

**APPLE CANYON LAKE PROPERTY OWNERS' ASSOCIATION  
BOARD OF DIRECTORS MEETING  
JULY 20, 2103**

**APPROVED**

**2.0 Call to Order** – President Deb McNamee called the regular monthly meeting of the Apple Canyon Lake Property Owners Association (ACLPOA) to order at 9:00 a.m. at the Apple Canyon Lake Clubhouse, Saturday, July 20, 2013.

**3.0 Pledge of Allegiance** – After the Pledge of Allegiance, a quorum was present with the following directors in attendance: Mr. Bob Ballenger, Ms. Marge Clark, Mr. Josh Cocagne, Mr. Kevin Kavanaugh, Mr. Rick Paulson, Mr. Erin Winter and Mr. Mike Harris. Mr. Chuck Larsen was absent. Interim General Manager Bob Stanger and Recording Secretary Kandee Haertel were also in attendance.

**4.0 Record/Adopt June 15 and June 29, 2013 BOD Minutes** – Erin Winter moved, Rick Paulson seconded, to “Adopt the June 15 and June 29, 2013 Minutes as corrected.” During discussion, it was agreed that both sets of minutes should reflect that there was no General Manager present. The motion carried unanimously with the noted corrections.

**5.0 Treasurer’s Report** – Marge Clark gave the Treasurer’s Report for the month of June, 2013. She noted that June revenues were over budget, as were YTD revenues. June operating expenses were over budget, but YTD were under budget. This activity resulted in YTD revenues over expenses. It was also noted that, based on available information, the pool project is going to come in under budget. Rick Paulson motioned and Kevin Kavanaugh seconded to “Accept the June, 2013, Treasurer’s Report as presented.” The motion carried unanimously.

**6.0 Committee Reports**

**AECC** – Rick Paulson reported that AECC met last month and approved one new deck permit, a garage addition and a new house. They also denied a deck expansion, the appeal of which will be discussed later in this meeting. President McNamee requested an update on pool lift problems. Rick noted that it is against the Illinois Accessibility Code and the ADA to have special permission to operate the lift and that the issue must be discussed as a Board regarding how to address this issue. Deb noted that it will be on next Board agenda.

**Trails** – Mike Harris stated that the committee has not met for a couple months. He has been talking with Steve Mischler about establishing a connecting trail from the Fairway area and it is still being worked on. The Marina project is finished, but some no parking signs are still needed. Rick Paulson questioned whether the area where Sproule had to cut through the hillside to get their equipment in has been repaired. Mike indicated that it will have to wait until next year because of funding. Rick noted that there will be an erosion problem and that the rock wall should continue the remaining distance of the path. Bob noted that the problem didn’t exist until the path was widened. A silt fence would be a temporary fix.

**Conservation** – Erin Winter reported that the Conservation issues will be up for discussion later in the Board meeting.

**Rules & Regulations** – Josh Cocagne stated that the committee has not met but they will be meeting the second Saturday in September. The office is preparing a list of issues to look at. This way the committee isn't changing rules midstream.

Erin Winter noted that wildflowers have been planted at the top of that area to eventually help with the erosion issue. Mike Malon noted that the issues are actually closer to the Security office. Bob also noted there is a sharp turn and a culvert that is another problem area. Steve indicated that a new culvert will be installed as soon as the mini backhoe being rented is delivered.

**Nominating** – Rich Miranda stated that the committee is still looking for two people to be on the committee to help with Board candidates for next year.

**7.0 President's Report** – President McNamee stated that she did not have a written report but addressed some issues from previous Board meetings. Bernadette Hogan had noted that 10 pool passes were issued to each employee and each lifeguard. Following research, that was a misunderstanding and the passes have been returned. The Search Committee for the new General Manager has been working and moving forward. Within the next couple of days the advertisement for the position should break in various publications. It is planned that by the end of October there will be someone hired in that position.

**8.0 General Manager's Report** – Bob Stanger, Acting General Manager, feels that his role to serve the people of the community and answer to the Board. He will remain until someone has been hired on a permanent basis. He will work to ensure that the founding principles of the Association are adhered to.

### **9.0 Property Owner Comments**

Hans Bender, 14-58 – Handicapped access to the pool should be better. The elevator access is still a problem that needs to be fixed. President McNamee indicated that the Board is aware and is working on the problem.

