

**Apple Canyon Lake Property Owners Association  
Board of Directors Meeting Minutes  
April 21, 2018**

**APPROVED**

**2.0 Call to Order** – President Jody Ware called the regular meeting of the Apple Canyon Property Owners Association to order at 9:03 a.m. on Saturday, April 21, 2018.

**3.0 Pledge of Allegiance** – After the Pledge of Allegiance, a quorum was present with the following directors in attendance: Jody Ware, Jon Sonntag, Mike Harris, Bob Ballenger, Barb Hendren, Gary Hannon, Rich Krasula, John Diehl, Gordy Williams. Shaun Nordlie was also in attendance.

**4.0 Approve/Adopt March 17, 2018 Minutes** – President Jody Ware announced that items 12.5 “Camp Soil Borings” and 12.6 “Schematic Agreement” will be removed from the agenda. Those items will be returned to the May agenda.

Bob Ballenger motioned “to approve the March 17, 2018 minutes.” Seconded by Gordy Williams, Mike Harris abstained. Motion carried.

**5.0 Treasurer’s Report** – Gary Hannon reported that March revenues were \$213,285, which is over budget \$44,731. The three main lines of revenue were Advertising, by \$17,000 over budget, Golf Fees, \$6,000 over, and Registration Fees, \$5,000 over. The operating expenses were \$236,470, which was under budget by \$31,223. The three main expenses over budget were Gas & Oil, by 9,000, Advertising by \$8,000, and Employee Fringes by \$5,000. Year-to-Date Operating Revenues are greater than Operating Expenses by \$207,731. R&R expenditures for March were \$44,061 (for a Rental Boat, a Yamaha Boat Motor, finishing up the Cove HVAC project, Marina Doors, Pro Shop oven, and Boat Slip Replacement). YTD R&R expenditures were \$286,608. Gary pointed out that the treasurer’s page is off by \$10,000 and will be corrected next month. We will be paying off the final pool loan this month to the tune of about \$210,000, and that pool capital loan which we internalized will be paid off.

**6.0 Committee Reports**

**Recreation** – Jon Sonntag reported the BBQ cookoff will take place the Saturday of Memorial Day weekend. They will also have a concession stand with pulled pork from 11:00 to 6:00. The Try Scuba is coming up in June and all slots are filled up from 8 - 12. They’re trying to get additional slots. Also tentatively hoping to do a dive for certified divers the weekend before Memorial Day and see how it goes.

**AECC** – Chairman Joe Wiener reported that the only agenda item this month was the approval of a house on Hawthorne. It was approved and the foundation is already in. He also noted that the Board Approved Rules & Regulations dated June 16 directs property owners to the AECC Building Code if they want to make any kind of improvements to their property. In looking over the Code, there are a significant number of conflicts (for example, still talking about the 800 sq. ft versus the 1000 sq. ft minimum first floor). This issue came up with the latest house approval and delayed it a month. The committee last year put together a large number of corrections and tweaks to be made to the Building Code that they would like to have instituted as soon as possible. The Amended Covenants and Restrictions give the AECC the responsibility for making adjustments to keep the Building Code up to date but it’s subject to Board approval. What they are doing for next month’s agenda in AECC is to review the suggested amendments

to the Building Code. These have been sent to Legal Committee, and Marge had 3 or 4 comments they made. He would like to see the Board move on helping them get the Building Code up to date.

**CAMP Financing and Marketing** – Barb Hendren reported that they had a meeting April 12 and basically went over what the Architecture & Design committee had met about the previous week. We discussed keeping both committees aware of what the other is doing so they can move forward. Also discussed size of building – the talk is that it be the same as the present clubhouse. Nothing further until A&D gets some firm numbers.

**Golf** – John Diehl reported the golf season has resumed. Officers were appointed. Spoke about dates for tournaments but put that on hold temporarily in order to avoid conflicts with other events in the area. Will have more information on those at the next meeting.

**Lake Monitoring** – Steve Tribbey reported they will have their first expedition on May 14 and will have someone from Illinois EPA showing them new techniques for monitoring the water. Will continue bi-weekly monitoring after that. The goose egg program participants have been out 2 times.

