee, and Wes Cattoor of IDNR entered the meeting at 9:35 a.m.

### Minutes

Upon motion by Keith Ward and second by Don Lucas to approve the minutes of the meeting of October 27, 2014 as presented, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Shaw, Thomas, Ward

Nays: None

Absent: Walton

The President declared the motion carried.

### Acceptance of Check Register

Upon motion by Keith Ward and second by James Rippy to accept the Check Register as presented, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Shaw, Thomas, Ward

Nays: None

Absent: Walton

The President declared the motion carried.

**General Manager's Report:** Keith Thomason discussed the November General Manager's Report and provided an Engineering update.

### Rapid Mixer

Mr. Thomason reported that CMT Engineering in his judgment had the appropriate water and structural engineering background to prepare a second study for the rapid mix chamber. Mr. Thomason notified the Board that CMT Engineering will be authorized to proceed with the study.

### Intake Structure

Mr. Thomason reported that video collected by the diving team showed damage to the screen of the intake structure. Mr. Thomason explained that the intake structure is a vital component in the production of drinking water and there is not a duplicate method to draw water from the lake. The damage is believed to be caused by the build-up of ice during the winter months. The Board members agreed the repair of the intake screen is an emergency.

AN EQUAL OPPORTUNITY EMPLOYER

**November 24, 2014 (continued)**

**Lake Maintenance**

Mr. Thomason reported that the District has not paid the bills sent by the State of Illinois for lake maintenance. The bills are approximately \$1,054,000.

Rita Lee, Arlan Juhl, and Wes Cattoor of IDNR entered the meeting at 9:35 a.m.

Mr. Juhl gave a brief description of the contractual relationship between the State of Illinois and the US Corps of Engineers. He reported that the State has withheld paying the Corps of Engineers in years past due to disputed charges. It was unsuccessful in its efforts. Mr. Juhl explained that Corps of Engineers utilized the process of off-setting federal funding to the State to recover the charges. Mr. Juhl reported that IDNR attorneys have begun the formal process to contest the probable discharges and vague nature of the bill. He says the State has no choice but to pay the bill until that process reaches a conclusion. A discussion ensued regarding the contractual agreement between the Corps of Engineers and the State of Illinois as well as the agreement between the State of Illinois and RLCD. The Board expressed that it could not justifiably spend taxpayer funds to pay a bill that does not include a detailed description of each line item. Mr. Juhl explained that IDNR legal staff is pursuing the contested charges but at this time, the State has no means to withhold payment. Mr. Juhl requested the Board pay the last bill of \$203,780 to show good faith while they work with the ACOE to correct the total bill. He stated that if the Board did not pay the \$203,780, IDNR would be required to make the payment, which would put the IDNR in financial hardship.

Rita Lee, Arlan Juhl, and Wes Cattoor of IDNR left the meeting at 10:17 am.

Upon motion by Don Lucas and second by Keith Ward authorizing the payment of the Lake Maintenance Bill of \$203,780 under protest, the Board voted as follows:

Ayes: Collins, Lucas, Thomas, Ward

Nays: Rippy, Shaw

Absent: Walton

The President declared the motion carried.

**Bids**

Repair Clamps

Mr. Thomason reported that RLCD only received one bid for the repair clamps. The bid was from Illinois Meter Company (IMCO) for \$15,312.

Upon motion by Keith Ward and second by Don Lucas to accept the bid from IMCO for \$15,312, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Shaw, Thomas, Ward

Nays: None

Absent: Walton

The President declared the motion carried.

Fuel

Mr. Johnston reported that three bids were received for the purchase of fuel. The lowest qualifying bid was from Wabash Valley.

Upon motion by Keith Ward and second by Don Lucas to accept the lowest qualifying bid from Wabash Valley for fuel, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Shaw, Thomas, Ward

Nays: None

Absent: Walton

The President declared the motion carried.

**November 24, 2014 (continued)**

Forklift

Mr. Thomason reported that three bids were received for the purchase of a forklift. Diamond Equipment submitted the lowest qualifying bid for \$73,990.

