

**Apple Canyon Lake Property Owners Association
Board of Directors Meeting Minutes
May 21, 2022**

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 am on Saturday, May 21, 2022.

3.0 Pledge of Allegiance – After the Pledge of Allegiance, a quorum was present with the following Directors in attendance: Barb Hendren, Mike Harris, Nolan Mullen, Gordon Williams, Bob Ballenger, Henry Doden, Tom Ohms, Steve Borst, and John Anderson. Interim General Manager Ashlee Miller was also in attendance.

4.0 Approve/Adopt Minutes from the April 6, 2022 Special Meeting, April 16, 2022 Executive Session & April 16 Regular Meeting – Tom Ohms motioned “to approve the minutes from the April 6, 2022 Special Meeting, the April 16, 2022 Executive Session and the April 16, 2022 Regular Meeting.” Seconded by John Anderson. Correction: 12.1 Ohms – need to add an s. Motion carried unanimously.

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

6.0 Committee/Commission Reports

Trails - Tom Ohms reported they met on April 30. Going to be giving out an educational handout to go over Rules and Regulations we would like everyone to follow on the trails. New thing we are trying – red tape on road signs that say closed when we shut down the trails. Elected to not reinstall the platform for the giving tree. Next meeting will be May 28 at 8 am.

Deer Management – Gordon Williams reported they met on April 30. Discussed the archery range and how we will remodel in phases. Received AECC approval for projects we want to do. Will start to see some work on the range. Hunter applications have been sent out. Next meeting is next Saturday.

Strategic/Long Range Planning – Gordon Williams reported they had met and finished the 2023 Plan on a Page. Going to Budget and then hopefully coming to Board in July. Next meeting will be September 9.

Recreation - John Anderson next weekend is the Spring Fling, starting at 1:00. Recreation is looking for volunteers, please spread the word.

Golf – John Anderson reported on upcoming events along with adding flowers and doing maintenance, etc.

Conservation - Mike Yorke, Vice Chair, reported the spring fish shocking will be completed in the next two weeks. Zebra mussels – Al Zobjeck is the chair of that ad hoc commission, and he will come to Conservation meeting every time we meet. Good collaboration between those two commissions. Fish structure - created 10 cubes from pallets, stuffed with cedar branches and dropped them in the lake to give more structure in the lake. Dry dams – 15 dry dams around the lake, performing an important role. We started to inspect those dams. Will report back to the Board as soon as we are done with all of them. Tom Ohms noted that the fish shocking gives us important information. Work is paying off – top weight for bass has increased. Also tells us where our fish are in their life cycle as well.

Water Monitoring – Steve Tribbey reported the water was surprisingly clear. Started reporting the monitoring results again.

General Manager Search – Mike Yorke, Chair, reported they have a nine-person commission, meeting every week. First thing we did was look at the 10 competencies we need. What we are looking for is an individual with those 10 competencies. Competencies came from the Board, the GM Search Commission, Shaun and his direct reports. Qualities we feel we need in our next General Manager. We’ve updated the job description. Hoping to post the job on Monday. Should start to receive a good applicant flow.

Zebra Mussel - Bill Becker, Vice Chair, reported they are meeting every week with guest speakers attending. Zebra mussel monitoring will be placed into the lake. Tyler is assessing the docks. Submitted an article for submission on zebra mussels in *The Apple Core*. Will present a plan to the Board in June.
AECC – Barb Hendren reported they approved several items.

Board Policy – Barb Hendren reported they are meeting every week, still working on 8000 section. Received edits on the 7000 section from Legal Commission. Thank you to Marge Clark for her expertise and wisdom.

Legal – Sean Cottrell reported they met on May 5, finished reviewing the 7000 section. They have increased the membership to six members.

7.0 General Manager’s Report – Ashlee Miller reported office hours are extended, golf course will open at 7 am, Marina opening next week. Water at Nixon has been shut off, water main break, will be fixed next week. Pool is ready. NorthStar – all purchase orders are going through Northstar now.

8.0 President’s Report – will be in *The Apple Core*.

9.0 Property Owner Comments

10.0 Consent Agenda

10.1 Committee/Commission Change – Nolan Mullen motioned “to appoint Roger Greenlaw to the Lake Monitoring Commission and Norm Vandigo to the Zebra Mussels Ad Hoc Commission, and to accept the resignation of Pat Reese and Tim Reese from the Golf Commission, Jim Legg from the Conservation Commission, and Marge Clark from the Board Policy Ad Hoc and Budget/Audit Commissions.” Seconded by Gordon Williams, motion carried unanimously.

11.0 Unfinished Business

11.1 Rules & Regulations: Motorized Vehicle-Recreational Through Ice – Mike Harris motioned “to approve the addition to section XII Motorized Vehicles-Recreational, F. Operation Limitations, 14. Any recreational motorized vehicle that breaks through the ice will be subject to fines as outlined under Section XIII Snowmobiles, C. Operations, #7.” Seconded by John Anderson. Discussion: Bob Ballenger – thought this was covered by state regulations. Barb Hendren – they have their own fines, but we decided to add this to be consistent since we added snowmobiles. We are allowed to make rules about what happens on the lake. Bob Ballenger – think it is an overreach. Motion carried with Bob Ballenger and Henry Doden voting nay.