**Nominating** – Barb Hendren reported that Meet the Candidates is today at 10:30.

**Rules & Regulations** – Mike Harris reported they have not met for the last 2 months.

**Budget Committee** – Gary Hannon reported they are having their first meeting for the year on May 5. Will keep everyone advised.

**CAMP Architecture & Design** – Chairman Joe Wiener reported they met with the architect, who made a presentation in preparation for schematic design. That was followed by a Q&A session. There were 12 people at the meeting, including some interested property owners. It was mentioned that we expect the architect to follow the CAMP approved master plan. We asked him to develop the smaller of the 2-story addition to this building, and we presented detailed information in terms of owner's programs, types of rooms, number of rooms, how many people might be using these rooms so that they could then compare our program to their sketch plan and then come back to us with a revised and refined building footprint. We also said that before they do anything, we need to have soil borings because of the type of ground and the rock that might be there. A two-story building with a basement might not be possible. We might have to build two stories, or spread out. We also need to know what's going to happen with the septic field. So right now, we're waiting for a proposal to go before the Board for the soil borings. Once we have that, we'll forward it to the architect, and have their in-house engineers take a look in terms of feasibility, whether we can have a basement or not. The other thing we asked the architect to do is to send us a written agreement for schematic design services only. Once schematic design is complete, we'll have a full understanding of what the project is going to be. They'll help coordinate construction estimates for what the building will cost, and once we have that in line, then we'll be able to decide whether or not we'll proceed with what we're looking at right now, or if we need to re-examine where we're going. We won't have a full construction document agreement with the architects and engineers until we're satisfied that the schematic design phase meets our needs and budget.

**Conservation** – Chairperson Paula Wiener announced that next Saturday is Earth Day/Spring Cleanup. This year there is a lot of garbage, so we'll need all hands on deck. We're also going to try to work Pea Ridge Road again. Paula has sent an article about this to Tony Carton at *The Scoop*, and has permission from Shaun to invite other residents from our watershed area to come over to Nixon Beach and help clean up. The other thing that has taken up almost all of their time since December is getting the Greenway Stewardship Program more codified. She would like everyone to know why they did this. The program used to be very complex and not a lot of people were doing it. When Paula took over, a subcommittee simplified the program, and ended up oversimplifying it. Now they've come back to getting the guidelines clear for all the volunteers who want to participate in the program. It will be a living document, because every time you think you have covered all contingencies, someone comes up with a contingency that you didn't think of. The other part that took a long time was getting the list of suggested plantings

together. There were many sources of information they drew on. It's also egg adding time right now. We did a good job on this last year, and hope to repeat that this year.

**Strategic Planning** – Gordon Williams reported that they are planning for 2019 now. They are building their living document for 2019. They meet next on May 4.

**Safety and Emergency Planning** – Jody Ware reported that they met a couple of times, and the focus is on the dam management plan. Julie Janssen, Manager of Security & Safety, will be meeting with the Jo Daviess Emergency Manager on Monday showing some of the work the committee has done. We will continue to meet and work on the dam plan.

**7.0 General Manager's Report** – Shaun Nordlie gave an update on the recent burglaries – as of last weekend, Security had made house checks on all houses at ACL. We ended up with four burglaries total: two in Eagle and two in Presidents sections. Items taken were alcohol, prescription drugs and TV's. The break-ins took place through the windows. Jo Daviess Co. Sheriff's department has been out here this week, and we are working with a state investigator and sharing information with them. There were two break-ins in Galena this week that were of the same type (a rock through a window). They did catch a juvenile for that. We have upped our Security staff presence here and will continue with that. USI (Utility Services of Illinois) is having a meeting here next Wednesday at 5:00 pm. We've asked for a public forum for that but are not really sure they're going to give that to us. There is an ICC meeting on May 7 in Johnsburg, which is toward Crystal Lake, at 7:00 pm. ICC usually doesn't give a public forum on these but they are doing it in Johnsburg. Shaun will attend that, and it's in the e-blasts if anyone else is interested in attending it. We've supplied all of our information to them along with all the other associations – there are five others involved. The Attorney General is now conducting expert witness testimony. The Trails are now open and the Marina is open as of today.

