

**Apple Canyon Lake Property Owners Association  
Board of Directors Meeting Minutes  
September 19, 2020**

**APPROVED**

**2.0 Call to Order** – President Barb Hendren called the meeting of the Apple Canyon Lake Property Owners Association to order at 9:02 on Saturday, September 19, 2020.

**3.0 Pledge of Allegiance** – After the Pledge of Allegiance, a quorum was present with the following Directors in attendance: Barb Hendren, Bob Ballenger, Jody Ware, Henry Doden, Steve Borst, Steve Tribbey, Mike Harris, Gordon Williams and Tom Ohms. General Manager Shaun Nordlie was also in attendance.

**4.0 Approve/Adopt Minutes from the August 15, 2020 Meeting** – Steve Tribbey motioned “to approve the minutes from the August 15, 2020 meeting.” Seconded by Mike Harris. Motion carried with Tom Ohms abstaining.

**5.0 Treasurer’s Report** – Treasurer’s Report will be in *The Apple Core*.

**6.0 Committee/Commission Reports**

**AECC** – Steve Tribbey reported they met on September 5. 82 building permits issued year to date. ACL Energy Policy is posted on the Governing Documents page.

**Conservation** – Paula Wiener reported they spent most of the last meeting on the motion memo that will come up later on the agenda. Greenway Stewardship – problem child exceeding what they were told to do – mowed a path to the trail – we have talked with them and they will let it grow back to the way it was. Henry Doden volunteered to keep an eye on the situation.

**Golf** – Jody Ware reported they have two items on the agenda for two purchases. One of the purchases may include a matching grant/fund, working on that now. Next meeting is in April.

**Deer Management** – Gordon reported they met August 22. Reviewed the Youth Archery event where we had a total of 56 people attend, went very well. Qualifications held on August 8 and August 22 where potential hunters had to qualify. Also had discussion about how the broadheads were tearing up the targets, we are looking at using different options. Will discuss further. Orientation held on August 22. Every hunter has to attend an orientation. All rules are reviewed with hunters at that time. Deer counts are set up for February 6 and 20, 2021. Next meeting is September 26.

**Lake Monitoring** – Steve Tribbey reported that they went out on the lake on August 31. The surface temperature was 77F. Dissolved oxygen was above 8.14ppm to a depth of 11 feet.

**Recreation** – Steve Tribbey reported they met on August 17. Discussed the number of cancelled events for the year. Recreation Commission charge was also discussed. Next meeting will be September 21.

**Trails** – Tom Ohms reported that they met on August 29. Open round table discussion talking about trail concerns. Looked at the new White Buffalo access. Dust control – we have been applying a sample product to help with the dust in certain areas. Next meeting is September 26. They will have a short meeting and then go out on trails and work.

**Strategic Long-Range Planning** – Jody Ware reported they reviewed the status with the 2020 Plan on a Page, action plan. Also discussed preparing for the 2021 Plan on a Page action plan. Two areas – we wanted to discuss on how we will manage community garden and digitizing files. Exploring switching to NorthStar for our management system. Learning what NorthStar can do. Office team has been meeting with them; current software company Abacus has been acquired by NorthStar. Next meeting is November 6.

**Legal** – Jody Ware reported items 12.7 and 12.8 on the agenda for discussion. Will discuss the timeline and different ways we are going to communicate with membership. Town Hall meeting on September 23 at 6:00 p.m. reviewing the proposed Amended Declaration Articles 1-5.

**Foundation** – Jody Ware reported they had a successful and safe Poker Run. We had a profit of \$4,730.00 compared to 2019 with \$3,168.00. UTV raffle was a success; made \$18,910 total; after deducting the cost of UTV, we ended up with approximately \$7,835.00 profit. Plan on doing this event again next year, this was a major fundraiser for our Foundation.

**Rules & Regulations** – Mike Harris reported several 2<sup>nd</sup> readings on the agenda today. Meeting last Friday, talked again about noise/nuisance. Finalized the amenity tags section and talked about rules for the lake itself. Next meeting is October 2 at 10:00 a.m.

**Nominating** – no meeting but will meet on September 24.

**Campground** – no meeting but will meet in October with update on pavilion.

**7.0 General Manager's Report - Fiber** – met with Sand Prairie. All sections with the exception of two will have fiber at the end of this year. Independence will need three more sign ups. Hawthorne/Evergreen area just got enough sign ups – they will go on the 2021 schedule. Schedule is not set up yet. Everyone else should have fiber before end of year. Congratulation Paula Wiener and Kim Rees – Distinguished Service Award winners for this year. Very worthy recipients.

