

**APPLE CANYON LAKE PROPERTY OWNERS' ASSOCIATION  
BOARD OF DIRECTORS MEETING MINUTES  
SEPTEMBER 21, 2013**

**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, September 21, 2013.

**3.0 Pledge of Allegiance** – After the Pledge of Allegiance, a quorum was present with the following directors in attendance: Mr. Rick Paulson, Mr. Mike Harris, Mr. Erin Winter, Mr. Bob Ballenger, and Mr. Josh Cocagne. Mr. Chuck Larsen and Mr. Kevin Kavanaugh were absent. Operations Director Marge Clark and Substitute Recording Secretary Megan Shamp were also in attendance.

**4.0 Approve/Adopt August 17, 2013 Minutes** – Mike Harris moved, Erin Winter seconded, to “Adopt the August 17, 2013 Minutes as corrected.” Bob Ballenger noted the word “never” must be changed to “ever” in item 11.2 and Mike Harris corrected the vote record in item 11.5. The motion carried with two abstentions from Rick Paulson and Bob Ballenger.

**5.0 Election of Officer**

**5.1 Treasurer** – President McNamee read the narrative. Erin Winter motioned, seconded by Josh Cocagne, “to accept the leave of absence from the Board of Directors as requested by Marge Clark” and “to appoint Mike Harris as Treasurer of the Board of Directors; with responsibility for managing Association funds and the budget.” The motion carried unanimously with 5 yeas.

**6.0 Committee Reports**

**Conservation** – Erin Winter gave a report on fish stocking; they plan to have a fish shocking performed in conjunction with the Galena Territory to first determine what to stock.

**Rules & Regs** – Josh Cocagne stated they will meet again October 12. One item they are looking at is the classification of trail vehicles.

**Trails** – Mike Harris reported that a trail cleanup will be held October 12, rain date October 26 to cut down low-hanging branches. Stop signs were moved for better visibility and yield signs were installed on the trail. Maintenance is doing a great job on the trails.

**AECC** – Rick Paulson gave a report of the many projects approved and denied at the last meeting. Erin Winter questioned if all of the variances approved at the last Board meeting were due to hardship. Rick stated that for some a hardship must be proven, but not for others. Also hardship can be defined in several ways. Jim Craig suggested that since the Covenants require a hardship for all variances, future requests should indicate what the hardship is.

**7.0 President's Report** – President McNamee reported good news on the search for a new General Manager. A contract offer has been extended and we hope to have a signed contract by the end of next week. The candidate is very impressive and the General Manager Search Committee's work is done.

**8.0 Operations Director's Report** – Marge Clark gave a brief report expressing her thanks to the Board for their vote of confidence putting her in the position, and also thanks to Bob Stanger and all of the staff for their help in this transition. The backhoe has been delivered and maintenance projects that have been on hold will be completed as the weather allows.

**9.0 Property Owner Comments** – Henry Doden, 13-129, referred to previous questions that he had asked but not received a response, including animal burrows in the dam, people going across other's properties, trees being knocked down on the greenway, and insurance protection for the property owners of vacant lots used for hay mowing and triathlon parking. He also noted that a former employee was recently arrested and commented that on several occasions this employee had been seen using ACL equipment on weekends on a regular basis. Are charges being brought for this usage? Deb McNamee received clarification on where the animal burrows are located. Mike Harris stated we are working on locating property pins and putting up tape to keep people out. There is only so much we can do to ensure property owners comply. Seth Sample stated that a dam inspection had been completed the day before and the mole burrows were not considered a significant concern. The woody vegetation must be removed from the lake side of the dam. Henry was concerned that the burrows are not from moles. Deb called the conversation to a halt; it will be continued after the meeting.

-Ron Beckel, 08-092, asked whether the motion for the buoy placement at the last meeting had been reconsidered. President McNamee stated the motion was fine and the placement of the buoy has been cleared with our insurance agent and attorney. There is no liability. Ron was concerned that we are inadvertently recognized another swimming area. This is not the case; it is a "No Wake" buoy.

-Jim Cousins, 13-028, clarified that the trees on greenway brought up by Mr. Doden were inspected previously by Brian and he determined no living trees were damaged. This is noted in the AECC Minutes from last year. This is a closed issue.

## **11.0 New Business**

**11.1 Property Owner Citation Appeal** - President McNamee read the narrative. Diana Durso approached the Board and gave a short summary of the reasons behind her appeal. Her main concerns were that she did not use abusive or threatening language, she was not issued the citation until two weeks after the incident, and she was detained to be issued the citation. Cole Vanderheyden spoke on behalf of Security, to which Ms. Durso responded. The Board did not have any questions for Ms. Durso or Security and recessed shortly to determine their decision. Upon return, President McNamee stated that the citation would not be upheld based on a technicality. Rick Paulson spoke that in his experience, a citation witnessed by one individual and written by another would not hold up. President McNamee expressed to Security that they appreciate the work that they do.

**11.2 Property Owner Refund Request** - President McNamee read the narrative. Upon request for a motion, none was made and as such the request failed. President McNamee expressed that she is sympathetic, but the Board cannot vary building fees. Ms. Mayo is disappointed and concerned that she was not informed when purchasing her lot that she would not have community well service. President McNamee made clear that Apple Canyon Lake has no control over Utilities Inc., the Jo Daviess County Building Code, realtors, etc. Ms. Mayo stated that an

attorney had advised her that the Association is responsible, to which President McNamee responded that the attorney must not be aware that unlike many municipalities, we have nothing to do with the water system. If Ms. Mayo would like to pursue this further, she should contact her attorney to determine who is actually responsible.

