

**Apple Canyon Lake Property Owners Association  
Board of Directors Meeting Minutes  
April 17, 2021**

**APPROVED**

**2.0 Call to Order** – President Barb Hendren called the meeting of the Apple Canyon Lake Property Owners Association to order at 9:00 am on Saturday, April 17, 2021.

**3.0 Pledge of Allegiance** – After the Pledge of Allegiance, a quorum was present with the following Directors in attendance: Barb Hendren, Jody Ware, Steve Borst, Steve Tribbey, Gordon Williams, Henry Doden, Mike Harris, Bob Ballenger and Tom Ohms. General Manager Shaun Nordlie was also in attendance. Barb Hendren noted that 12.4 of the agenda will be changed to approve the concessionaire agreement with Bitternut Road Coffee Truck. Tom Ohms also noted a change in the consent agenda to move resignation of Al Hendren to item 12.1a. Bob Ballenger – all other items remain the same.

**4.0 Approval/Adopt Minutes from the March 20, 2021 Meeting** - Steve Tribbey motioned “to approve the minutes from the March 20, 2021 meeting.” Seconded by Mike Harris, motion carried unanimously.

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

**6.0 Committee/Commission Reports**

**AECC** – Steve Tribbey reported that they met April 3, busy with inquiries with new potential buyers for lots. Next meeting May 1.

**Board Policy Ad Hoc** - Jody Ware reported they met this past week, focusing on Property and Maintenance policies. Start bringing to Board for approval in June or July.

**Budget** – Steve Borst reported they met on March 25. Purpose of that meeting was more informational in nature – brought up to speed on how we performed last year, etc. Discussion on three funds we currently have and how we classify things into those funds. Importance of the understanding of our reserve study was discussed. Talked about minimum wage going up every year until 2025 and how to prepare for that. Next meeting is May 21 at 9:00 am.

**Campground** – Steve Borst – 1<sup>st</sup> meeting will be in May.

**Conservation** – Paula Wiener reported next weekend is our annual Earth Day Spring Clean-Up. Will be working Friday, Saturday and Sunday. Greenway Stewardship – annual reviews of projects that are done and we have three or four new applications. Last year we were going to try to have an education day – COVID stopped that. So, this year we will be having the ACL Animal Count Father’s Day weekend (Friday, Saturday and Sunday). Mark down all animals that you see. Turn the sheets in and we will have a drawing for three prizes.

**Deer Management** – Gordon Williams reported they are meeting next week.

**Foundation** – Jody Ware reported they are having a big event coming up May 1<sup>st</sup> – May Day Auction here at the clubhouse. Wonderful items donated. Children’s Garden has been done by the Garden Club of ACL with a \$2,000 grant from the Foundation. This is what we do - giving back to ACL.

**Strategic/Long Range Planning** – Jody Ware – working on 2022 Plan on a Page. Where are we going for the next five years and hope to bring the new 2022 Plan on a Page to board for approval in June.

**Nominating** – Barb Hendren reported they did have a meeting on Thursday – finalized the questions for the forum today. We will hopefully get that going by 11.

**Recreation** – Steve Tribbey reported the next meeting is April 19.

**Rules & Regulations** – Mike Harris reported they have an agenda item regarding clubhouse rules today.

**Trails** - Tom Ohms reported they met on March 27 with election of officers and discussed goals and projects for the year. April 25 will be the next meeting, after the meeting will have a work day on the trails.

**Legal** – Jody Ware reported they will be meeting on April 22 and everyone should remember there is a special meeting on May 1, and we will continue to meet for the Declaration. This vote can go on for four years, plan for the first Saturday every 30 days for a 1:00 meeting. Have to have 2/3 for a quorum, for or against. We do have a monetary incentive that was donated. Please vote.

**7.0 General Manager’s Report** – Shaun Nordlie – Northstar software training for staff with a go live date being the first week in May. Website will have a private side with members all having a log in. Can see your assessment, insurance, etc.

In January or February, can log in and pay if comfortable doing that. Website you will be able to make reservations for events. Will be bringing more information out to the owners in the next few weeks.

