

Approved 11/30/04  
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Meeting called to order

Steering Council members present - Robert Livingston, Gerry Wrench, Tom Porps, Tony Migon, and Judy Jooss

Steering Council members not present; Susan Caraher, Dale Gittings

Others in Attendance: Trustee, Jeff Gresenz, Bob Gaftman, Corrine Krebs, Ed Vardon, Richard Dietrich, Linda Smith, Larry Smith, Pam Becker, Jeff Thornton (SWRPC)

Approval of Minutes: Will occur at the next meeting

Motion(s)

1) Motion as of 10-28-04 that Robert Livingston represent the position of the Twin Lakes Rehabilitation and Protection District Steering Council in the matter of the transfer of publicly owned properties at the court hearing on this matter.

Motion by: Tony Migon

Seconded by: Tom Porps

Motion: passed unanimously

2) Motion as of 10-28-04 that the Use and Recreation Plan prepared by the Water Safety and User Conflict Committee be submitted to the Village Board for the consideration and passage.

Motion by: Tony Migon

Seconded by: Tom Porps

Motion: passed, Judy Jooss abstained.

3) Motion to adjourn

**\* Agenda order changed to accommodate Jeff Thornton, SWRPC, and guest speaker for the evening.**

New Business: Jeff Thornton, SWRPC, stated the Dept. of Natural Resources grant has been approved for the Twin Lakes Rehab and Protection District.

The next step, the Dept. of Natural Resources will communicate this formally and in writing. Either with that letter or shortly thereafter a grant contract will be sent. Until such time that the contract is executed the Lake District is not obligated to do anything.

The signing of the contract outlines the parameters under which the grant will be awarded. At the time of signature of the grant contract you are given the choice to request seventy-five percent (75%) of the State's seventy-five (75%) in advance. Jeff Thornton indicated most districts do ask for this request; Mr. Thornton advised the Lake District to do so.

Typically the funds are kept in a separate and segregated account. Interest that accrues remains with the Lake District provided it is used for Lake Management purposes. The grants are good for the life of the

project, currently stated to be two and one half (2.5) years; it is easy to get an extension if more time is needed provided it is asked for prior to the end date of the project.

During the course of the project new issues arise; SWRPC is not tied completely to the scope as initially described. Being a governmental agency they are happy to work with communities as issues and situations develop. The objective is to be responsive to community needs as the plan is put together. More often than not, issues arise during the life of the project that was not envisaged at the time the grant was put together. That may result in stretching the grant period out for an additional period of time.

Once the grant contract is signed the Lake District can request the advance because the money is available. Mr. Thornton suggested the advance be applied for because a large portion of the first grant is accessible, \$10,000 State share and \$3,500 local match in each case (\$20,000 State and \$7,000 local match). Mr. Thornton stated that the advance would be \$15,000 (75% of \$20,000).

Both grants were awarded to Lake Mary because Lake Elizabeth does not have adequate DNR approved public access. Project documents were written that the grants for the Twin Lakes be awarded to Lake Mary because it has DNR approved public access.

There were two phases put into the project document. Phase 1 is to assemble all of the information available on the watershed attributable to both Lakes. This includes land use information, any previous studies and the previous Lake management plan, DRN and Lake Use Reports, etc. Current use plans will be looked at based on year 2000 aerial photography and digitized maps. They will also forecast to year 2020 conditions so the plan will be looking at potential future concerns that may affect the Lakes. Change must be planned for and addressed; consequences of change should be addressed before they become problems in the Lakes; it is much more cost effective addressing problems before they arise.

Documents are important because they will help doing aquatic plant management. If the Lake District wants to apply for the aquatic invasive species grants, acquire an aquatic plant harvester or work with the Army Core of Engineers a plan will be required. As the Lake District implements the document helps the process to move forward. The Document also helps with stewardship program and Lake Protection grants (implementation grants) in future phases.

There will be ongoing water quality data collection through self help monitoring programs.

Third point is the aquatic plant inventory; the committee indicated they would like Aaron and Associates involved. This will be fully integrated into the plan.

Point four is the Lake level evaluation. Hydrological models will be used. Will give indication of how water moves into and through the system. This was discussed in great length at the annual Lake District meeting.