**8.0 President's Report** – Jody Ware reported that April is National Volunteer Month, and it's amazing how this Association is really run through volunteers. 164 names are listed on the volunteer sheet. Paula explained about the Greenway Stewardship Program today, which is on our agenda. This is a volunteer program where people clean up greenway space. It's a task to remove invasive species, and promotes volunteerism and is also being managed by volunteers. So to all the volunteers, from the five candidates who are committed to volunteering to become a member of the Board of Directors, to the individuals who sit here at this table as volunteers serving on the Board of Directors, thank you for all you do in keeping this Association going.

### **9.0 Property Owners Comments** –

Carol Horist, 5-58 – requested a timeframe on when the bay at their property will be dredged. Shaun Nordlie commented they are ready to dredge in this bay when road postings are lifted. Shaun will communicate updates as needed.

Marcy Stanger, 13-017 – reported that the Illinois Commerce Commission will be participating in a program to promote renewable energy, which Jo Carroll will participate in. Also, the fiber project is moving forward. They need more interest from residents on the east side. Shaun Nordlie reported he gave Sand Prairie permission to go door to door to promote interest in fiber.

Norm Vandigo, 12-277 – made comments about the spillway and information from IDOT received in the early '80's.; also the adequacy of the spillway now as opposed to when it was first built, and how current conditions and weather affect it.

Phil McNamee, 13-133 – commented on the CAMP project and the timeframe in which it is going forward. Also concerned that it is being given priority over the lake.

Steve Davis – 11-193 – concerned about the construction project, and also commented the Cove could be used for another purpose. Also asked about opening our trails to the Jo Daviess County trail system; he was told there was a presentation to the Board about this, and the proposal is in the legislation stage.

Henry Doden, 13-129 – Commented on the cost and construction of the new docks. Also commented on shingle replacement on association buildings.

Bob Stanger – 13-17 – Wants to let everyone know they now have bait at the Marina, and in addition to the type used for many years, they now have green night crawlers.

## **10.0 Consent Agenda**

**10.1 Committee Changes** – Barb Hendren moved “to approve the Consent Agenda Items: Committee changes (to appoint Mary Bluhm to the Campground Committee, Geoff Stocks and Bob Stanger to the Camp Architecture & Design Ad Hoc Committee, Ron Manderschied to the Trail Committee, Sheila Gee to the Recreation Committee, and Bob Stanger to the Golf Committee; and to accept the resignation of Rich Krasula as Vice Chairman of the Conservation Committee)”. Seconded by Mike Harris, motion carried unanimously.

## **11.0 Unfinished Business**

**11.1 Greenway Stewardship Program** – Gary Hannon motioned “to approve the amended Greenway Stewardship Program Application, Administrative Procedures, and Suggested Plantings document as presented by the Conservation Committee”. Seconded by Gordy Williams; motion carried unanimously. Jody commented that it is important to remember this will be a living document.

## **12.0 New Business**

**12.1 Pool Concrete**– Bob Ballenger moved “to ratify the electronic vote to approve spending an additional \$1,500 for the pool concrete repairs”. Seconded by Rich Krasula, Mike Harris abstained, motion carried.

**12.2 Swim for a Cure Pool Party Beneficiary** – Barb Hendren moved “to approve the Swim for a Cure pool party, benefitting the Apple Canyon Lake What’s Trump Relay for Life team in 2018. All proceeds will be donated to that organization after the event”. Seconded by Gary Hannon; motion carried unanimously.

**12.3 Lot Combination 07-206 and 07-207** – Mike Harris moved “to approve the Lot Combination Agreement requested by Mr. & Mrs. Mlynski for Lots 206 and 207 in the Apache (7) subdivision. Once recorded, the Lot Combination Agreement may not be revoked or rescinded”. Seconded by Rich Krasula; motion carried unanimously.

