

# Memorandum



**To:** ACL Board

**Date:** June 11, 2021

**From:** Megan Shamp

**Memo #:** 2021-52

**Topic:** June committee/commission changes

**Recommendation:** To appoint Vickie Sershon to the Tellers Commission; Randy Meyer to the Trails Commission; and Rich Krasula, Gary Hannon, Bob Ballenger, Ron Carpenter, Steve Nelson, Henry Doden, Mike Cammack, and Angie Marek to the Flood Mitigation Ad Hoc Commission; and to accept the resignation of Marcy Stanger from the Golf Commission and Sheila Gee from the Recreation Commission.

***Plan on a Page: High Performing Operations and Management –  
To operate at full efficiency and effectiveness for the benefit of the  
Association***



# Memorandum

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**To:** ACL Board

**Date:** June 7, 2021

**From:** Rules & Regulations Commission

**Memo #:** 2021-53

**Topic:** Rules & Regulations: Guests

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**Analysis:** Staff brought housekeeping revisions to section III Guests to the Rules & Regulations Commission at their March 5, 2021 meeting. No further changes were recommended by Rules & Regulations at that meeting, and the Rules & Regulations Commission motioned to recommend the revised section to the Board of Directors for approval at their April 9, 2021 meeting.

This section was presented to the Board for first reading at the May 15 meeting. At that meeting, minor formatting changes were made. These changes were presented to the Rules & Regulations Commission at their June 4 meeting and no objections were raised.

**Recommendation:** To approve the Rules & Regulations section Guests as included in the June Board packet.

### III GUESTS

**Preamble:** Property Owners are responsible for the activities of their Gguests and any violation of the rules by a Gguest will be charged against the Property Owner. In order that Gguests may enjoy ACL in comfort and safety, an Amenity Tag Program has been adopted. The Amenity Tag(s) makes management and employees aware when non-members are present. All Property Owners must follow and are responsible for their Gguests following the Amenity Tag Program. See Rules and Regulations, Article II above.

#### **A. Definitions**

1. A "Guest" is any invited friend, relative, or occupant of a Property Owner using the ACL facilities with or without the Property Owner being present.
2. Immediate family members are those members and their dependents living in Property Owner's household full time. The Property Owner's children and their spouses not living in the Property Owner's household are not considered immediate family.

#### **~~B. Amenity Tags~~**

~~See Rules and Regulations, Article II, Amenity Tags for Property Owners and Guests for rules applicable to Guests for use of Amenity Tags.~~

#### **CB. Guest Parking Passes**

1. Guest Parking Passes must be visible on vehicle dashboard, with pass number facing upward, while vehicle is parked on any ACL "members only" property.
2. A Guest Parking Pass is required for access to Nixon Beach.
3. A Guest Parking Pass is required for access to the Campground.
4. Misuse or unauthorized use of Guest Parking Passes is subject to a fine to be paid by the Property Owner.

Amended: April 20, 2013

Amended: March 19, 2016

**Apple Canyon Lake Property Owners Association  
Rules & Regulations Commission Minutes  
June 4, 2021**

**UNAPPROVED**

The following Commission members were present: Chair Vickie Serшон, Co-Chair Fern Tribbey, Bob Fitzjerrells, Mike Harris, Fred Pfeiffer and George Drogosz (Zoom). Guests: General Manager Shaun Nordlie and Steve Tribbey.

**1.0 Call to Order** – Chair Vickie Serшон called the Rules & Regulations Commission meeting to order on June 4, 2021 at 9:56am.

Resignation – Bob Stanger resigned from the Rules & Regs Commission.

**2.0 Approve Minutes of May 7, 2021** – The May 7, 2021 minutes were approved as presented with a motion from Fern Tribbey and seconded by George Drogosz. Motion passed.

**3.0 Unfinished Business**

**3.1 Snowmobiles** – After the Commission reviewed the changes in Section XIII Snowmobiles, Fern Tribbey motioned and Bob Fitzjerrells seconded, “Rules & Regs recommends to the ACL Board to approve Section XIII Snowmobiles as presented on the attached”. Motion passed with one abstention (Mike Harris).

**3.2 Guests** – Mr. Nordlie reported the ACL Board had their first reading at the May meeting with a change under Section III Guests, Item B Parking Passes, No. 4 with added verbiage “to be paid by the Owner.” The Commission agreed to this change. The second reading will be at the June ACL Board meeting.

**3.3 Boating** – The Rules & Regs recommendation to the ACL Board to approve Section V Boating, Item 4, “All boats shall be operated at a no wake speed after sunset and before sunrise,” will have its first reading at the June ACL Board meeting.