Point five, is the review of Lake use elements. Water level is governed by an operating permit from the State of Illinois. Any change in water level will have to be justified based on in-Lake habitat, water quality as well as surface and other water use aspects.

All will be part of the inventory phase of the project, the first \$13,500 of the planning grant. \$12,000 will be for the aquatic plant survey with the balance to go towards these other inventory pieces.

The most cost effective way to raise the water level is to raise the physical berm on the lower Lake and to adjust the spillway on the upper Lake.

This will result in recommendations but, SWRPC does not have the authority to authorize any change in water surface elevations. Any change in the recommendation of elevation will come from the State of Illinois. This will take into account the potential flood hazard that might be created within the flood plain of each Lake and any downstream damage that might be created if the dam breaks. This analysis is required under State and Federal law.

The grant consists of six elements. It looks at recreational use on both Lakes. Because of the importance of recreational use to this community, which are actively used, we need to understand the types of activities are currently taking place. This will then be merged with the aquatic plant study and the Lake level issues. A full range of alternatives for the Lakes and watershed management space alternatives will be reviewed. There is a limited menu of things that you can do to affect the Lake. For example, things you can do on the land surface that affects the Lakes like i.e., contaminants and pollutants that run into the Lakes. Then there are things you want to look at within the Lakes themselves i.e. the growth of Eurasian milfoil.

We will also want to look at the primary environmental corridor, environmentally sensitive and critical areas around the Lakes. In some areas we need recommended additional protections. This may include the acquisition of key wetlands. This is important in managing the water quality and nutrient load into the Lakes. Primarily will be looking at activities the Lake District can pursue because the plan is obviously focusing on the Lakes because the Lakes Protection District was created to address those issues.

Information needs of both are ongoing, focusing on public informational programming and identifying future information needs. Messages on these activities need to be disseminated to the community. There may also be emerging issues that need to be addressed and communicated to the community.

The next step will then be to develop the recommended plan for both the Lakes and watershed. This will include estimates of cost and funding sources. It will also identify potential partners. Certain activities may be best undertaken by the Village, other things may best be undertaken by civic groups only.

In the end we will end up with three products, the aquatic plant survey, the inventory volume and the recommended plan.

Suggest that you apply for an advance for the aquatic plant study, because the contractor will want to be paid prior to the completion of the plan.

McHenry County will be involved in providing information and analysis for the lower part of Lake Elizabeth (in Illinois) and will be included in the plan. We are dealing with the Lakes, not jurisdictions. The proposal for the grant will cover the aquatic plant surveys and plans for both Lakes.

Every effort will be made to identify critical lands for acquisition. The plan will not remove all roadblocks because there is permitting that will need to be done.

The money for this program comes from the gasoline tax for use in Lake Programs. The applicant of the funds in this case the Lakes Rehabilitation District is responsible for administering of the funds. The checks will come to the Lake District and the Lake District is responsible for issuing payments against that advance and accounting for those funds. The Lake District will then receive any outstanding balance once the project is completed.

Mr. Thornton stated that everyone lives in the watershed in should become a part of the process.

Mr. Thornton will personally request the last geographic and mapping. Typically requested are the surface water resources within the watershed. Current land use is reviewed and the 2020 land-use forecast. Historic urban development is also reviewed which in this case goes back to around 1850 showing how the village has grown. The old perk map will be reviewed and will give a good indication of how groundwater and possible contaminants are likely to move through the system and into the Lakes. As we progress, the DNR will become involved.

Mr. Thornton stayed for the entire 2004 Annual Lake District meeting. He was interested in the entire discussion by the attendees at that meeting. Mr. Thornton also stated that there are many active Lake Committees looking at different aspects and uses for the Lakes. And, he would anticipate that in the next year or so that he would continue to work with the Steering Council, Village Trustees and the other Lake Committees.

Mr. Thornton stated that this is the community's plan and that he does not intend to impose a plan on the community. Plans for what might appear to be similar Lakes can be very different depending upon the community. Mr. Thornton stated that he will be happy to receive input from the community through phone calls, letters, e-mail, etc.; that input will then be used to the best of his ability.

