



Memorandum

To: ACL Board

Date: September 3, 2021

From: Megan Shamp

Memo #: 2021-76

Topic: September committee/commission changes

Recommendation: To appoint Sean Cottrell to the Rules & Regulations Commission; Emil Misichko to the Recreation Commission; Vickie Sershon as Chair & Dave Homb as Vice Chair of the Rules & Regulations Commission; Mike Yorke as Chair, Bill Bourrell as Vice Chair, and Dave Bohnenkamp as Secretary of the Nominating Committee; Cindy Zophy as Chair, Jim Frank as Vice Chair, and David Allgood as Secretary of the AECC; and Gary Hannon & Steve Nelson as Co-Chairs and Angie Marek as Secretary of the Flood Mitigation Ad Hoc Commission; and to remove Nancy Barker from the Campground Commission.

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.

Memorandum



To: ACL Board

Date: August 9, 2021

From: AECC

Memo #: 2021-78

Topic: ACL Building & Environmental Code amendment

Issue & Analysis: "Lot" also known as Unit, means any numbered parcel of land, or any separately identified condominium unit, in any subdivision as shown on any plat of The Properties recorded under the provisions of Article II, but not including any of the Common Properties or Reserved Properties. The Building and Environmental Code currently contains language in 104.1 that refers to an approved building permit and a lot change situation that is very unlikely to occur. The section should be worded to prevent a change in the size of a lot. This will protect the integrity of the recorded lot as well as the validity of a permit approved based on setback compliance.

The AECC recommends revision of the Apple Canyon Lake Building and Environmental Code section 104.1 Reducing or Diminishing Lot Area from:

It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot plan has been filed and has been used as the basis for a permit, unless a revised plot plan showing the proposed changes in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

to:

It shall be a violation of the Building and Environmental Code and no Lot Owner, nor anyone acting on a Lot Owner's behalf, may reduce, divide, subdivide, or change the area or change the boundary line(s) of a Lot, also known as Unit. This prohibition applies to any numbered parcel of land and Condominium Units, in any Subdivision, as shown on any Declaration or Supplementary Declaration. This prohibition does not apply to any of the Common Properties or the Reserved Properties, nor shall it apply when the Lot area is changed by reason of a street opening or widening or other public improvement. Apple Canyon Lake Property Owners Association shall not be bound by any decisions of Jo Daviess County or any other applicable municipal authority concerning the reduction, division, subdivision, or change in any Lot boundary lines or Lot area nor shall any such decision otherwise impact a Lot Owner's obligation to pay assessments or membership status.

The language in red above was added by Association legal counsel.

This amendment was presented to the Board of Directors for first reading at their August 21, 2021 meeting. No changes to the suggested language were put forward.

Recommendation: To approve the ACL Building & Environmental Code Book amendment to section 104.1 Reducing or Diminishing Lot Area as included in the September Board packet.

*Plan on a Page: High Performing Operations and Management
Long Range Goals and Measures – Assure the knowledge and understanding of roles,
responsibilities and governing documents by the Board of Directors*

Apple Canyon Lake Property Owners Association Committee Motion Card

Committee: AECC

Date: August 7, 2021

Agenda Item: 5.6

I Move:

Regarding Apple Canyon Lake Building and Environmental Code

To approve the revision of 104.1 Reducing or Diminishing Lot Area

from:

It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot plan has been filed and has been used as the basis for a permit, unless a revised plot plan showing the proposed changes in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

to:

It shall be unlawful and not permitted to reduce, divide, or change the area or change the boundary line(s) of a Lot, also known as Unit, meaning any numbered parcel of land, including Condominium Units, in any Subdivision as shown on any Declaration or Supplementary Declaration recorded under the provisions of Amended Declaration Article II, but not including any of the Common Properties or the Reserved Properties, also provided that this shall not apply when the Lot is changed by reason of a street opening or widening or other public improvement.

Action Taken

MOTION MADE BY: <u>DA</u>	VOTE RECORDED:
MOTION SECONDED BY: <u>BB Zoran</u> <u>BB</u>	YEA: <u>5</u>
CHAIR: <u>Cindy Joshy</u>	NAY: <u>0</u>
	ABSTAIN: <u>0</u>



Memorandum

To: ACL Board

Date: September 9, 2021

From: Shaun Nordlie

Memo #: 2021-81

Topic: Recording Association Meetings – 1st Reading

Issue & Analysis: With the Association using Zoom now for all Board of Directors meetings, we have had requests from owners to start recording the monthly Board meetings and make them available on the Association website. A policy needs to be adopted to lay out the procedure for the recording and the length of time that the recording will be available on the website. The recording will only be on the private side of the website where a member log in is required to access the recording.