**11.3 Ratify Electronic & Phone Vote** - President McNamee read the narrative. Rick Paulson motioned, seconded by Mike Harris, to “ratify the electronic and phone vote held August 30, 2013 to approve the lease with option to purchase of the John Deere 310SK backhoe from Martin Implement using Asset Preservation Funds.” The motion carried unanimously with five yeas.

**11.4 Signature for Bank Accounts** - President McNamee read the narrative. Josh Cocagne motioned, seconded by Erin Winter, “to remove the previous General Manager Paula A. Lange, previous Operations Director Bob Stanger, and previous Treasurers Ron Carpenter and Duane Suits from any and all bank accounts on which they are still listed. To designate Mike Harris, Treasurer, and Marge Clark, Operations Director, as the designated signers.” The motion carried unanimously with five yeas.

**11.5 Committee Changes via Motion of Consent** - President McNamee read the narrative: to accept the resignation of Marilyn Detwiler from the Golf Committee; and to appoint Mary Hannon to the Recreation Committee. Rick Paulson motioned, seconded by Mike Harris to “approve the committee changes as listed above.” The motion carried unanimously with five yeas.

**11.6 Revision to Maintenance Committee Charge** - President McNamee read the narrative. Bob Ballenger motioned, seconded by Erin Winter, to “approve the revised Maintenance Committee Charge as stated above.” Josh Cocagne questioned if this will hold up work and assign too much responsibility to a volunteer committee. This should be the responsibility of the General Manager. After further discussion, it was determined that for now the motion will be tabled and input sought from the new GM. Bob Ballenger withdrew his motion and this item was tabled.

**11.7 Rock Wall around Pond at Hole #6** - President McNamee read the narrative. Bob Ballenger motioned, seconded by Mike Harris, to “approve the placement of rock at hole #6, at a cost of \$1,251 which will be taken from the Golf Committee’s Designated Fund.” The motion carried unanimously with five yeas.

**11.8 Jo Daviess County Hazard Mitigation Plan** - President McNamee read the narrative. Erin Winter motioned, seconded by Mike Harris, “to accept the Resolution of Adoption of the Jo Daviess County Multi-Jurisdictional All Hazards Mitigation Plan.” The motion carried unanimously with five yeas.

**11.9 Restricted Lots** - President McNamee read the narrative. Bob Ballenger, motioned, seconded by Mike Harris, “to allow lots 06-053, 06-111, 05-139, and 07-239 to be restricted. Recorded Restrictive Covenant 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.” Sandra Nolan, Building Inspector, commented on lot 07-239 requiring a survey due to the driveway. It

was also questioned if a combined lot could be restricted. Bob Ballenger pointed out that the Covenants state a lot can be restricted only if there has never been a structure on it; the fire pit previously on the lot has been moved. Lot 07-239 was removed from the motion and Sandra was directed by President McNamee to follow up with the Association's Attorney on whether previous structures or lot combination would affect the combination. The amended motion reads: to allow lots 06-053, 06-111, and 05-139 to be restricted. Recorded Restrictive Covenant 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." The motion carried with one nay from Rick Paulson, and five yeas from Mike Harris, Josh Cocagne, Bob Ballenger, Erin Winter, and President Deb McNamee.

**11.10 Senior Exemptions** - President McNamee read the narrative. Josh Cocagne motioned, seconded by Bob Ballenger, to "approve the ACLPOA Annual Application for Senior Exemption – 2014 for lots: 12-110, 11-073, 11-045, 11-071, 12-170, 14-058, 11-083, 11-055, 02-015, 09-157, 14-070, and 09-149. The motion carried unanimously with five yeas.

**11.11 Presentation by University of Dubuque Interns** – Tyler DeDecker introduced himself and presented a PowerPoint of his research findings this summer. His project measured turbidity and total suspended solids. Seven sites throughout the lake were sampled and lab work performed at UD. Overall, ACL does not have a huge problem. Our suspended solid levels and turbidity levels are pretty good; some areas are worse than others. Tyler will continue analysis of his results, which hopefully this will lead to further information on how we can improve the lake. He will provide the Association with a written copy of his report. Following his presentation he answered questions from the audience. Audra Isenhardt will present her Garlic Mustard report at the October Board meeting.

## **12.0 Other**

**12.1 Request for Variance** - President McNamee read the narrative. Jim Cousins addressed his concerns with the expense and logistical problems related to burying their propane tank. The requirement that tanks be buried is really only for aesthetic reasons; he estimates that 95% of tanks are not buried. He offered a solution that would conceal the tank; the box around the tank would be seen. Because the plan was not strictly in compliance with burying the tank, the AECC voted against the variance. He has evaluated the options and does not feel that burying the tank is the best option for him. Rick Paulson stated there is no hardship here, expenses are not a hardship. Burying the propane tank was noted at the time the plans were approved. The previous Building Inspector was instructed to pursue this with the Cousins. President McNamee requested a motion to vary the requirement that the propane tank be buried. None was made and as such the request failed.

**Adjournment** – Josh Cocagne moved, seconded by Mike Harris, to adjourn at 10:50 p.m. Motion carried.

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Substitute Recording Secretary  
Megan Shamp

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President Deb McNamee

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Date

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Corporate Secretary Josh Cocagne