The law, technical and economic feasibility will put constraints on what can be accomplished. Within those constraints there is complete freedom to listen and come up the plan that will address the needs of the community.

Old Business:

Water Quality Committee: Steering Council chairperson, Robert Livingston, deferred discussion on staffing gauges because Dale Gittings wasn't able to attend.

Discussion and possible action on the 2005 shoreline projects will require permitting over this fall and winter. Robert Weimer has finalized some recommendations for bidding.

In the past the village applied for permits, recommendation made by Robert Livingston that a consultant be used for the permitting process from this time forward for the Lake District. At this meeting discussion will only occur; no decisions will be made at this meeting. This will expedite the permitting process. Recommended to use the ex DNR water specialist from Kenosha County, Dave Meyer. Mr. Meyer would work the Lake Committees, Steering Council and with David Cox, Village Administrator.

Robert Livingston suggested that Mr. Meyer be invited to attend a meeting. It is best to start to prepare the permitting process because in the spring there is tremendous stress due to the volume of permits requested. Permits are good for one year; a five-day notice is required prior to starting the work. Tony Migon agreed that starting the process now can possibly help stop future delays. Many Lake District get their permits in the winter and carryover into the spring, summer and fall.

Judy Jooss recommended that this be put on the agenda for the next meeting; if the recommended the permit for the South Lake Avenue Project be applied for.

Robert Livingston agreed place this on the next agenda; possibly Mr. Meyer could attend that meeting. Robert Livingston suggested that they go on a "fee basis" because hourly rates are sometimes conducive to having the process dragged out. This will also be added to the next agenda. He will request a price

sheet. Tony Migon asked a list of prior clients be submitted to the Steering Council; Robert Livingston agreed that will be provided.

November 2, at 10 a.m. at the Kenosha County courthouse the possible sale of easements in the Lake Lakeview Association approved by the Village Trustees and Lake Commissioners is scheduled to be held. Robert Livingston stated that in a public hearing on this matter he and another asked two Trustees (Cathy Zamazal, Village President and Mike Moran, Trustee) to abstain from voting due to a conflict of interest. Both voted for even after they were asked to abstain casting the deciding vote to transfer the properties. Robert Livingston indicated that he feels that this is a possible ethics violation because of the way that this was done.

Robert Livingston stated that it was his personal opinion is that publicly owned Village property should not be sold until a better procedure is in place a where the Lake District and the Lake District committees can look at, review the process and have a say in these decisions. It is Livingston's position the some properties should be sold but looking at or close to the assessed values of the parcels. What the parcels were actually was a fraction of the assessed value. The most current assessment increases the value to almost \$1300 per linear foot. The parcels were sold at approximately 15% of the 2002 assessed value all including all costs to transfer. Livingston stated that this is an injustice to the community and the taxpayers of the Village.

Livingston stated that these properties could be used for other purposes. They could be used as storm water and drainage easements in the future; the properties do not necessarily have to be open to the public, in general.

The Steering Council sent a memorandum to the Village Trustees asking for a moratorium on the sale publicly owned properties within 500 feet of the shoreline prior to the approval of this sale. The Village has not sold any properties since that time but proceeded with the sale of the properties in question. Livingston stated the properties should have been looked at for storm water control, Lake walking access, etc. The problem became worse when these parcels were decided to the sold, excluding having them looked at as part of the comprehensive recreational use and storm water plan for the Lakes.

Gerry Wrench stated that some people are attempting to leave the Lake District because the Lake District levy was increased. If these properties had been sold at anywhere close to fair market value the Lake District would not have needed to be raised. This was the purpose to do it inventory of all publicly owned parcels and evaluate them prior to any sale.

Livingston and Wrench stated that the Village is now obligated to new auditing procedures and must inventory, value and list all publicly owned parcels.

Livingston indicated that he is seriously considering filing a formal complaint with the ethics committee against Cathy Zamazal, Village President and Mike Moran, Trustee. He also anticipates attending the court hearing to express his concerns and opinion on the matter. Livingston stated he did not feel that this was done in the community's best interest but rather for a small group of individuals who live in the Lakeview Association. (Cathy Zamazal is the President of the Lakeview Association, Mike Moran is a member of the Lakeview Association and properties were transferred to neighbors and members of the Lakeview Association.)