**3.4 Housekeeping** – Mr. Nordlie reported at this time we are done with the Rules & Regulations project. Shaun will now bring this to the ACL Board for their approval. Then it be sent on to legal counsel Keith to review, and on to the staff for their review. This process will take a few months. Tentatively, the next meeting may be in September.

**3.5 Other Unfinished Business** – None.

**4.0 New Business**

**4.1 Other New Business** – None.

**5.0 Next Meeting Date** – No meetings in July and August; September TBD

**6.0 Adjournment** – Fern Tribbey made a motion to adjourn at 10:17am.

Respectfully Submitted,  
Karen Drogosz

Apple Canyon Lake Property Owners Association Committee/Commission Motion Card

Rules & Regs Committee/Commission

Date 4-9-21

I move:

Rules & Regs Commission recommends  
to the ACL Board to approve Sect. III  
Guests document as presented  
in the attached

Action Taken

MOTION MADE BY: <u>Liza Liza</u>	VOTE RECORDED:
MOTION SECONDED BY: <u>Ken Tribbe</u>	YEA: <u>4</u>
CHAIR: <u>Wickie Serchon</u>	NAY: <u>—</u>
	ABSTAIN: <u>—</u>

Date Received \_\_\_\_\_ Given to \_\_\_\_\_ Date Completed \_\_\_\_\_

### III GUESTS

**Preamble:** Property Owners are responsible for the activities of their Guests and any violation of the rules by a Guest will be charged against the Property Owner. In order that Guests may enjoy ACL in comfort and safety, an Amenity Tag Program has been adopted. The Amenity Tag(s) makes management and employees aware when non-members are present. All Property Owners must follow and are responsible for their Guests following the Amenity Tag Program. See Rules and Regulations, Article II above.

#### **A. Definitions**

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3. A Guest Parking Pass is required for access to the Campground.
4. Misuse or unauthorized use of Guest Parking Passes is subject to fine.

Amended: April 20, 2013

Amended: March 19, 2016



# Memorandum

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**To:** Board of Directors

**Date:** June 9, 2021

**From:** Garden Club

**Memo:** 2021-59

**Topic:** Children's Garden signage

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**Issue & Analysis:** The Garden Club of ACL would like a sign placed at the Children's Garden. They would prefer that the sign match the other signs at Apple Canyon Lake (picture attached). They would like to add some garden art to the sign as well.

The Garden Club is requesting that the project be funded by the Association. The cost of a sign and posts will be approximately \$1,000.

**Recommendation:** To approve the Garden Club's request to install ACL signage for the Children's Garden in the vicinity in the area of the serpentine walkway with the funds coming out of the Operating fund.



ACL

MEMBERS

Harold Bathum  
Nature Trail





# Memorandum

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**To:** Board of Directors

**Date:** June 11, 2021

**From:** Recreation Commission

**Memo:** 2021-60

**Topic:** Sports Box at Multi Sport Complex

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**Issue & Analysis:** The Recreation Commission would like to purchase a storage container and sports equipment to be used at the Multi Sport Complex. The Commission will purchase the box and equipment to stock it at a cost not to exceed \$1,500, to be paid from the Recreation Commission designated fund. The balance in the fund as of April 30, 2021 is \$24,716.

This was presented to the Architectural & Environmental Control Commission and the purchase of a 27.5”L x 53”W x 68.3”H lockable, impact resistant, steel reinforced box with a polyethylene floor was approved by the AECC at their June 5 meeting. Colors light brown, rough cut with brown roof.

A photo of the type of box the Commission plans to purchase, and the proposed location is included in the Board packet. The storage box will sit on the ground and will be chained to the fence to prevent the box from falling or blowing over and to prevent theft.

**Recommendation:** To approve the Recreation Commission’s request to purchase a storage container for use as a sports box, to be placed at the Multi Sport Complex, and sports equipment at a cost not to exceed \$1,500, to be paid from the Recreation Commission’s designated fund.

Apple Canyon Lake Property Owners Association Committee/Commission Motion Card

Recreation Committee/Commission

Date 5/17/21

I move:

To purchase a storage container / sports box and sports equipment to be installed at the Multi Sports Complex using ~~Recreation~~ Recreation Commission designated funds & not to exceed \$1500.00 (subject to AEC approval)

Action Taken

MOTION MADE BY: <u>JD Jahnig DeW</u>	VOTE RECORDED:
MOTION SECONDED BY: <u>FI Fern Tribbey</u>	YEA: <u>3</u>
CHAIR: <u>FI Fern Tribbey</u>	NAY: <u>0</u>
	ABSTAIN: <u>0</u>

Date Received \_\_\_\_\_ Given to \_\_\_\_\_ Date Completed \_\_\_\_\_

**Apple Canyon Lake Property Owners Association  
Recreation Commission Minutes  
May 17, 2021**

**UNAPPROVED**

**1.0 Call to Order** - Fern called the meeting to order at 9:03 am. Members present: Lee Causero, Fern Tribbey, John Diehl, and Board Liaison Steve Tribbey. Guests: Tim Brokl, Kirsten Heim, Mary Hannon, Trent Rhinerson, and Renee Rhinerson. Members Absent: Sheila Gee. Sheila Gee submitted her resignation to the Recreation Commission prior to today's meeting, but it has not gone to the Board of Directors yet.