**8.0 President's Report** – Barb Hendren – Nominating Committee – getting started thinking about 2021 Board elections. May look a little different depending on COVID.

## **9.0 Property Owner Comments**

**10.0 Consent Agenda** – Jody Ware motioned “to approve the Consent Agenda items 10.1 Committee/Commission changes (to appoint Rosanne Brandenburg to the Tellers Commission, Rick Paulson to the Architectural & Environmental Control Committee, and John Killeen as Chair, Pat Mannix as Vice Chair, and Mary Hannon as Secretary of the Golf Commission; and to accept the resignation of Fred Turek from the Golf Commission) and 10.2 Appeals Board decisions (to accept the recommendation of the Appeal Board to uphold citation #0102 issued to Magee).” Seconded by Gordon Williams, motion carried.

## **11.0 Unfinished Business**

**11.1 Rules & Regulations: Ice Fishing** – Gordon Williams motioned “to approve the amendments to the Rules & Regulations Section Ice Fishing as included in the Board packet.” Seconded by Steve Tribbey, motion carried.

**11.2 Rules & Regulations: Tennis Court/Sports Complex** – Mike Harris motioned “to approve the amendments to the Rules & Regulations section Sport Complex as included in the Board packet. Seconded by Jody Ware. Discussion – should it be Sports Complex? Mike Harris and Jody Ware agree to amend the motion to change item 1 to Sports Complex, motion carried on the amendment. Original motion with amendment, motion carried.

**11.3 Rules & Regulations: New Home Construction** – Jody Ware motioned “to remove the New Home Construction & Construction Checklist section from the Rules & Regulations.” Seconded by Mike Harris, motion carried.

**11.4 ACL Building & Environmental Code Housekeeping** – Steve Tribbey motioned “to approve the housekeeping changes to the ACL Building & Environmental Code as included in the Board packet.” Seconded by Tom Ohms, motion carried.

Bob Ballenger left the meeting at 9:40 a.m.

## **12.0 New Business**

**12.1 Golf Commission Designated Funds Purchase – Yardage Markers** – Mike Harris motioned “to approve the Golf Commission’s purchase of yardage markers, at a cost not to exceed \$300.00 to be paid from the Golf Commission’s Designated Fund.” Seconded by Jody Ware. Discussion – Tom Ohms – could maybe have one

more red marker at 100-yard marker at #2. Shaun Nordlie informed the group that extras will be bought. Motion carried with one abstaining.

**12.2 Golf Commission Designated Funds Purchase – Trees** – Jody Ware motioned “to approve the Golf Commission’s purchase of trees for the golf course at a cost not to exceed \$1,500.00 to be paid from the Golf Commission’s Designated Fund.” Seconded by Gordon Williams. Discussion – how many trees and what kind? Shaun Nordlie noted that three maples were purchased in the spring and we paid just under \$1,000. We hope to get 6-8 trees. Jody Ware also mentioned there is a potential for a matching grant. Motion carried.

**12.3 Recreation Commission Charge** – Tom Ohms motioned “to approve the revised Recreation Commission Charge.” Seconded by Steve Tribbey. Discussion – reason for the change? Mike Harris noted that he would like to see old charge listed with the new charge. Jody Ware also noted that they did change the format of the recreation group. We do need to review just to see if the new format is working. Shaun Nordlie – might not be a great year for that due to the cancellations we have had. Jody Ware - may want to check with the commission to see how it is going. Mike Harris – we have been changing a lot of charges for these commissions. Tom Ohms – we did change Trails Commission charge, eliminating one line regarding reports to Shaun, eliminated specific date. Shaun Nordlie – we do ask that each committee/commission look at their charge. Motion carried.