The Village Trustees have not responded on the request for a memorandum for the sale of publicly owned land within 500 feet of the shoreline.

All of these elements including the proposed use and recreation plan should be brought together before any decisions are made regarding the sale of publicly owned land. This is a very large undertaking for the Lake Committees and Village Trustees. The issues the Village and the community faces are overwhelming. Decisions need to be made for the community and not for the selected few.

Livingston did not ask the Steering Council for an endorsement but discussion on the matter. Livingston stated that he was prepared to do this on his own and not as the head of the Steering Council.

Tony Migon stated the Steering Council put forth and passed a motion several times on this matter requesting a moratorium on the sale or transfer of publicly owned properties within 500 feet of the shoreline. Migon stated the request for the moratorium was read into the public record twice prior to the sale of these properties including the night with the vote to sell the properties to place. Village President, Cathy Zamazal and Trustee, Mike Moran were asked again to refrain from voting due to their conflict of interest.

Judy Jooss stated that this had been on every agenda for the past year and if Robert Livingston was willing to represent the Steering Council, with the approval of the Council members, then he should do so. Gerry Wrench agreed with Judy Jooss.

A motion to have Robert Livingston represent the Steering Council's position was put forward and passed unanimously.

New business:

Robert Livingston and Judy Jooss discussed the comprehensive Park Board recreation plan; the Park Board is disbanding and looking for replacements. Judy Jooss submitted a letter to the Park Board asking that the Lake Committees be allowed to help the Park Board. There has been no response to that letter. The letter was read into the record. Robert Livingston stated that he will speak with Village Administrator, David Cox on this matter and report back to the Steering Council. Livingston asked that the Lake Committees move forward with the plan to give the Village an alternative for Lance Park. Stewardship grants are available; Livingston distributed information to the Steering Council.

Trustee, Jeff Gresenz was asked by Judy Jooss if he knew the status of the Park District or the Lance Park plan. Gresenz stated he did not have any information to offer on the matter. Judy Jooss stated that there needs to be the ad hoc committee that asks is a Steering Committee for this project. Darryl Stoen is the Park Board liaison, Robert Livingston agreed to speak with him and this matter. Gerry Wrench stated that moving forward work with this project will be based in the ability to get grants. Livingston stated that the existing plan the Park Board put forward was overly expensive for what they hoped to accomplish.

(Inaudible) Judy Jooss discussed dates for public hearings to be held Waukesha on September 9 and in the Madison a November 10, or you can submit comments on forms provided on the Internet.

Gerry Wrench read a letter regarding phosphorus fertilizer to be sent to Samantha Kirkman, State Rep. The letter states the Twin Lakes Protection and Rehabilitation District would like the ban on phosphorus fertilizers made statewide. A motion to send the letter is to be placed on the next agenda.

Tom Porps stated in the Water Safety and User Conflict Committee has been working on a comprehensive use and recreation plan for the Twin Lakes. Their recommended comprehensive plan, attachments and exhibits were turned over to Robert Livingston. The plan was based on the book, *How's*

*the Water*. The book was used as a major resource and is a wealth of information; containing answers per almost every question.

Livingston stated that his impression from the committee is that the general spirit is to try move forward and will develop more detail over the next months. Many other Lake Districts follow the recommendations and use of this book is a guideline. The book offers flexibility in solving issues. This book is used as "the Bible" and therefore there is no need to rewrite it. With the amount of work that the committees have undertaken this is an excellent starting point to move forward. This will be done in conjunction with the work being done by SWRPC.

Judy Jooss commented that she got that this book is "excellent".

Tom Porps stated that this plan can be used in the summer of 2005; commenting this is a terrific plan and will be wonderful for the community and can be implemented immediately.

Livingston stated that this was something we must work towards. We have been dealing with many of these issues for months. This will help to set the guideposts that the Lake Commissioners can't appear to do on their own and give them the ability to resource information to follow. Livingston stated that there is nothing biased in the outline for the plan but rather, just straight information. This plan is nothing more than following the guidelines. According to Livingston this is a very good place to start and it is important to look at this now. Livingston proceeded to read the plan into the record.