**2.0 Approve minutes** - John motions to approve the minutes as written. Lee seconds to approve the minutes. The minutes are approved.

**3.0 Unfinished Business**

**3.1 Holiday Planning Group - John Diehl** – John emailed members of the Holiday Planning Group a set of notes. After ICS we plan to dive into the bulk of the planning, but we are beginning some preliminary planning now. John explains to the Recreation Commission and its guests what our holiday events have looked like in the past – i.e., Cookies & Cocoa with Santa, Tree Lighting, etc. John then gets into our plan for this mini-town square idea in the Pro Shop parking lot. Recreation has five of our own 10x10 tents in addition to a 10x20 tent which could be used towards this event. We may look for additional canopies/tents depending on the number of stations – ex. Cocoa & Cookies, cardboard box for letters to Santa, etc.

**3.2 Recap of 2020-2021 summary** – Kirsten, Steve, and Fern met last Friday to discuss the 2020 – 2021 Rec Commission summary. Fern will be re-writing our intro paragraphs explaining how the Recreation Commission dealt with COVID-19 and the guidelines given in addition to working remotely as the pandemic progressed.

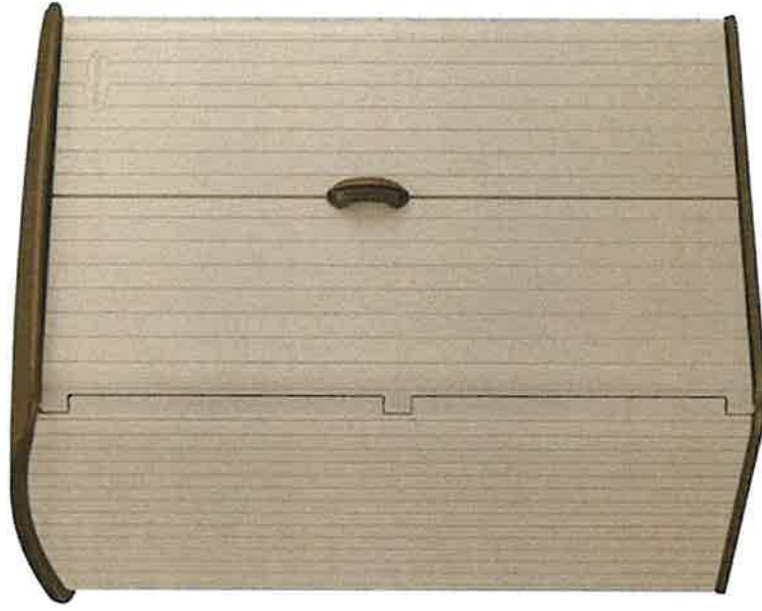
**3.3 Sport Box at the Sport Complex - Mary Hannon** – Mary priced some sport boxes and found one around \$500 on Amazon but would like to check out some in-person in Dubuque prior to committing. Mary has also been looking into various racquets, balls, etc. for pricing. Mary hopes to have more price figures at the next Recreation Commission meeting to discuss with everyone. If we plan to have this box available outside, we may need a small slab to place it on. Mary then inquired about the replacement of the Multi-Sport Complex floor as there are various pockets/holes that need to be addressed. Tim also notified Mary that he noticed a sport box at Sam's Club that fell between the \$350 - \$400 price range. Lifetime also makes a box at Sam's around \$250. Tim believes that a good location for this box would be right inside the Multi-Sport Complex fencing on the right-hand side. Mary believes it would be in our best interest to estimate a budget of \$1,500 and not to exceed that amount for the sport box and equipment in total. Steve has moved to creating a motion card to present to the Board at their next meeting so we can hopefully move forward with getting the equipment needed to make it a reality before summer slips away. John Diehl motioned, seconded by Fern Tribbey, to purchase a storage container/sports box and sports equipment to be installed at the Multi Sports Complex using Recreation Commission designated funds not to exceed \$1,500 (subject to AECC approval). Motion carried unanimously.