**12.4 Watershed Plan Amendments** – Mike Harris motioned “to approve the ACL Watershed Based Management Plan as included in the Board packet. Seconded by Henry Doden. Discussion – Steve Tribbey – question about the implementation framework goal checklist – State of IL stopped funding water samples, how do we want to approach testing the water? Paula Wiener noted that Aren is doing those tests within the five individual areas. Jody Ware – asked about the implementation framework – 5-10 years short term? Paula Wiener – we haven’t looked at that yet. BLMP indicates a downward trend in water quality? What is a BLMP? Steve Tribbey – determines the clarity of the water, color of the water, etc. We have a color chart we match that up to. Steve Tribbey – so when the water monitor group goes out twice/month, what are we doing with this data? Good trend analysis to see what is going on. Are we putting this in a spreadsheet? Shaun Nordlie – off season project for Aren to get together. Jody Ware – good for benchmarking for the Watershed Plan. Paula Wiener – was talking to the new person that runs the IL RiverWatch Program – one of our streams is poor one year, good the next. How do we look at all of this? One of the things in trying to evaluate what is going on, know if a specific thing occurs, (farmer – dumping cow manure). Otherwise very dependent on weather conditions from one year to another, etc. You can look at this but you may not be able to say – this year we had a downward trend without a why it will be hard to get our hands around fixing this. Jody Ware – the water monitoring information would be good to see how it trends. Informative and the lake is our number 1 resource out here. Gordon Williams – you will have peaks and valleys, make notes on what is causing the valleys. Tom Ohms – RiverWatch Program, the little critters will tell you more than the numbers. Mother Nature will tell us what is going on. Steve Borst – so many variables in the collection, human collection technique, etc., makes it difficult to compare one year to the next. Three-year or five-year trend makes more sense as opposed from one year to the next. Agrees that the data is valuable. As soon as some time permits, Aren will be working on this. Steve Tribbey – can also use this for working with the farmers. Jody Ware – moving into this new phase – who is “we” that is managing – will you have a process for managing that? For Strategic Plan – we have a process. Paula Wiener – does refer to who is responsible. In many cases it is not Conservation that is responsible. Plan is to take the four goals, 8 left on the Commission, two people per goal, they get to pick the goal they want to work on. There is a responsibility there. Motion carried.

**12.5 ACL Payment Plan** – Mike Harris motioned “to approve the different installment options for the 2021 ACL Payment Plan as included in the Board packet.” Seconded by Tom Ohms. Discussion - golf pass in the list? Shaun Nordlie – if you are going to get a golf pass, yes, gets rolled over automatically. Jody Ware – golf cart rental? Golf storage? So, the list is not comprehensive. Mike Harris – realize we are trying to make it more flexible for people to pay. March 1 then we give them a fee of \$35.00 to process. People having hard times, we are hitting them with an extra \$35.00. Gordon Williams – this is available to all members, not just problem payers. And a lot of budget plans do have an extra cost to them due to administrative work. Understand that fee – wants to make sure it is for all members. Motion carried.

**12.6 Board Policy – Delinquent Dues Fee – 1<sup>st</sup> Reading** - Jody Ware motioned “to suspend Roberts Rule of Order.” Seconded by Steve Tribbey at 10:19 a.m. Discussion – the hope is more owners will pay dues in March

instead of waiting. Update Board Policy to make this change. Delinquent Dues Fees March 2, April 1, May 1 fee to be established by BOD. Shaun Nordlie discussed at budget this year. Reason – after March 2, no incentive for a late payer to actually pay until we filed a lien. Need something else, if you don't pay by April would be another \$125. Lake Associations – have a very large lien fee. They felt this helped more people to pay rather than wait for the lien. Started with liens then went to the late fees. Steve Tribbey – like the graduated process. May enable people to be able to plan for it better. Shaun Nordlie – goes along with extra payment plan option.