**8.0 President's Report** - President's report will be in *The Apple Core*.

## **9.0 Property Owner Comments**

### **10.0 Consent Agenda**

**10.1 Committee/Commission Changes** – Gordon Williams motioned “to approve the consent agenda item 10.1 committee/commission changes (to appoint Jody Ware as Chair and Marge Clark as Secretary of the Board Policy Ad Hoc Commission; to appoint Mary Hannon and Fern Tribbey as Co-Chairs of the Recreation Commission; and to appoint Tom Ohms and Todd Kintop as Co-Chairs and Penny Diehl as Secretary of the Trails Commission).” Seconded by Mike Harris, motion carried unanimously.

### **11.0 Unfinished Business**

**11.1 Rules & Regulations – Clubhouse** – Jody Ware motioned “to approve the Rules & Regulations section Clubhouse as presented in the April board packet.” Seconded by Tom Ohms. Discussion: hearing none, motion carried unanimously.

### **12.0 New Business**

**12.1a** – Jody Ware motioned “to accept the resignation of Allen Hendren from Trails Commission.” Seconded by Steve Tribbey. Discussion: Tom Ohms - as Chairman of Trails Commission, cannot in good faith accept this resignation under the circumstances that this has happened, too valuable to this commission. Steve Tribbey – we appreciate all of his work. Motion fails with 8 nays.

**12.1 Lot Combination Agreement – Yorke** – Bob Ballenger motioned “to approve the Lot Combination Agreement requested by Michael & Ann Yorke for Lots 106 and 107 in the Big Spirit (5) subdivision. Once recorded, the Lot Combination Agreement may not be revoked or rescinded.” Seconded by Steve Borst. Discussion: hearing none, motion carried unanimously.

**12.2 Concessionaire Agreement – Cottrell Group** – Jody Ware motioned “to approve the proposed Concessionaire Agreement with the Cottrell Group, Inc. with an amendment of approved dates and times attached to the contract.” Seconded by Tom Ohms. Discussion: Mike Harris - not against food trucks, but do not like the idea of having different contracts with different people. Jody Ware – all in favor of food trucks and hope this does work for adding events, etc., especially in the fall and winter when our restaurants are closed. Board's role to make sure we have a contract to protect ourselves against litigation and for safety reasons. Bob Ballenger – no reason why we are limiting her to one weekend/month. Should be opened up for any weekend. Does not conflict with Pro Shop or Cove, she is done by 11:00 am. Tom Ohms – start with one weekend and see how that goes. Shaun Nordlie – dates she has available to be out here, not limited to one. When asked for direction, Board said we could start with one weekend and then maybe expand. If open to more dates, who determines those dates? Barb Hendren – function of Recreation and Communications Department working with Shaun. Jody Ware – article 9 insurance – b – upon execution of this agreement, concessionaire shall deliver a certificate of insurance to ACL. Could we have upon execution of this agreement, prior to agreed date of operation should be added. Could have an event and deliver three months later. Mike Harris – what about days Cove is closed? Could stay longer than 11:00. Shaun Nordlie – not sure what day the Cove will be closed as of yet, something to consider. Gordon Williams - question on article 5.1 – smoking permitted at the facility – standing in line can't be smoking? Employees step out for a smoke break? Shaun Nordlie – we allow smoking 15 feet away. Jody Ware – article 6, hours of operation – wanted to make A more fluid – what General Manager agreed on with concessionaire. On agreed upon dates, put times as well. This could be more vague. More adaptable to what is agreed upon between the two parties. Facilities should be opened as per the addendum. Bob Ballenger – would still support striking the words one weekend/month. Agreed, we will strike that. Steve Tribbey – few typos. Steve Borst - why is it April through October? Should be annual. Agree with what Bob has been saying. Like the concept, could create more excitement about people coming out of their homes and eating on the premises. Maybe protect the Cove's and Pro Shop's menu? Barb Hendren – might be difficult for us to manage that. Steve Borst – limited to firehouse/fitness center area? Can go to the beach? Add or any other ACL property, Board of Directors would approve location. Shaun Nordlie – does include designated by ACL as far as location. That is covered. Tom Ohms – posted times and dates? Shaun Nordlie – once we get a schedule set, we will get that out. Tom Ohms – limit on food trucks? Jody Ware – we are in control of that. Could have food truck day. Might be a special event from Recreation department. 6b – subject to ACL board of directors? Changed to manager? Add **or** general manager. Jody Ware – every year we need a contract from those vendors. Fluid part of contract is what General Manager and Recreation Manager agree on, dates, times and location. Agree. Motion carried unanimously.