Tom Porps called to bring to a vote. A motion to bring to the Lake Commissioners and Village Trustees in November was made and passed.

November 30. Next

### **Notes & Discussion**

Tony Migon asked how long the grants are good for. Jeff Thornton answered that the grants are good for the life of the project.

Gerry Wrench asked Jeff Thornton, because the Village is in the Urban Phase Two Area for Storm Water, could those requirements be fit into the plan? Thornton responded yes, the stormwater management plan can be an appendix to the plan, but typically they are stand alone documents. These requirements can be brought into the document or as a stand alone appendix. The Regional Planning Commission does provide that kind of assistance to communities upon request.

Gerry Wrench stated that the stormwater issues is a big expense for the Village down the line and the issues has not been pushed. Currently the EPA and DNR are looking at the Village to address this.

Ed Vardon asked who directs the funds? Thornton responded the direction will come from the Lake Management District Board of Commissioners which is the Village Board. Restrictions are based on the scope of services used to support the grant application. There are five pieces for Phase 1. Funds cannot be used for construction purposes for dredging or building the dam. Currently there are no State programs that would assist in dredging projects; there may be some Federal money.

Gerry Wrench stated to Jeff Thornton, McHenry County indicated we could get to a diversity grant study done through the Chicago Wilderness and Reserve Program. Vytou Bargaus from the committee has all the SWRPC maps and the aerials; he has determined that we do not follow the corridors anymore.

Robert Livingston indicated that the survey plan could do much delineation for future recommendations. Ed Collins from McHenry County indicated that they would be dying to give a grant for that study. Currently they have not been able to give a grant for this type of study in McHenry County. The Chicago Wetlands Association offers a grant up to \$200,000 to study all these different issues and will ultimately reduce the load on the Lake Committees.

Gerry Wrench addressed Mr. Richard Dietrich sitting in the audience, a local farmer, who has been trapping both water and sediments coming down into the Lakes from the surrounding area. The ponds on his property are now full of water and need to be cleaned and expanded. The water that flows from these ponds moves down into an area near Lakeview Channel and is filling up the Channel again which may result in the Channel having to be dredged a second time. Mr. Dietrich single-handedly has been handling the flow of storm water's onto his property and is in need of assistance from the Village, the County, and the state. We need assistance in helping Mr. Dietrich to get the permits to clean and enlarge the ponds.

Mr. Jeff Thornton responded that farmers are not the usually the guilty party. The Urban developer puts up to 10 to 20 times the amount agricultural chemicals into the system than the farmer.

Tony Migon asked about the timing. Jeff Thornton responded the grant contract should be received within the next three to four weeks. Then you apply for the 75%, that check a typically takes a couple of weeks after you send the signed grant contract back. The Lake Districts sometimes blend the grant money with their own operating expenses; you then have to show which checks were for operating expenses and which were for other grant uses. This adds further complexity to the process, taking the state accountants much longer to work through it. Therefore everything should be kept segregated outside of the general funds. The last 25% of the State share will be paid at the end of the project upon the District indicating that all the prior expenses have been paid in delivering the final product. The local 25% is due at the end of the project. The committee and the Board of Commissioners will review the draft to make sure that everything has been covered and the community has a chance to review the plan.

Bob Livingston asked if all of the voluntary time by Committees and others qualifies as a match and how it can be documented. Jeff Thornton indicated that time sheets should be kept; about eight (\$8) dollars an hour is the standard rate. The Waterway Management District is using some volunteer to help o offset the cost and created a form to record the volunteer's time; committee leaders are keeping track of the time. As a governmental unit services can be negotiated; according to Jeff Thornton.

Gerry Wrench asked if they survey of the public will be done. Jeff Thornton indicated that that could be done and that prior surveys could be reviewed.

Gerry Wrench stated that all of the newly formed Lake District Committees will fully cooperate with Mr. Thornton and SWRPC. It will be important for Mr. Thornton to get the full cooperation of the Village Trustees and Lake Commissioner. It was Gerry Wrench opinion that the last plan did not work because the Village Trustees and Lake Commissioners did not incorporate and follow the suggestions in the prior plans. It is important that the current Village Board and Lake Commissioners become actively involved with the Lake Committees and the public so that everyone agrees with the results. It is important that the Village Trustees and Lake Commissioners stop this "us against them mentality."