### **12.7 Amended & Restated Declaration of Covenants & Restrictions – 1<sup>st</sup> Reading**

### **12.8 Amended & Restated Bylaws – 1<sup>st</sup> Reading**

Discussion - Jody Ware – reviewed plan of action – the process we are taking right now is to gather feedback from board members and membership. This information gathered from the Board and Membership will go back to the Legal Commission for discussion. Really need all BOD to read these documents word for word. Legal Commission looked at every word; this was also reviewed by Association's attorney. Starting this journey – we need all Board members on board knowing what is going on. Legal Commission's charge is to review and make recommendation to BOD based on current and future needs of Association. Help us, be part of this. The Association community has governing documents just like cities has ordinances. Our current governing documents are outdated and not in alignment with CICA, Not-For-Profit Act, and AECC Building and Architectural Code. Take the work that this Legal Commission has worked so hard on and ask questions, get answers and the Legal Commission will get necessary legal advice and make changes. Board approved an amended declaration on September 21, 2017. What you are seeing here now are the new changes in the three years. Timeline – our plan of action – you received a simple version of the documents comparing the present Declaration with the Proposed Declaration and the same with the Bylaws explaining the reasons for the change. If you see something wrong, just ask us. We have a first, second and third reading, September, October and November. Please don't forget you received this document in August. Write down any thoughts, any feedback, etc. We have forms available to you for writing down your concerns, suggestions, etc. We will also be posting responses to the questions asked. By Tuesday, articles will be in *The Apple Core*, articles will be prepared to go on the ACL website. We have chart of definitions of Member, Natural Person, Owner/Legal Entity, Voting Member and Occupant. This was one of the big changes. Remember, Legal Commission reports to the Board. When will membership get this information? The way it will go – Board meeting today, Monday Legal Commission meeting, then Wednesday Town Hall meeting, then another Town Hall meeting. Then October Board meeting, then Legal Commission meeting and then another Town Hall meeting. November, same thing, Legal Commission meeting after the Board meeting, then Town Hall meeting. Whole idea is to get information back from membership, continue to review suggestions. This isn't a yes or no document for voting. What do you want for the community in the Governing Documents? Town Hall meetings will be recorded. Recordings will be divided up into one-hour segments. There will be video discussion in weekly Apple Seed eblast. During the Zoom meeting, you will have the ability to write questions using Chat. Questions will be recorded/documented so we can follow up. We have an explanation on what the instruments are – difference between Declaration and Bylaws, etc. We have an explanation of exhibit A, B & C. Also new in this Declaration is the attachment of the Energy Policy Act that was approved in March of 2020. Part of state law states it has to be attached to the Declaration but does not have to be voted on by membership, just BOD. We will have a FAQ on the web. We plan on contacting as many property owners as we possibly can with the explanation of the voting process. All materials must be to the Association Office for mailing by December 1. We want to send out the ballots with the assessment statement packet. Postage is budgeted for 2021 budget to mail documents to the Membership. Mike Harris – what is the hurry? Spent six years doing this and have to make a decision in 6 months. Jody Ware – how long do you want to take to pass this? We took three years to approve the last governing documents. The Legal Commission is willing to listen to another process for presenting and passing the governing documents so please share when we should start the process. Mike Harris – thinking is we are doing this now; we should be having the three townhall meetings first and then go through our three-meeting rule. Jody Ware – we can't know how many Board members will go to town hall meetings. Charge of the Legal Commission is to report to the Board. Commissions do not have the right to send information to the membership without this Board approving the information. This is the exact same process we have used in the past. Board has to understand what you want us to send out to the membership. We have gone through the whole process. In 2017 we handled only the changes that were allowable

without a membership vote. If you feel this is too rushed, what is your alternative process? When is it right? One year from now? Or do you want us to do our charge? It took three years. Whole process took five years. We started in 2015. Mike Harris – it would be easier to have the three Town Hall meetings and go through this and then come back to the Board. Jody Ware – can't send anything out to the membership without approval from Board. We have been keeping the Board up to date every month – informing them they were almost done. May take us a long time to get 2/3 affirmative vote by the Voting Members. If you think we have forgotten something, please let us know.

Association counsel – work began with Keay and Costello on March 31, 2017, received the guidance letter for changes. They gave us a lot of suggestions on change. In that process, Rules & Regs, AECC have also worked closely with our attorney in cleaning up documents. The process here – Board (should know what the commission is suggesting) then to Legal for redirection if we are off base, then to Town Hall. All happening within days of each other. Commission does not have authority to take recommendations to anyone except the Board. November – BOD will propose documents to membership for a vote. Board gives us approval to put proposed documents out to membership. Our timeliness is important – put out the governing documents with the assessments to save costs. Don't want to miss that opportunity. Let's move forward and communicate well now. Voting – has to be approval by the affirmative vote of 2/3 of Voting Members eligible to vote. We have to put out notice of such a meeting to the voting members 30 days in advance. How many lots do we have? 2,743 lots. One Voting Member per property – do the math. How many yes votes do we have to have? Over 1,800. How many people participate in Board election voting – approximately 800. So that is why this is important, and we need the Board members to really understand the documents. Need the members to understand the documents and need feedback from members in an appropriate manner.

Included in the documents – Exhibit A; Exhibit B; Exhibit C (new); and the amendment - the Energy Policy Amendment.