**3.4 Other Unfinished Business** – None.



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**Apple Canyon Lake Property Owners Association Committee Motion Card**

Committee: AECC

Date: June 5, 2021

Agenda Item: 5.7

**I Move:**

**Regarding ACL Sports Complex, Canyon Club Drive**

To permit, as requested by the ACL Recreation Commission, the addition of a secured equipment storage shed. ~~The location, size, shape, materials, and colors are to be determined.~~ 27.5" L x 53" W x 68.3" H  
LOCKABLE, IMPACT RESISTANT, STEEL REINFORCED, COLOR:  
LIGHT BROWN ROUGH-CUT WITH BROWN ROOF. FLOOR IS  
POLYETHYLENE. SHED IS WATER RESISTANT.

**Action Taken**

MOTION MADE BY: <u>Mike Harris McAdams</u>	VOTE RECORDED:
MOTION SECONDED BY: <u>Gordy Williams Mark Williams</u>	YEA: <u>8</u>
CHAIR: <u>Steve Perry</u>	NAY: <u>0</u>
	ABSTAIN: <u>2</u>



# Memorandum

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**To:** Board of Directors

**Date:** June 9, 2021

**From:** Joe Wiener, Building Inspector

**Memo:** 2021-55

**Topic:** Lot Combination 10-056 and West ½ of 10-057

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**Issue & Analysis:** Edward A. & Kathleen A. Schroeder have requested a Lot Combination of lots 56 and the west half of 57 in the Eagle (10) subdivision. This request was reviewed and approved by the Architectural and Environmental Control Committee at their June 5, 2021 meeting.

**Recommendation:** To approve the Lot Combination Agreement requested by Edward A. & Kathleen A. Schroeder for lots 56 and the west half of 57 in the Eagle (10) subdivision. Once recorded, the Lot Combination Agreement may not be revoked or rescinded.

*Plan on a Page: Improvement of Infrastructure – To develop, maintain and improve the existing infrastructure.*  
*High Performing Operations and Management - 1YAP – Provide on-going training of Board of Directors and staff on governing documents for consistency in decision-making.*

Apple Canyon Lake Property Owners Association Committee Motion Card

Committee: AECC

Date: June 5, 2021

Agenda Item: 5.1

I Move: <sup>10</sup> 10A56  
Regarding ~~10~~A056 Cardinal Ct

To approve the combination of lot <sup>10</sup>A056 the west half <sup>10</sup>A057 in accordance with the combination recorded with the Jo Daviess County Recorder August 1992.

Action Taken

MOTION MADE BY: <u>Tom Ohms</u>	VOTE RECORDED:
MOTION SECONDED BY: <u>Dave Allgood</u>	YEA: <u>8</u>
CHAIR: <u>Steve Johnson</u>	NAY: <u>0</u>
	ABSTAIN: <u>0</u>





# Memorandum

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**To:** Board of Directors

**Date:** June 9, 2021

**From:** Joe Wiener, Building Inspector

**Memo:** 2021-56

**Topic:** Lot Combination 10-058 and East ½ of 10-057

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**Issue & Analysis:** Harold Dennis Hill, Jr. & Caryn E. Hill have requested a Lot Combination of lots 58 and the east half of 57 in the Eagle (10) subdivision. This request was reviewed and approved by the Architectural and Environmental Control Committee at their June 5, 2021 meeting.

**Recommendation:** To approve the Lot Combination Agreement requested by Harold Dennis Hill, Jr. & Caryn E. Hill for lots 58 and the east half of 57 in the Eagle (10) subdivision. Once recorded, the Lot Combination Agreement may not be revoked or rescinded.

*Plan on a Page: Improvement of Infrastructure – To develop, maintain and improve the existing infrastructure.*

*High Performing Operations and Management - 1YAP – Provide on-going training of Board of Directors and staff on governing documents for consistency in decision-making.*

Committee: AECC

Date: June 5, 2021

Agenda Item: 5.2

**I Move:**

Regarding 10A058 Cardinal Ct

10A58

10A57

To approve the combination of lot 10A0568 the east half 10A057 in accordance with the combination recorded with the Jo Daviess County Recorder August 1992.

**Action Taken**

MOTION MADE BY: Mike Harris MCHarr  
 MOTION SECONDED BY: Gordy Williams Gordon Williams  
 CHAIR: Steve Tobben

VOTE RECORDED:

YEA: 8

NAY: 0

ABSTAIN: 0



# Memorandum

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**To:** Board of Directors

**Date:** June 9, 2021

**From:** Joe Wiener, Building Inspector

**Memo:** 2021-57

**Topic:** Lot Combination 13-173 and 13-174

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**Issue & Analysis:** David Allgood has requested a Lot Combination of lots 173 and 174 in the Pioneer (13) subdivision. This request was reviewed and approved by the Architectural and Environmental Control Committee at their June 5, 2021 meeting.