**12.4 Tellers Committee Guidelines**– Gordon Williams motioned “to approve the Teller’s Committee guidelines as presented”. Seconded by John Diehl; motion carried unanimously.

**12.7 – ACL Building & Environmental Code: Violations & Fines – 1<sup>st</sup> Reading** - Rich Krasula moved to suspend Robert’s Rules of order for the purpose of discussion on a first reading of amendments to the ACL Building and Environmental Code; Mike Harris seconded. Motion carried. The AECC has discussed these changes and rewrites for several months. Jody commented that this is the time for the Board to discuss and ask questions of the committee. Any questions the Board has will be submitted in writing by the Corporate Secretary and will need to be representative of the whole Board. Specifically, we are discussing Section 106 – Building & Environmental Code Violations: Procedure, Appeals and Fines, Rev. 7 November 2017.

\* Item #3 Flat Fee Fine Schedule– iii) Mike would like to see the word “trimmed” removed after “tree” because it will be too difficult to enforce tree trimming. It was agreed we will recommend this to AECC. Others feel that we don’t have anything in the Code itself that says you can’t cut down a tree. Gordy

commented that this is mentioned in Sections 111 and 112 of the Building Code as part of the Shoreline Buffer Zone. Rich does not agree that this Section adequately indicates that we're talking about cutting down a tree. Gordy also read the definition of a Buffer Zone – “an area of land designated for environmental protection”.

\* Rich also commented that Keay & Costello recommended adding two paragraphs under Item 1 about the timing of charging a fine and the appeal process. Joe Wiener clarified that after reviewing the attorney comments the committee felt only tree trimming should be removed, and the remainder of the document would be left the same. Later in the discussion, Jody asked whether AECC's proposal includes paragraphs c & d as recommended by Keay & Costello and was told no. Joe Wiener said that the committee felt that the attorney may not have taken into consideration the appeals process that's already in the Code, and Board appeals process. The language now says elsewhere in the Building Code that the owner has the right to appeal to the Board and they're asked to show why the fine imposed was inappropriate, and the decision of the Board in reviewing the appeal is final and doesn't go back to the AECC. Rich felt that it seems that Keith Jones is more concerned with the timing of the fines. The Board agreed that on our communication back to AECC, we should ask them to check the process and procedure to make sure it's clear and in compliance with CICAA.

\*The issue of communication was discussed – if a property owner has trees along the shoreline that needs to be removed, they need to communicate with Rick so that a determination can be by the committee so that the shoreline can be preserved. Joe said the Building Code is not meant to look backward as far as Buffer Zone restoration, but if you want to improve your shoreline in some way, the Buffer Zone needs to be taken into consideration, and the idea is that Buffer Zone will stop runoff into the lake. We're not adding a new fine, it's an area already subject to fines. The problem is it's a 6-month process and is very expensive to the community to fine somebody; it involves attorneys, registered letters, and AECC is trying to streamline the process. Any fines imposed by the AECC will require final approval by the Board. The Board can waive the fine if they determine there were extenuating circumstances.

\*There was a lengthy discussion on Buffer Zones and greenway space. Joe clarified that the Buffer Zone applies specifically to lakefront property owners. The Conservation Greenway is totally different situation. Joe pointed out that it is not AECC's charge to have anything to do with greenway property; that is the charge of the Conservation Committee. Gary pointed out that the Greenway Stewardship Program does address the Buffer Zone, and everything that falls within the 50 ft Buffer Zone does apply. Jody commented that the Buffer Zone is a topic that needs further study. She would like to charge the GM to conduct a study on best practices for Buffer Zones in the 21<sup>st</sup> century. She would like to use our consultants and expert opinions in order to determine how best to proceed.

In the meantime, we are to look at AECC's proposal as a first reading. We are going to apply the two-meeting rule and will send our questions to AECC. Mike Harris moved to reinstate Robert's Rules of Order; seconded by Rich Krasula, motion carried.

Motion to adjourn by Mike Harris at 10:36 a.m.

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Recording Secretary, Barb Hendren

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Corporate Secretary, Barb Hendren

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President Jody Ware

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Date