11.2 Energy Policy – Gordon Williams motioned “to approve the Energy Policy as included in the May 2022 Board packet. Once approved, the updated Energy Policy will be recorded with Jo Daviess County.” Seconded by Steve Borst. Discussion: hearing none, motion carried unanimously.

11.3 Dam Emergency Action Plan – John Anderson motioned “to approve the Dam Emergency Action Plan as included in the May Board packet.” Seconded by Tom Ohms. Discussion: Henry Doden - the benchmarks listed, doesn’t say what to do to relieve the problem. When should we use the discharge valve, who makes that decision, whatever the chain of command is? Emergency Action Plan should be included in the Board notebooks. Mike Harris – people can go and ask for these plans, take it home and read it. Barb Hendren – know the valve is tested a couple times per year by Maintenance. Part of the dam inspection. Bob Ballenger – every time we’ve flooded, I’ve asked the question why we didn’t open the valve. Never got an answer. Tom Ohms – moving forward might want to include this information in the plan. Instructions on opening the valve when we hit the benchmarks. Julie Janssen– valve would have had to have been open days before to be proactive in the last high-water event – but every situation would be so different. Not clear if we keep opening and closing the valve, would that create issues – engineers would have to be asked. Last saturated event – maybe we should have opened sooner, but maybe would not have made a difference, happened so fast. Question to go further with the engineers. Won’t see an instant drop, would be over days. How would people be affected by us opening that valve as well. Make

sure we have staff that understand what this entails and how to do this safely. Henry Doden – possible breach, would make a difference. Part of what we are asking. Chain of command, etc. Julie Janssen – when the spillway project is finished, we recognize that this may change things/update. Good clear answer on the valve – not been involved in that at all. Barb Hendren – we looked at this plan last month, see adding a section with instructions on the discharge valve may be needed, but not so easy due to needing an expert opinion. Do we want to hold this up for that section? Commission has done a lot of work on this – knowing there is more work to do, can we approve this now rather than waiting. Could revise once we get the valve information. Board President recognizes Gary Hannon. Gary Hannon – current member of Flood Mitigation Commission. This is part of the engineer’s decision-making process, will be inspected and checked out and we will talk about as a commission. Recommend approving what we have. Motion carried unanimously.

11.4 Emergency Management Plan – Mike Harris motioned “to approve the Emergency Management Plan as included in the May Board packet.” Seconded by John Anderson. Discussion: hearing none, motion carried unanimously.

12.0 New Business

12.1 Deer Management Commission Designated Fund Request – Gordon Williams motioned “to approve the Deer Management Commission’s request for up to \$1,000 from their Designated Fund to be spent to purchase construction materials for targets at the archery range. The targets will be placed at the ACL Quarry in accordance with the plans submitted to the AECC.” Seconded by Nolan Mullen. Discussion: nice improvement to his amenity. Motion carried with Henry Doden stepping away.

12.2 Conservation Commission Request – Tom Ohms motioned “to approve the Conservation Commission’s request to plant a 10’ x 50’ sunflower garden between the trail and the dam.” Seconded by Mike Harris. Discussion: Joint project with Maintenance and Conservation Commission. Mike Yorke – tiered sunflower annual garden. Big ones in the back, smaller ones in front will prevent them from falling over. Motion carried with Bob Ballenger stepping away.

12.3 Greenway Stewardship Program – Tom Ohms motioned “to approve the amendments to the Greenway Stewardship Program Administration Procedures and the ACLPOA Greenway Stewardship Program Overview and Application as requested by the Conservation Commission.” Seconded by Gordon Williams. Discussion: just some tweaking to clarify things and to incorporate the Natural Resources Manager. Steve Borst – few grammatical things – should be a commission (not committee). Sometimes they refer to ACL Property Owner, sometimes it is just property owner and small case – should be consistent throughout the document. Motion carried with grammatical changes noted by Steve Borst.

12.4 Garden Club Pumpkin Patch Request – Mike Harris motioned “to approve the Garden Club’s request to use the area adjacent to the ACL Maintenance building to grow pumpkins.” Seconded by John Anderson. Discussion: Bob Ballenger - is there a more specific word than adjacent? Ashlee Miller – south side of building. Maintenance does know about this, and they are fine with it. Motion carried unanimously.

12.5 Garden Club Mann Tower Request – Tom Ohms motioned “to approve the Garden Club’s Mann Tower request.” Seconded by Henry Doden. Discussion: Henry Doden – no dimensions were given. Steve Borst - level with a little dirt down and mulch over it. Easier for kids to read the signs. Tom Ohms – how are they retaining the dirt? Does this come down to having a workshop for the Board to explain further and to include the next items. Similar to what Deer Management did. Plans for dirt and mulch retainment? Gordon Williams – approval by AECC needed? Motion fails with eight nays. Mike Harris – motioned “to have a workshop on items 12.5, 12.6 and 12.7 by the Garden Club.” Seconded by Henry Doden. Mary Hannon – member of the Garden Club – not sure we want to include 12.7. Would like to have this by Memorial Day. Mike Harris – amended motion “to remove item 12.7 from previous motion.” Henry Doden seconded; motion carried unanimously.