Diana Durso, 13-27 – She read from submitted written comments that were given to each member of the Board. Her specific complaints were regarding Security and handling of trespassers & vandalism. President McNamee stated the procedures for issuing citations, and noted that the Board has no knowledge or authority over citations until they have been referred to the Board as part of the appeal process, also every department head has the opportunity to request increases in staffing during the budget process. What Ms. Durso was told by that member of Security is not correct. The Board will take a look at her letter and note the comments made by that employee. Bob Stanger will address these issues with the employee in question and follow up with Ms. Durso.

Steve Davis, 11-193 – He urged the Board to take the trail from the parking lot to Lester Johnson's trail because the steps are in terrible condition and he feels they have become a safety hazard. He also addressed the dog kennel situation and indicated that it is now his opinion that the program be suspended, not abandoned, until we can handle it properly. In answer to President McNamee's question, Steve Mischler reported funding is the primary cause for the delay. Steve also wants to be sure that the project is done correctly. The Interim General Manager will work with Steve on this situation.

Rich Miranda, 14-8 – He would like to see the pool have time for adult swims. He would like to see the Interim General Manager address this issue.

Jim Craig, 11-294 – When he was reviewing his personal insurance with his agent, he found that he is not covered for liability when a farmer cuts and harvests hay on his property. ACL has no liability because of the waiver signed by the farmer, but that waiver does not apply to his property. Until such time as this is corrected, he does not want hay cut by anyone on his property.

Henry Doden, 13-149 – He addressed changes to the trail system by Clubhouse Drive. Now that the road cannot be used, there is no trail access, and he wanted that issue addressed. He noted several other trail issues, particularly on private property.

Jan Hedges, 10-9 – She thanked Bob Stanger for stepping in as General Manager. She also noted the problem with the Marina View trail parking and felt that Security should patrol more. It is her opinion that when something new happens, enforcement should be increased until people are used to the idea. She also commended Steve Mischler for his handling of the Maintenance department and that she felt Steve was going over and above to make the Maintenance department run smoothly.

Henry Doden, 13-149 – He feels that the Acting Security Chief has a problem with the Appeals Committee regarding citations because the rules are actually being enforced. Rich Miranda, as head of the Appeals Committee, stated they have no problems with Security's enforcement.

President McNamee requested that Mike Malon, Resource Conservationist for Jo Daviess County SWCD, give a brief report of the work that is being done by the AmeriCorps team working at ACL. He noted that the team is made up of 8 people who are working together to get the job done in an excellent manner. He stated that the ACL property owners are being very welcoming and providing meals and entertainment for the team and that is very much appreciated. At ACL, they will be removing invasive species. This team is really good who work hard. President McNamee said people have been very generous and that the work of the team is very much appreciated. She also thanked Mike for initiating this beneficial program for ACL.

President McNamee then asked Seth Sample to introduce himself. Seth stated that he has a diverse background that includes beginning in construction work until he was injured, which caused him to go back to school and earn his degrees. He views himself as the protector of the lake and the forest at ACL. Removal of invasive species on water and land is a priority. He hopes to bring in extra educational components to ACL to increase property owners' understanding of what is happening and perhaps volunteer to protect it more.

## **10.0 Unfinished Business – None.**

### **11.0 New Business**

**11.1 Property Owner Request for Variance --** President McNamee read the narrative. Josh Cocagne moved, Kevin Kavanaugh seconded, to “Approve the variance.” Diane Wertz addressed the Board with her husband Mike. She stated that this is an expansion only, not a replacement. She provided photographs to the Board for their information. Her research showed that in 1999 a permit was taken out for a landing, ramp and L-shaped dock. When the Wertz' purchased property last year, they didn't know that anything was out of compliance. The Wertz' are requesting an addition to the deck. Mike Wertz stated that they feel being treated unfairly because of the actions of the previous owner. Rick Paulson reported that the file was pulled

during the AECC meeting and the original construction was not built according to the permit. Rick also stated that the rules specifically state that if there is a nonconformance, it cannot be added to, which is why the committee denied the request. President McNamee noted that the Board can choose to grant the variance, if they decide to do so. Rick Paulson stated again that no additions can be made to a nonconforming structure, not matter what type of structure. Jim Craig from the audience suggested it may have been grandfathered when the Covenants were updated. Marge Clark stated she did not remember and asked Dick Brennan from the audience for possible clarification. Neither was certain of the old Covenants and Marge did not think it would have been part of the Covenants.. The voice vote as to whether to allow the current owners to extend their dock showed: Rick Paulson, No; Mike Harris, Yes; Marge Clark, Yes; Bob Ballenger, No; Kevin Kavanaugh, Yes; Erin Winter, Yes; and Josh Cocagne, Yes. With a vote of 2 no and 5 yes, the motion carried.