**Recommendation:** To approve the Lot Combination Agreement requested by David Allgood for lots 173 and 174 in the Pioneer (13) subdivision. Once recorded, the Lot Combination Agreement may not be revoked or rescinded.

*Plan on a Page: Improvement of Infrastructure – To develop, maintain and improve the existing infrastructure.*  
*High Performing Operations and Management - IYAP – Provide on-going training of Board of Directors and staff on governing documents for consistency in decision-making.*

Apple Canyon Lake Property Owners Association Committee Motion Card

Committee: AECC

Date: June 5, 2021

Agenda Item: 5.12

**I Move:**

**Regarding 13A173 and 13A174 West Apple Canyon Road**

To approve the combination of lots 13A173 and 13A174 West Apple Canyon Road as per the attached lot combination agreement. No variance is granted.

**Action Taken**

MOTION MADE BY: <u>Mike Harris</u> <u>M/A</u>	VOTE RECORDED:
MOTION SECONDED BY: <u>Bill Ware</u> <u>H Ware</u>	YEA: <u>7</u>
CHAIR: <u>Steve Tobben</u>	NAY: <u>0</u>
	ABSTAIN: <u>1</u>



# Memorandum

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**To:** Board of Directors

**Date:** June 9, 2021

**From:** Shaun Nordlie

**Memo:** 2021-61

**Topic:** Rental Boat Motor

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**Issue & Analysis:** Prior to the rental season, the Blue Moon rental boat's 2015 Evinrude ETEC motor was worked on by ACL Maintenance for an issue with error codes flashing. The boat was taken to Kevin at K&S Marine, where it was diagnosed with a bad EMM board, but K&S would not have time to repair it in May. The boat was taken to C.R. Boats in Dubuque, IA for review and an EMM board was installed. The boat was then put in the water and tested to be ready for rentals.

On May 28<sup>th</sup>, the ACL Maintenance staff tested Blue Moon prior to a weekend of rentals and could not get the motor to start. There was no spark and flashing error codes again. The boat was taken to K&S again and Kevin recommended that we buy a new motor due to a fatal short in the motor. C.R. Boats in Dubuque said he could order part and try to fix the motor, but it would be 4-6 weeks before he could get the parts.

In order to get the rental boat running as soon as possible, staff started looking for a used or new motor. They have been looking for a 40, 50 or 60 HP Mercury motor. Staff called numerous marine service centers looking for a replacement. One motor was found in East Bethel, MN and a second motor was found in Woodruff, WI. The motor in Wisconsin is \$1,000 cheaper, so we are requesting to purchase this motor. We will also need some cables and controls for the motor. The money will come out of the unused 2021 R&R budget.

**Recommendation:** To approve the purchase of a new 2021 Mercury 50ELPT CT motor from Plowman's Marine of Woodruff, WI for an amount not to exceed \$9,000 to be paid out of the 2021 R&R fund.



# Memorandum

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**To:** Board of Directors

**Date:** June 9, 2021

**From:** Board Policy Ad Hoc Commission

**Memo:** 2021-62

**Topic:** Gifts, Grants, and Bequests Approval – 1st Reading

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**Issue & Analysis:** The Board Policy Ad Hoc Commission has been working on rewriting the Board Policy document to better reflect a document of Board Policy rather than policies that the Board has approved. They will continue this work with the goal of recommending the final version to the Board for review this fall. While working on policy 7230 – Gifts, Grants, and Bequests, the commission thought it would be appropriate to send this policy to the Board now for approval with other commissions and clubs discussing donations to the Association on common property. This policy outlines the process for the Board when presented with a request for a gift, grant or bequest. The ad hoc commission has also created an updated application that will require the owner to explain the donation, where the donation would like to be placed, who will maintain the item during its life and what happens when the item when the life of the items has expired.

**Recommendation:** No motion required at this meeting. For presentation & discussion only.

## SECTION 7000

### **7230 - GIFTS, GRANTS, AND BEQUESTS**

The Board of Directors is appreciative of public interest in and goodwill toward the Association manifested through gifts, grants, and bequests. The Board of Directors reserves the right, however, to specify the manner in which gifts are made; to define the type of gift, grant, or bequest which it considers appropriate; and to reject those which it deems inappropriate or unsuitable. If accepted, the Board of Directors will attempt to carry out the wishes of the donor.

The Board of Directors shall not discriminate in the approval and administration of gifts, grants, and bequests on the basis of race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex (including transgender status, change of sex, or gender identity), or physical, mental, or emotional disabilities ("Protected Classes"). Complaints of discrimination in the acceptance or administration of gifts, grants, or bequests are governed by the Board policy (7230.01 – Appeals: Guidelines for Appeals to the Board of Directors).