Gerry Wrench stated that a good example all Lake Commissioners and Village Trustees not listening to the public was when they passed in ordinance to raise the boat launch fees all in one night without any input from the public at the meeting. Many people are complaining about the increase in these fees and now many are attempting to annex from the Lake District using this as part of their argument.

On February 19 of 2004 there will be a south east workshop at the Waukesha County Technical College. The name of the conference is a South-East Wisconsin Lakes workshop; the theme is issues related to the individual as a participant in the community and part of the Lake.

Gerry Wrench and Linda Smith restated and reaffirmed that everyone in the community should be involved and listen to. Mr. Thornton stated that the process to involve the public is through the annual meeting.

Ed Vardon stated that the decision process needs to be moved to the Lake Committees because the Village Board and Lake Commissioners are uninvolved because they have too many other responsibilities.

Robert Livingston stated that these are the constraints with which we need to work. That is why we have such good people on the Committees that are working so hard to bring good information forward to the Trustees and Lake Commissioners; the Committees are trying to show them the right path to take.

Tony Migon stated that putting the right plan forward is the goal of all the Lake Committees.

Robert Livingston stated that they are trying to bring forward the best opportunities and options to the public. It was also stated by Robert Livingston that they are not trying to bring forward self-interest but what is best for the Lakes and the public.

E-mail addresses of the Steering Council will be sent by the e-mail to Mr. Thornton.

Ed Vardon asked if hosting of the web site would be discussed at this meeting. Robert Livingston indicated it will be discussed at the next meeting.

Gerry Wrench stated that there may be something going on at Lance Park, i.e., the E-coli problem that occurred this past summer. The Village does not know where the storm water lines and drains are located. Wrench suggested that a map of the actual sewer in storm water plans from the Village be included in the SWRPC report.

Judy Jooss stated she wanted more time to read the use and recreation plan. Porps asked Judy Jooss if she had read the book *How's the Water* and if there was anything in the book that she did not agree with or did not like, she stated she had and thought the book was "excellent". Porps stated that the plan can be used until a final one is available. Porps hopes that this can be used in the interim.

Gerry Wrench stated at the Issues and Answers Meeting one of the things discussed was that the public did not want license or permit fees for rafts, piers and the buoys; the public clearly stated this to the Trustees. Two months later the Village Trustees passed fees on these items against the expressed wishes of the public.

Tony Migon confirmed that Porps asked the Steering Council to make a motion that the Use and Recreation Plan be submitted to the Village Trustees for adaptation. And, that it should be implemented with guidelines offered based on the Water Safety and User Conflict Committee's report.

Jeff Thornton, SWRPC, stated he is one of the authors of *How's the Water*. Mr. Thornton stated that the process brought forward by the Water Safety Committee is the process that he will use.

Pam Becker stated that "what is asked to be approved is the process of using the book "*How's the Water*".

Livingston stated that there was serious information in support of approving this plan. The Water Safety Committee communicated with the Twin Lakes Police Department, the body of the work submitted to the Village Trustees regarding the passage of the no wake ordinance showing that the planning process was not followed by Village Trustees, i.e., the boat launch fee increase was passed in one night with no comment by the public.

Tony Migon stated that the Water Safety Committee has worked on this for over 14 months and has been on almost every agenda. This work is the summation of their (Water Safety Committee) work and done in a very precise form. The Steering Council by bringing forth this motion to the Village Trustees shows them that this is what we recommend and it will become part of the public record.

Pam Becker noted that the Village Trustees were to hear this to the November Board meeting, this has been stated many times by Trustees in public and to other committee members.

Trustees, Jeff Gresenz, argued in November they were only going to look at the 8 p.m. curfew. Porps contended this be submitted by November and must include a plan.

Porps called for a vote on the matter. Porps stated if Judy Jooss chose to vote no that was her option.

Gerry Wrench stated that there was a motion that asked the Water Safety Committee to bring them a plan by November; this was confirmed by Porps. Then they would consider the 8 P.M. No Wake curfew at that time.

Tony Migon made a motion on the matter, it was seconded and passed.