Upon motion by Ernest Collins and second by Keith Ward to accept the lowest qualifying bid from Diamond Equipment for the purchase of a forklift at a cost of \$73,990, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Shaw, Thomas, Ward

Nays: None

Absent: Walton

The President declared the motion carried.

Elevator Repair

Mr. Thomason reported that the elevator at the water treatment plant was in need of repair. A licensed elevator mechanic must make the repairs. Mr. Thomason requested pre-approval to make the needed repair up to \$50,000.

Upon motion by Keith Ward and second by Don Lucas pre-approving the repairs to the water treatment plant elevator up to \$50,000, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Shaw, Thomas, Ward

Nays: None

Absent: Walton

The President declared the motion carried.

**Pittsburg Master Meter**

Mr. Thomason reported that the Village of Pittsburg prepaid RLCD \$19,400 for the cost of installing and programming the telemetry of the meter station. The actual bill to complete the telemetry was \$20,827. Mr. Thomason recommended paying the full bill and adding the remaining cost to Pittsburgh's water bill.

Upon motion by Todd Thomas and second by Keith Ward to add the remaining cost of the telemetry to Pittsburg's water bill, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Shaw, Thomas, Ward

Nays: None

Absent: Walton

The President declared the motion carried.

**Financing Service Connections**

Mr. Thomason reported that the District is faced with shutting off 2 low income households in its effort to eliminate illegal water taps. Owners have reported to the District that they are unable to afford the estimated \$3,500 each to correct the illegal tap. Mr. Thomason recommended that the District provide a service that will finance the construction of a proper and legal tap. The customer would pay back the District with monthly installments added to the water bill.

Upon motion by Don Lucas and second by Keith Ward approving the District to offer financing to homeowners to assist in correcting their illegal water taps, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Shaw, Thomas, Ward

Nays: None

Absent: Walton

The President declared the motion carried.

**Franklin County I-57 Enterprise Zone Resolution**

Upon motion by Keith Ward and second by Don Lucas approving the Resolution of the Franklin County I-57 Enterprise Zone, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Shaw, Thomas, Ward

Nays: None

Absent: Walton

The President declared the motion carried.

## **November 24, 2014 (continued)**

### **Recreation Presentation**

Mr. Laur and Mr. Sanders presented the plans for the expansion of the recreation programs at the golf course in 2015. Mr. Laur and Mr. Sanders gave Board members an outline of programs and ideas for the recreation department to implement and articles showing what others were doing to increase golf revenue. The board members asked questions regarding the plans, thanked Mr. Laur for the presentation, and encouraged him to proceed as outlined.

### **Valve Restoration Program**

Mr. Thomason reported that RLCD's water distribution system is reaching 50 years old and informed the Board that Management is establishing a valve restoration program. Mr. Killman is currently evaluating and exercising all the valves in the distribution system. Mr. Killman is taking an inventory of all the valves that need to be replaced or repaired. Mr. Thomason alerted the Board of need to begin stocking an inventory of valves in various sizes.

### **Employee Policy Update**

Upon motion by Keith Ward and second by Todd Thomas approving the Resolution regarding weapons on RLCD property which will be add to the Employee Conduct Policy, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Shaw, Thomas, Ward

Nays: None

Absent: Walton

The President declared the motion carried.

### **Clearing Update**

Mr. Thomason reported that the labor for the ground clearing staff was budgeted under "Ground Maintenance." He notified the Board that a portion of the funds from the Ground Maintenance line item would be transferred to "Wages" since the work is now being completed in-house.

### **Greater Egypt Regional Planning and Development Commission (GERPDC)**

#### **Board Appointment**

Upon motion by Keith Ward and second by Ernest Collins to re-appoint Robert S. Clodi to the GERPDC Board, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Shaw, Thomas, Ward

Nays: None

Absent: Walton

The President declared the motion carried.

### **Sewer Rates**

Mr. Thomason recommended a 3% increase in commercial sewer rates.