All gifts, grants, or bequests that are approved by the Board of Directors will be acknowledged at a Board meeting.

The Board of Directors will provide written acknowledgment to the donor of any accepted cash donation of \$250 or more and any non-cash donation the value of which is \$250 or more, upon request from the donor. Such acknowledgment shall include the amount of cash or a description of any non-cash donation along with a good faith estimate of the value of such non-cash donation.

The Board of Directors shall provide any donor with appropriate tax forms in compliance with the requirements of the Internal Revenue Code, upon request.

Gifts, grants, and bequests shall become the property of the Association and will be subject to use by the Association as determined by the policies applying to all properties, equipment, materials, and funds owned by the Association, subject to the Association's effort to comply with any specific wishes of the donor.

Any equipment proposed to be purchased by a commission or outside entity for use on Association property, or at an Association-related event shall be submitted to the General Manager for analysis prior to the purchase.

The Board of Directors reserves the right to refuse to accept and thus prohibit the use of the equipment by members or Association employees during any Association-sponsored activity or on any property owned, leased, or used by the Association.

**Cross-References: Policy 6111 – Internal Controls**

**Policy 7230.01 – Appeals: Guidelines for Appeals to**

the Board of Directors

Form: Guidelines for Gifts, Grants, and Requests

Adopted:

Last Revised:



## **APPLICATION FOR DONATING GIFTS, GRANTS, AND BEQUESTS**

In order to be considered, each of the following questions must be answered to the best abilities of those people donating the gifts, grants, and or bequest. Failure to answer all the following questions in reasonable detail to be considered for approval by the Board of Directors **may result in non-approval of donation.** Once approved, all gifts, grants and bequests become the property of ACLPOA.

1. Name or describe the item(s) to be donated to Apple Canyon Lake Property Owners' Association (ACLPOA) and **who the donor is.** (Please supply contact information.)
2. Will this gift, grant, or bequest be a memorial? If yes, who or what person or organization?
3. What is the use and approximate value of the item(s)?
4. **Is care necessary to maintain the item? Please explain.**
5. Who will maintain the items(s) and how often must the maintenance be done? What will be the maintenance cost and who will pay for that?
6. How long might the item(s) last before disposal or refurbishing? If applicable, what should be done with the item(s) once it is at the end of its life?
7. Who will haul or deliver the item(s) and place **it** appropriately? **What will** the cost be, and when will the item(s) be available?

~~8. How might the item(s) pose any health concern or danger to any owners or children, especially if not placed or maintained appropriately?~~

8. What, if any, are any special conditions, if any, are associated with the acceptance of the memorial?

9. What display should accompany the donation to provide information on person(s) or group honored by the gifts, grants and bequest? The Board of Directors will make the final determination of the size of the display within the parameters of Rules and Regulations.

The General Manager will submit the completed form to the Board of Directors for approval consideration.

This agreement must be signed by the donors and by the President of the Board of Directors.

All items, once donated, are the common property of the ACLPOA and may not be returned unless stated as part of the condition of the donation.

Value of the items must accompany the item, including any insurance recommendation. ACLPOA will review value of items for insurance purposes.

A regular maintenance schedule and procedure will be created assuring the items are maintained regularly and appropriately. Any contacts for expert care or knowledge should be included in this document.

~~A display should accompany the donation to provide information on the person(s) or group honored by the memorial.~~

**Donor**

**Date**

\_\_\_\_\_

\_\_\_\_\_

**President of ACLPOA Board of Directors**

**Date**

\_\_\_\_\_

\_\_\_\_\_

## **SECTION 7000**

### **7230 - GIFTS, GRANTS, AND BEQUESTS**

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The Board of Directors shall not discriminate in the approval and administration of gifts, grants, and bequests on the basis of race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex (including transgender status, change of sex, or gender identity), or physical, mental, or emotional disabilities ("Protected Classes"). Complaints of discrimination in the acceptance or administration of gifts, grants, or bequests are governed by the Board policy (7230.01 – Appeals: Guidelines for Appeals to the Board of Directors).

All gifts, grants, or bequests that are approved by the Board of Directors will be acknowledged at a Board meeting.

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The Board of Directors shall provide any donor with appropriate tax forms in compliance with the requirements of the Internal Revenue Code, upon request.

Gifts, grants, and bequests shall become the property of the Association and will be subject to use by the Association as determined by the policies applying to all properties, equipment, materials, and funds owned by the Association, subject to the Association's effort to comply with any specific wishes of the donor.

Any equipment proposed to be purchased by a commission or outside entity for use on Association property, or at an Association-related event shall be submitted to the General Manager for analysis prior to the purchase.