**12.3 Concessionaire Agreement – That One Place Bean** - Steve Tribbey motioned “to approve the proposed Concessionaire Agreement with That One Place Bean with amendment with approved dates and times and location attached to the contract.” Seconded by Gordon Williams. Discussion: Bob Ballenger asked again why are we limiting to one weekend/month? Shaun Nordlie – that is what she prefers. Bob Ballenger should use same language we used in first motion. All should be consistent. Article 6a change as per addendum and item b, add or general manager. Change typos. Article 9, item b change (insurance). Motion carried unanimously.

**12.4 Concessionaire Agreement – Butternut Road Coffee Truck** - Steve Tribbey motioned “to approve the proposed Concessionaire Agreement with Butternut Road Coffee Truck with amendment of approved dates, times and location attached to contract.” Seconded by Jody Ware. Discussion: this is just for next Saturday. Shaun will add insurance statement and specific to next weekend. Motion carried unanimously. We amended this item at beginning of meeting, not approving a blank agreement.

**12.5 USI Water Rate Increase** – Bob Ballenger motioned “to join other lake associations 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 \$10,000 to come out of the Operating Fund. The money will go towards attorney fees for John Albers and expert witnesses.” Seconded by Tom Ohms. Discussion: Tom Ohms - water is terrible on his side of the lake. Zero water pressure and until some improvement, would fight the rate increases. Jody Ware – part of our operation is our utility bills. Proposed vs. present was over \$7,165 more in one year for the Association to have water here, restrooms, etc. Shaun Nordlie – unfortunately will probably have to do this every three or four years. Motion carried unanimously.

**12.6 Flood Mitigation Engineering Services** - Bob Ballenger motioned “to approve the proposal for engineering services of CMT of Springfield, Illinois to do an evaluation of rock removal at the spillway and potential impact on the existing area and an evaluation of higher discharges in the area downstream of Apple Canyon Dam for a price not to exceed \$18,700.” Seconded by Mike Harris. Discussion: Jody Ware – no decision on whether or not we are going to change the dam? Correct. Don’t want to create a sense of urgency that it is going to look different. Premature to let people know we are doing a spillway project. Correct. Steve Borst – recommendation we talk about it being paid out of Capital fund? Can we amend that? Bob Ballenger – amended motion to say to be paid out of Capital fund, seconded by Mike Harris to include that. Steve Borst – following up on Jody’s point, supportive of this, not willing to approve the labyrinth weir concept. Gordon Williams – this is just seed money for exploration. Steve Borst – read the responses from engineers, have no idea what they are talking about. Is there a way to have an ad hoc commission to pull people in to read through some of this information? Then inform us. Shaun Nordlie – would be beneficial to have a group working for the Board, meeting with PSI and CMT, would help Shaun as well. Will work with Steve Borst on a charge and bring back. Motion carried (including amendment to be paid out of the Capital fund) with Henry Doden abstaining.

**12.7 Engineering Services for Raising the Top of the Dam** – Gordon Williams, motioned “to approve the proposal for engineering services of CMT of Springfield, Illinois for engineering services for raising the top of the dam with clay material at a cost not to exceed \$14,900 to be paid out of the Capital fund.” Seconded by Steve Tribbey. Discussion: two options – clear off vegetation and put clay in there, would get us to 60% probably maximum flood or the fill dirt on top option. IDNR – send either plan, option 1 would have to be permitted, option 2 would not. Also tied to 12.8, add on we asked from CMT. They would tell us probable cost and also provide a cost differential if this work is done prior to construction of labyrinth weir or whatever we decide. Do we want to do this now or 12.8 first and then revisit after results from 12.8 are here? If we do want to approve 12.7, which option? Not required to be at 60%. This isn’t the cost to do the job, just the cost of engineering. Could table 12.7 if we are doing 12.8. Henry Doden – doing 12.8 without doing 12.7, could be a problem. Some of the information from 12.7, we would use. Would make it more difficult to estimate difference of costs. Jody Ware – motioned “to table 12.7 until future meeting.” Gordon Williams seconded. Motion carried unanimously.