Important change – Voting Member. A lot of the changes – just said members in the old declaration, it now says Voting Members. Shaun Nordlie – we cannot limit the amount of people on a deed. Because of that we had to make these changes to what an owner was, then a member, then who can be the Voting Member. Also affects who can be a Board member.

Jody Ware – in the changes you will see where this has changed from the past and legal entity is in the document a whole lot more. Once said member, now says specifically who the Voting Member is for the Lot or Legal Entity.

Article #2 – Section #3 Reserved Property – change here was the Association may by a vote of 2/3 of Board of Directors, acquire additional reserve property when deemed in best interest of the Association. Difference between exhibit A, B & C. Exhibits are and will be attached.

Steve Borst – feel a little rushed with this. Changing these is a really good idea, we will all have to work together. Jody Ware – if this doesn't pass on February 6, then you never adjourn that meeting. Go out and continue to collect votes. Then meet again in March. Shaun Nordlie - you continue the meeting until you reach the quorum. Once we receive the quorum on the Bylaws, yes or no, then that one is done. Same thing with the Declaration. Continue the meeting every 30 days until you get to the 2/3.

Article #3 – looks a lot like what was approved in March. Building height, materials to be used, etc. Gordon Williams – Article 3 Section 1 – water facility added. Can we define that better? Jody Ware – it is in the definitions. Section #8 – home occupation discussion. Not a lot of clarity in the old version. We did a lot of work on domestic pets. BOD approved what home occupations could be allowed. We have been working with AECC since 2017. Just approved their updates in March 18, 2020 at a Board of Directors' meeting.

Leasing lots? Will get more information about that.

Article #4 – Membership Voting Rights - All owners of the lot are considered members of the Association. Legal entities may designate in writing who has ownership interest in legal entity. Clarify natural person and legal entities. We cannot restrict the number of natural persons on a deed. Steve Tribbey – penalty for not notifying ACL who is responsible Voting Member? Jody Ware – practice is that we get a copy of deed. Every lot gets one Voting Member. The first natural person on the deed is automatically designated the Voting Member, unless the lot is owned by a legal entity.

So what was presented to you today – the Declaration Articles I-V is what the Town Hall meeting will focus on at the Wednesday night meeting. If something is not right, it shouldn't be shared, and I need to hear that from the Board of Directors.

Article #5 – Common Property Rights. Section 4 is new language. Added by Association attorney clarifying the right of the owners.

If you understand that much, the next time we go through this, the other ½ of this will flow. Then the third meeting will be all Bylaws. Today I will collect all of your comments and suggestions and share Monday night at 6:00 Legal Commission meeting via Zoom. The Legal Commission will take all comments and put a response to them.

There was concern from Marge Clark, guest, about Declaration Article 8 Section 10 on Quorum change. Jody shared that we presently can take votes electronically if we vote feel we need a vote prior to a meeting. There is a very specific process of all nine Board of Director Members voting affirmative to have an electronic vote and all Board Members casting an affirmative vote, and this process is to be used very sparingly. With Zoom and teleconferencing, if a quorum is limited (i.e. 5) a Board member could motion to table the vote or not make the motion, so motion is not carried. Emergency vote would be different. Governing documents should be written with the option to table. Membership varies all of the time. Shaun Nordlie – could have a group of Board members just leave or not show so Board cannot conduct a meeting. Marge Clark is concerned that the proposed language would allow the Board to pass motions on important business with 3 or 4 votes if only a majority of a quorum is necessary. This is hardly appropriate representation of the property owners. Board is informed, what about the property owners? This is very complex. Jody Ware shared that the Voting Members will be informed through Board meetings, Town Hall meetings, Website, Recorded Videos of Town Hall meetings on website, and ability to Zoom into all meetings. Jody Ware made a final request to please send her an email with questions or turn in your Questions form. The Legal Commission needs feedback from the Board and Members to make these changes in the documents.

**12.9 Open Discussion about COVID-19** – no updates at this time. Jo Daviess hasn't changed their stats on the county. Still elevated, but nothing new.

Tom Ohms motioned “to reinstate Roberts Rule of Order, seconded by Steve Tribbey.

Motion to adjourn by Mike Harris at 11:52.

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Recording Secretary, Rhonda Perry

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President, Barb Hendren

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Corporate Secretary, Steve Tribbey

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Date