**11.2 Garden Club Entry Island Request** – President McNamee read the narrative. Nancy Winter and Rosanne Brandenburg addressed the Board regarding Garden Club issues. Nancy Winter noted that next year’s garden walk will have at least 9 gardens and all of ACL’s islands featured. She thanked the Maintenance department for their assistance to the volunteers. She also said that the Garden Club would like to replace the tree by the gazebo that was cut down last year. That tree was beneficial to the plantings that have been planted in that area over the years. She also wanted to know the plans for the hill going to The Cove. She said that last year there was a plan, but did not know what happened to the work. Rosanne Brandenburg then discussed the main island. Rosanne noted that the Garden Club members have adopted perimeter islands by each of the large signs around the lake. Rosanne chose to maintain the big island because of its location. The Club wants a professional plan for the big island that can be done this year so that the plants have a chance to mature prior to next year’s garden walk. Their preferred plan from McKay carries a cost of \$750 for plants alone, \$450 hardscape and an additional \$750 for installation. If approved, it would also be necessary to put in a water source to maintain the area. Josh Cocagne requested a total figure for the work and was told \$2,000 to \$2,500. Marge Clark noted that this is an unbudgeted item that calls the question of finding funds. Erin Winter noted that there is money in the R & R for greenway that could be used and the General Manager has the authority to approve expenditures of less than \$5,000. Josh Cocagne moved, Mike Harris seconded, to “approve expenditure not to exceed of \$2,000 provided funds are available.” Henry Doden from the audience requested that none of this work be done on private property. The motion carried unanimously. Nancy Winter then requested approval for the Garden Club to replace the tree previously discussed, provided that the Garden Club pays for it. It is necessary for the Board to approve this project. Rick Paulson moved, Erin Winter seconded, to approve the planting of the tree next to the gazebo using Garden Club funds.” Motion passed unanimously.

**11.3 Watershed Plan** – President McNamee read the narrative. Erin Winter moved, Rick Paulson seconded, to “approve that Mike Malon and Seth Sample develop a 319 Grant for the purpose of getting a Watershed Plan.” Erin Winter noted that the previous 319 Grant was not approved because of insufficient information was submitted. Mike Malon has told Erin that he is qualified to prepare the grant. Mike Malon stated that there is no cost to ACL for the grant preparation. Marge Clark questioned what is involved with the 60% cost sharing and what is ACL’s liability if the grant is approved because the Budget Committee must have these funds set

aside in the advent of grant approval. Mike Malon stated that, if awarded, the grant cycle would begin July 2014, for a 24 month period. Discussion continued regarding how to potentially budget for the possible awarding of this grant. A portion is included in existing payroll and contract labor that is already budgeted. That would be our 40% match. The motion itself is only to approve the preparation of the Grant, not approve dollars. The motion carried unanimously.

**11.4 Property Owner Refund Request** - President McNamee read the narrative. Bob Ballenger moved, Rick Paulson seconded, to “refund-the \$200 monthly boat slip rental fee to Kenny Roddick.” The motion carried unanimously.

**11.5 Property Owner Refund Request** - President McNamee read the narrative. Rick Paulson moved, Mike Harris seconded, to “deny the refund of the \$5 boat registration fee to Duane Helin.” Following discussion, the motion carried unanimously.

**11.6 Committee Changes via Motion of Consent** - President McNamee read the narrative. Rick Paulson moved, Josh Cocagne seconded, to accept the resignation of Don Cisek from the Deer Management Committee; Duane Suits from the Long Range Planning Committee; Tim Johnson from the Long Range Planning Committee and to appoint George Drogosz to the Maintenance Committee; Duane Suits to the Budget Committee; Chuck Larsen to the Nominating Committee; and Rosanne Brandenburg to the Nominating Committee.” The motion carried unanimously.