Upon motion by James Rippy and second by Todd Thomas approving the 3% increase to commercial sewer rates, the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Shaw, Thomas, Ward

Nays: None

Absent: Walton

The President declared the motion carried.

**November 24, 2014 (continued)**

**Closed Session**

Upon motion by Keith Ward and second by Todd Thomas to go into Closed Session at 11:25 a.m. to consider: (1) Personnel (For the Discussion of the Appointment, Employment, Compensation, Discipline, Performance, or Dismissal); (2) Collective Negotiations (For the Discussion of Collective Negotiating Matters); (6) Sale, Purchase or Lease of Property (For the Setting of a Price for Sale, Purchase or Lease of Property); (8) Security (For discussion of security procedures); (11) Litigation (For the Discussion of Pending, Probable or Imminent); and (21) Closed Session Minutes (For the Discussion of Closed Session Minutes), a discussion was held with Mr. Shaw expressing his displeasure with going into closed session as it would not keep him from discussing these items in public; the Board voted as follows:

Ayes: Collins, Lucas, Rippy, Shaw, Thomas, Ward

Nays: None

Absent: Walton

The President declared the motion carried.

Keith Ward left the meeting at 11:50 a.m.

Don Lucas left the meeting at 11:57 a.m.

Upon motion by Jere Shaw and second by James Rippy to come out of Closed Session at 12:13 p.m. the Board voted as follows:

Ayes: Collins, Rippy, Shaw, Thomas

Nays: None

Absent: Lucas, Walton, Ward

The President declared the motion carried.

**Closed Session Minutes**

Upon motion by Jere Shaw and second by Todd Thomas to approve the Closed Session Minutes of October 27, 2014 as presented, the Board voted as follows:

Ayes: Collins, Rippy, Shaw, Thomas

Nays: None

Absent: Lucas, Walton, Ward

The President declared the motion carried.

**Personnel**

Upon motion by Jere Shaw and second by Ernest Collins to terminate Mr. John Morthland immediately, the Board voted as follows:

Ayes: Collins, Rippy, Shaw, Thomas

Nays: None

Absent: Lucas, Walton, Ward

The President declared the motion carried.

**November 24, 2014 (continued)**

**Legal Issues**

Upon motion by Jere Shaw and second by James Rippy to dismiss the attorney out of Edwardsville from representing the District and to have Larry Sanders represent the District. The board members discussed the Motion with the managers. Mr. Sanders explained that he would be representing the District and that he has a legal conflict of interest that prevents him from representing both the minority board members and the District. The board members expressed that they did not see where there was a conflict of interest. Mr. Sanders recommended that the minority board members have a District paid attorney and that the majority board members have a separate District paid attorney. Mr. Thomason indicated that dismissing the insurance companies assigned attorney would likely result in a loss of insurance coverage on this issue for both the individual Board members and the District. Mr. Thomason recommended that the insurance lawyer not be dismissed. Mr. Thomason recommended a Special Board Meeting to discuss representation of individual board members or to continue this board meeting to another time.

The Board voted as follows:

Ayes: Collins, Rippy, Shaw

Nays: Thomas

Absent: Lucas, Walton, Ward

The President declared the motion carried.

**Adjournment**

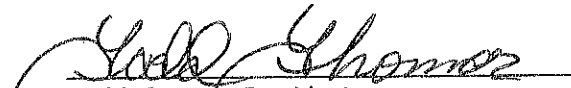
Upon motion by Jere Shaw and second by James Rippy to adjourn the meeting at 12:22 p.m., the Board voted as follows:

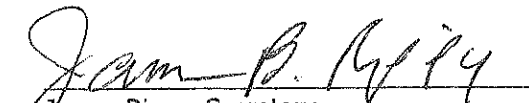
Ayes: Collins, Rippy, Shaw, Thomas

Nays: None

Absent: Lucas, Walton, Ward

The President declared the motion carried.

  
Todd Thomas, President

  
James Rippy, Secretary