The Board of Directors reserves the right to refuse to accept and thus prohibit the use of the equipment by members or Association employees during any Association-sponsored activity or on any property owned, leased, or used by the Association.

**Cross-References: Policy 6111 – Internal Controls**

**Policy 7230.01 – Appeals: Guidelines for Appeals to**

the Board of Directors

Form: Guidelines for Gifts, Grants, and Requests

Adopted:

Last Revised:



## **APPLICATION FOR DONATING GIFTS, GRANTS, AND BEQUESTS**

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- 2. Will this gift, grant, or bequest be a memorial? If yes, who or what person or organization?**
- 3. What is the use and approximate value of the item(s)?**
- 4. Is care necessary to maintain the item? Please explain.**
- 5. Who will maintain the items(s) and how often must the maintenance be done? What will be the maintenance cost and who will pay for that?**
- 6. How long might the item(s) last before disposal or refurbishing? If applicable, what should be done with the item(s) once it is at the end of its life?**
- 7. Who will haul or deliver the item(s) and place it appropriately? What will the cost be, and when will the item(s) be available?**

8. What special conditions, if any, are associated with the acceptance of the memorial?
  
9. What display should accompany the donation to provide information on person(s) or group honored by the gifts, grants and bequest? The Board of Directors will make the final determination of the size of the display within the parameters of Rules and Regulations.

The General Manager will submit the completed form to the Board of Directors for approval consideration.

This agreement must be signed by the donors and by the President of the Board of Directors.

All items, once donated, are the common property of the ACLPOA and may not be returned unless stated as part of the condition of the donation.

Value of the items must accompany the item, including any insurance recommendation. ACLPOA will review value of items for insurance purposes.

A regular maintenance schedule and procedure will be created assuring the items are maintained regularly and appropriately. Any contacts for expert care or knowledge should be included in this document.

**Donor**

**Date**

\_\_\_\_\_

\_\_\_\_\_

**President of ACLPOA Board of Directors**

**Date**

\_\_\_\_\_

\_\_\_\_\_



# Memorandum

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**To:** ACL Board

**Date:** June 7, 2021

**From:** Rules & Regulations Commission

**Memo #:** 2021-54

**Topic:** Rules & Regulations: Snowmobiles – 1<sup>st</sup> Reading

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**Analysis:** Staff first brought revisions to section XIII Snowmobiles to the Rules & Regulations Commission at their February 7, 2020 meeting. Minor changes were recommended at that meeting, but the major issue of a snowmobile or ATV potentially falling through the ice into the lake needed further research. Shaun Nordlie and Julie Janssen worked on this throughout 2020 (delayed due to COVID) and presented their findings to Rules & Regs at their February and March 2021 meetings. The Rules & Regulations Commission motioned to recommend the revised section to the Board of Directors for approval at their March 5, 2021 meeting.

This section was presented to the Board for first reading at the March 20 meeting. Several suggested changes were put forth at that meeting. It was also suggested that Association legal counsel review the language. The language was reviewed and re-written by Keay & Costello. This revised language was presented to Rules & Regulations at their April 9 meeting and they did not have any issue with Keay & Costello's changes, but continued to debate the fine for a vehicle going through the ice at their April and May meetings.

At their June 4 meeting, Rules & Regulations motioned to present section XIII Snowmobiles as amended to the Board of Directors for approval. Because this section has changed fairly significantly since last reviewed by the Board, it is presented again as first reading.

**Recommendation:** No motion required at this meeting. For presentation & discussion only.

Apple Canyon Lake Property Owners Association Committee/Commission Motion Card

R & R Committee/Commission

Date 6-4-21

I move:

Rules & Regs recommends to the ACL Board to approve Sect. XIII Snowmobiles as presented on the attached.

Action Taken passed

MOTION MADE BY: Fern Tribby  
MOTION SECONDED BY: Bob Fitz Gerrelle  
CHAIR: Vickie Serston

VOTE RECORDED:  
YEA: 4  
NAY: 0  
ABSTAIN: 1

Date Received \_\_\_\_\_ Given to \_\_\_\_\_ Date Completed \_\_\_\_\_



### XIII SNOWMOBILES

**Preamble:** ~~The ACLPOA assumes no liability for individuals operating snowmobiles on the lake when frozen. Extreme caution should be used!~~

Operators of snowmobiles are to be familiar with the Illinois Snowmobile Registration and Safety Act. Snowmobiles shall be operated on ACL properties in accordance with this Act, ~~including the age of the operator.~~ Violations of the Illinois Snowmobile Registration and Safety Act are prohibited and subject to a fine.