**11.7 Restricted Lots** - President McNamee read the narrative. Kevin Kavanaugh moved, Marge Clark seconded, to “to allow lots 08-117, 04-021, 09-131, 12-340, and 11-236 to be restricted. Recorded deed must be returned to Phil Jensen, ACLPOA legal counsel, and ACLPOA office prior to December 1, 2013 to qualify for reduction in dues for 2014.” Josh Cocagne questioned how many restricted lots are there. Megan Shamp answered there are 82 if these are included. Josh requested a running total of restricted lots be kept and provided with future motions; and Marge responded that the Budget Committee does have this information. Following further discussion, the motion carried with Rick Paulson voting no.

**11.8 Amenity Tag Replacement Request Form** - President McNamee read the narrative. Bob Ballenger moved, Josh Cocagne seconded, “to approve the amenity tag replacement request form as attached.” Marge Clark stated that there is no rule for lost tags, only for additional tags over the ten provided. Megan Shamp from the Administrative Office explained that the form was created at the request of the previous General Manager and it was meant to alleviate problems in the office. Following further discussion, the motion was withdrawn. Rules & Regs will look at this at the September meeting. The Association Office is requesting support from the Board that if tags are lost, the property owners will be required to purchase the replacements. Ron Carpenter requested that something other than the pin be considered next year. The adjustment to wear the pin on a bracelet or a lanyard has already been made. Before moving on, Bob Ballenger noted that the problem needs to be corrected for the Office staff. Deb stated the existing additional tag fee covers the replacement tags, this solves the problem.

**11.9 Fish Cribs** -- President McNamee read the narrative. Erin Winter moved, Kevin Kavanaugh seconded, “to approve the placement of fish cribs at the locations designated on the attached

map.” Erin Winter stated that these cribs would be paid for entirely by the Bass Club and placed by the Club under Seth Sample’s direction. The motion carried unanimously.

**11.10 Recycling Containers** – President McNamee read the narrative. Erin Winter moved, Bob Ballenger seconded, “to approve the placement of recycling containers and signage at the Marina, Pro Shop, Nixon Beach, Clubhouse, and Campground.” The motion carried unanimously.

**11.11 Sale of Lots Not Sold at Sheriff’s Sale** – President McNamee read the narrative. Bob Ballenger moved, Rick Paulson seconded, “to approve the sale of lots 04-064, 08-004, 09-074, 10-111, 08-061, 08-062, and 08-079 remaining from the Sheriff’s Sales following Method 1 or Method 2 as outlined by Phil Jensen Josh Cocagne suggested that in order to get lots back in the system they pay one half dues for 2013. Marge Clark stated that Phil Jensen said the sale price would be no less than the annual dues. When the question of OARF fees being paid came up, Megan Shamp confirmed that they are the new owner’s responsibility. Bob Ballenger, with a second by Rick Paulson, motioned to amend the motion to assess one half dues for the sale of these lots. Following discussion, it was agreed that these two options provide flexibility for the sale of lots and that either can be used. Following further discussion, the amended motion reading “to approve the sale of lots 04-064, 08-004, 09-074, 10-111, 08-061, 08-062, and 08-079 remaining from the Sheriff’s Sales following Method 1 or Method 2 as outlined by Phil Jensen, and to reduce the Dues by one-half carried unanimously.

**11.12 Amend General Manager Search Committee Charge --** President McNamee read the narrative. Josh Cocagne moved, Rick Paulson seconded, “to approve the amended General Manager Search Committee Charge as listed above.” The amended Charge reads: “The General Manager Search Committee has been established for the purpose of conducting a search for a new General Manager for Apple Canyon Lake and to investigate other management alternatives, including engaging a management firm. The primary duties of the Committee shall include: review the General Manager job description and recommend changes as may be needed, solicit, screen and interview qualified candidates, recommend a short list of qualified candidates to be interviewed by the Board of Directors. Report to the Board if any alternative management arrangements should be considered. The committee will prepare a summary of Activities and Projects the committee has been involved in over the past year for presentation at the annual meeting.” The motion carried unanimously.

**12.0 Other** – There was no other business.

**Adjournment** – Bob Ballenger moved to adjourn at 10:45 a.m. Motion carried. Marge Clark reminded the Board that the Budget Committee would be meeting shortly. She asked that the Directors consider participating in that meeting.

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Recording Secretary Kandee Haertel

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President Deb McNamee

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Date

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Corporate Secretary Josh Cocagne