The proposed policy as written by Association legal counsel is included in the Board packet. The Board Policy Ad Hoc Commission will also review this at their September 15 meeting.

Recommendation: No motion at this time; for discussion only.

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

SECTION XXXX

XXXX – Recording of Board of Directors Meetings

It is the policy of the Board of Directors that their monthly meetings will be recorded via Zoom or other electronic recording device and available for members to view the recording of the meeting for twenty-five (25) days after the meeting.

At the beginning of each open meeting, after the meeting is called to order, the Board President will read the following statement, ***As permitted by Illinois law, all open portions of this board meeting are being recorded. By attending and participating in this meeting, you are consenting to being recorded*** to alert all participants and guests of the meeting that the meeting is being recorded.

The recording will be added to the website on the Monday following the Board Meeting under the Board of Directors page on the Association website - <https://applecanyonlake.org/group/pages/board-of-directors> and will be removed from the website and destroyed after twenty five (25) days of the meeting date.

CROSS-REFERENCES

ADOPTED:

LAST REVISED:



Memorandum

To: ACL Board

Date: September 9, 2021

From: Megan Shamp

Memo #: 2021-79

Topic: foreclosure of liens

Issue: The following 20 lots are recommended for foreclosure of lien per Board policy.

1. 03-101 Ernst
2. 03-189 Grigiski
3. 03-197 Wilson Living Trust
4. 04-030 Michalak
5. 05-136 Barrett/Barrett/Barrett
6. 06-049 Drake
7. 06-080 Polizzi
8. 07-208 Kuhse
9. 08-113 Carpenter
10. 08-186 Knaperek
11. 09-087 Miller
12. 09-100 Purifoy
13. 09-125 Thill/Blocklinger
14. 10-110 Maczka
15. 11-058 Slovin
16. 11-317 Haag
17. 12-032 Stouffer
18. 12-311 Badran
19. 13-057 Nitschneider
20. 13-098 Reiter

Recommendation: To approve foreclosure of liens on the following lots: 03-101, 03-189, 03-197, 04-030, 05-136, 06-049, 06-080, 07-208, 08-113, 08-186, 09-087, 09-100, 09-125, 10-110, 11-058, 11-317, 12-032, 12-311, 13-057, and 13-098.



Memorandum

To: Board of Directors

Date: September 9, 2021

From: Golf Commission

Memo: 2021-80

Topic: Golf Commission designated fund purchase – yardage markers

Issue & Analysis: The Golf Commission would like to purchase additional yard markers for missing/broken ones in the future.

Recommendation: To approve the Golf Commission's request to purchase additional yardage markers, at a cost not to exceed \$250, to be paid from the Golf Commission's designated fund.

Apple Canyon Lake Property Owners Association Committee/Commission Motion Card

Golf

Committee/Commission

Date 7-14-21

I move:

To use up to \$250 of our designated funds to purchase add'l hardage markers for the golf course

Action Taken

MOTION MADE BY: <u>Pat Mannix</u>	VOTE RECORDED:
MOTION SECONDED BY: <u>John Killeen</u>	YEA: <u>7</u>
CHAIR: <u>John Killeen</u>	NAY: <u>0</u>
	ABSTAIN: <u>2</u>

Date Received 8/14/21 Given to Board Date Completed _____



Memorandum

To: ACL Board

Date: September 9, 2021

From: Shaun Nordlie

Memo #: 2021-82

Topic: Additional Legal Services against Utilities Inc. Services

Issue & Analysis: Utilities, Inc. Services (USI) sent a letter to all customers in March 2021 explaining a request for change of services for meter size and water usage. According to USI, the rate increase is "needed to finance ongoing operations, capital investments, and allow the Company the opportunity to earn a reasonable return on its investment." The proposed increases include a reduction in rates for meter size, but their proposed increases for usage are 86% for residential and 155% for commercial. A group of lake associations is joining together to hire John Albers of Peoria, IL to join with the Illinois Attorney General to fight these proposed increases. In March 2021, an amount not to exceed \$10,000 was approved by the Board of Directors to join the other lake associations for attorney fees and expert witnesses. As of July 2021, Apple Canyon Lake has been invoiced \$9,536.18. It is estimated that additional costs until the end of the case for Apple Canyon Lake will be between \$11,000 to \$13,000. This will cover attorney fees costs to finish presenting our case to the ICC.

Recommendation: To approve additional funds to be used in the lake association collaboration to hire John Albers of Shay Law of Peoria, Illinois to represent them in fighting the proposed increases by Utilities, Inc, Services for an amount not to exceed \$13,000 to come out of the Operating Fund. The money will go towards attorney fees for John Albers and expert witnesses.

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

Capital Projects Update