The Golf Course is off limits to any recreational vehicle except golf carts. The Pro Shop may be accessed using the ACL trails. Snowmobile parking is limited to the designated area ~~xxx~~. The Pro Shop is accessible to the public via Lake Road #3. Non-property owner snowmobiles are only allowed at the Pro Shop and must be operated in accordance with the Illinois Snowmobile Registration and Safety Act.

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Commented [MS1]: Can the public technically ride around the roads? I feel like they can.

#### A. Registration

1. All snowmobiles that are to be used on the ACL trails and properties must be registered annually with the Association and display a current year ACL sticker on the center front of the vehicle (windshield or front of hood panel so that sticker may be clearly seen from another approaching vehicle) and have ID Numbers as issued by the ACL Association Office. The ID numbers will be displayed on both the front and rear of the snowmobile. The ID numbers may be placed directly on the front center hood or on a front license plate and will also be displayed on a rear license plate. The registered owner will be responsible for the safe operation of the snowmobile and be responsible for the activities of their guests.

2. In addition, all snowmobiles must be registered with the Illinois Department of Conservation, Snowmobile License Section and display the number assigned to that snowmobile or covered by a valid registration or license of another state.

Commented [MS2]: We do not require any evidence of this, but it is required by the Illinois Snowmobile Registration and Safety Act.

#### B. Insurance

1. All snowmobile owners must provide ACLPOA with proof of insurance. The minimum required amount of liability insurance coverage shall be \$500,000 bodily injury and property damage combined. Acceptable proof of liability insurance documents must meet the following requirements: the policyholder/named insured is the property owner of record; the insured snowmobile(s) must be described, and the policy term expiration date and liability coverage amounts must be listed. Continuous until canceled policies will not be accepted. Listing the Association as an Additional Insured or Additional Interest is no longer required, but by doing so, the insurance company should automatically send renewal documents.

2. ~~The Association and organized snowmobile clubs must execute an agreement to conduct themselves in a responsible manner at all times and abide by the laws set forth by the State of Illinois Snowmobile Registration and Safety Act, Article V. Control, Section 5-1. In addition, The clubs must file proof of insurance with the Association showing minimum limits of liability for bodily injury and property damage of \$500,000. Amended October 19, 2013 Amended December 15, 2018~~

Commented [MS3]: I don't think we need language for clubs.

#### C. Operation

1. All snowmobiles must be in a safe operating condition.

2. All snowmobiles shall be operated only on designated trails ~~and not on roads and parking lots.~~ When operating along roadways, owners must follow the Illinois Snowmobile Registration and Safety

Commented [MS4]: State statute does allow operation along the road, crossing the road, and in the road in some circumstances. The currently rule conflicts with #5 and #6 below.

Act. When individuals are operating snowmobiles on the frozen lake, ACLPOA assumes no liability for the safety of any individual and/or any snowmobile.

3. Racing of snowmobiles is not permitted.
4. All snowmobiles shall be operated at a safe speed and in a prudent manner.
5. Riding must be in a single file formation on the right shoulder of the road.
6. All snowmobiles must stop at all streets, drives, and roads and yield right of way to pedestrians or vehicles.

7. Individuals operating snowmobiles on the lake when frozen should use extreme caution and are solely responsible for insuring that the ice depth is sufficient to support the weight of the snowmobile and rider(s). If a snowmobile or UTV/ATV were to break the ice and fall beneath the ice into the water fall beneath the ice, the owner of the machine will be fined as well as required to remove the machine as swiftly as possible within a reasonable mutually agreed upon time determined by the owner and the Association. If the Association determines that an owner is working diligently to remove the machine from the water within the timeframe permitted by the Association, the owner will not be subject to additional fines from the Association. However, owners and operators of such machines may still be subject to and The owner will incur all fines and charges accorded to them by IDNR, EPA-ACL and any other entity with jurisdiction over the lakes involved. Additionally, if the Association determines that an owner is not working diligently to remove the machine from the water or is beyond the timeframe permitted by the Association, the owner will be subject to fines from the Association until the machine is removed from the water. Any additional fines for failure to remove a machine will be determined by the Board of Directors.

8. Pedestrians and cross-country skiers have the right of way on trails.

9. Snowmobiles are permitted on trails between the hours of 6:00 a.m. and 10:00 p.m.

10. Violations of the Illinois Snowmobile Registration and Safety Act are prohibited

11. Operation of a snowmobile on Association property including the Trail System shall be limited to individuals:

- a. Possessing a valid driver's license or permit of state of origin.
- b. Attainment of 16 years of age (or age as mandated by the Association insurance carrier).

#### **V. General Violation Fines**

##### Snowmobiles

- Snowmobile, ATV/UTV falls beneath the ice \$1,000

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Commented [M55]: Do we need a time they are allowed on the lake and other properties?

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Open  
discussion  
about  
COVID-19

# Capital Projects Update