**12.8 Engineering Services for Construction Costs for Leveling the Dam** – Mike Harris motioned “to approve the proposal for engineering services of CMT of Springfield, Illinois for construction costs opinions for two options to level the dam crest at a cost not to exceed \$2,000 to be paid out of the Capital fund.” Seconded by Borst. Discussion: hearing none, motion carried with Henry Doden abstaining.

**12.9 Engineering Services for Evaluation of the Downstream Channel and Cost for Rock Removal** – Bob Ballenger motioned “to approve the proposal for engineering services of CMT of Springfield, Illinois for evaluation of the downstream channel and cost of rock removal method 2 on a time and expense basis not to exceed \$36,000 to be paid out of the Capital fund.” Seconded by Steve Borst. Discussion: two options – start with method 1, go 500 feet to see if we need to go further or not. After 500 feet, then they determine if additional 800 feet is necessary, then let’s go to method 2. Could approve method 1, then if determined, go to method 2, bring back to board for further approval. Or approve money for method 2 if approved by general manager or board. Not in original plan, Henry and Steve asked CMT this and important we look at this because it deals with the bridge. Henry Doden – not fully decided if we are going to use waterfall to get rid of excess water from lake. Early to be voting on this. Labyrinth information would be needed. Should

wait on this. Jody Ware – trying to gather costs for this project, information, etc. Instead of tabling, do this and gather more information. Questions will come up and if we could approve this or change that to method 1 if additional information is needed, to continue to method 2. If they find out they need to do method 2, don't want to wait for another Board meeting to approve. Steve Borst – why would you spend this money now and we decide we are not doing labyrinth weir. Would approve to find out the labyrinth spillway could or couldn't work. May have to come up with something other than the labyrinth. Would only do method 1. Henry Doden - already approved 12.6, that is part of what you are talking about. Basically, duplicating in this part. Might be necessary, but first need to know if necessary. Jody Ware – will they provide the same data in 12.6? Henry Doden – won't be detailed but would tell us if there is going to be a problem. Don't know if we have a problem. Gordon Williams – do the first part but still have the option for method 1. If we don't need it, we don't write the check. Steve Borst – evaluate in 12.6, this one will model it. Give us information to help us decide what to do. Bob Ballenger amended his motion “to amend motion from method 2 to method 1, at an expense not to exceed \$23,500.” Seconded from Steve Borst. Motion carried with Henry Doden abstaining.

**12.10 Engineering Services for Time Estimates to Draw Down the Lake** – Tom Ohms motioned “to approve the proposal for engineering services of CMT of Springfield, Illinois for time estimates to draw down the lake, on a time and expense basis not to exceed \$3,400 to be paid out of the Capital Fund.” Seconded by Mike Harris. Discussion: premature, don't need to do this now. Not essential, preliminary work needs to be done. Gordon Williams motioned “to table this agenda item.” Seconded by Henry Doden. Motion carried unanimously to table. Bob Ballenger – hope we have a lot of options before we decide drawing down the lake.

**12.11 Engineering Services for Time Estimates for Labyrinth Spillway Construction** - no motion – premature.

**12.12 Open Discussion about COVID-19** – Tom Ohms motioned “to suspend Roberts Rule of Order,” seconded by Tom Ohms. Shaun Nordlie reported we are still in tier 4, reached the amount of over 65 vaccinated, but hospitalizations are too high. Still at 50 people for events, inside dining, 6 feet apart, nothing has changed. As we prepare, looking at data getting into the bridge phase, may be some time in May. Planning on being in the bridge phase as far as pool. If not, same as last year. Preliminary plans for swimming lessons, aerobics, etc., if we are in the bridge phase.

**12.13 Capital Projects Update** - done this with previous discussion. Mike Harris motioned “to reinstate Robert's Rule of Order,” seconded by Tom Ohms.

Mike Harris motioned to adjourn at 11:00 a.m.

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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