12.6 Garden Club Balance Beams & Frog Hop Request – Tabled.

12.7 Garden Club Adventure Map – Nolan Mullen motioned “to approve the Garden Club’s Adventure Map, with spelling correction as noted by staff.” Seconded by Bob Ballenger. Discussion: think the map

needs to be bigger; only one “I” in pavilion; remove President’s ‘beach’. It should be called President’s picnic area. Idea was to make the map available in the office and put one up somewhere. Motion carried unanimously with additional corrections.

12.8 Announcement of the Nominating Committee - Mike Harris motioned “to appoint Mike Yorke, JoAnn Blackmore, Bill Bourell, Cindy Zophy, Crystal Erdenberger, and Paula Wiener to the Nominating Committee.” Seconded by Gordon Williams. Discussion: thank you! Motion carried unanimously.

12.9 Marine Service Center Contract – Board is not ready to approve this contract at this time; this item will be tabled. Gordon Williams motioned “to table this item.” Seconded by Tom Ohms. Discussion: bring up what Gary Hannon mentioned earlier – how many boats have gone in and how far behind they are. Motion carried unanimously.

12.10 GM Job Description and Job Posting – John Anderson motioned “to approve the General Manager Ad Hoc Commission’s revised General Manager Job Description and Job Posting as included in the May Board packet.” Seconded by Steve Borst. Discussion: Tom Ohms – natural resources only 15%? Barb Hendren – commission did make a couple of revisions and one of the changes was to remove those percentages. No reason to have them on there at this point. Ashlee Miller – small details the Commission changed after the document was given out. Rework overseeing policies made up by the Board. Two bullet points in Natural Resources will be moved to Human Resources section. Barb Hendren - under licensing – we will require they get the license but listed as a requirement. Ashlee Miller – this will be on the job posting, required to possess or obtain. Mike Harris – certain questions we can ask and can’t ask. Look at all questions before we ask them. Mike Yorke – yes, we will manage the questions going forward. May be some spontaneous questions we ask, but the theme questions will be prepared. Motion carried unanimously with a few revisions to be noted.

12.11 Consulting Agreement – Steve Borst motioned “to approve a project-by-project Lake Consultant Agreement with Shaun Nordlie with monthly consulting fees being drawn from the ACL Capital Project Fund for the following projects: Contract Dredging, Flood Mitigation’s Spillway Improvement, and the Winchester Bay Grant Request Application.” Seconded by Mike Harris. Discussion: Bob Ballenger - pull the funds from Capital? No timetable on this, could stay on forever. Missing a lot of limits. Tom Ohms – we do have the right to terminate. Steve Borst – this isn’t the agreement, once we approve this, we develop an agreement. Before Shaun left, Steve asked what we should be worried about. Talked about a lot of things and we focused on these three things. He is doing work now on these three projects. He could stop tomorrow. Bob Ballenger – we have done consultants before, and this is not how we have done them. Mike Harris – this is an agreement, not a contract. Steve Borst – if he can get us to a certain point, then we are good. Not until completion of every project. A lot of what he is doing is emails, conversations with CMT, etc. Zoom calls with Ashlee and Tyler as well. Will incentivize us to get these projects completed and give us the expertise. Bob Ballenger - approving a concept – then to attorneys to be drawn up. Would like to see his concerns answered (timetables). Mike Harris – think it is good the way it is. Barb Hendren – the way it was set up is more of a closure – project based as opposed to having him on retainer. This makes it tied to the projects that he has become an expert on. We are at a critical point with these three projects. John Anderson – outside contractor – don’t need to have anything signed if he bills separately. He has his own job to do – he will train Tyler. If we don’t do this, we will go backwards. Bob Ballenger – says we are approving an agreement, there is no agreement written up, just verbal. Roll call: Mike Harris – aye; John Anderson – aye; Gordon Williams – aye; Tom Ohms – aye; Steve Borst – aye; Bob Ballenger – nay; Nolan Mullen – aye; Henry Doden – nay. Motion carried with six ayes.

12.12 319 Grant Application – Mike Harris motioned “to approve the Final Design of Winchester Bay Reach 1 Restoration Project done by RES and to work with RES to submit ACLPOA’s application for a 319 IEPA Grant by July 2022.” Seconded by Tom Ohms. Discussion: Mike Harris – possibility we might not get the grant, we’ve applied before. Henry Doden – we do not know what the spillway will cost or what the dredging will cost. Barb Hendren – we are approving the final design and work with RES to submit the grant. We are not committing the funds to this now. Mike Harris – Shaun did say RES does a lot of grants and 90% of the time they do get approved. Nothing for sure. Ashlee Miller - Slides 39-41

shows different armoring techniques. Some people are confused on armoring and rip rap. What was done in the past was not armoring. Barb Hendren – if we get the grant, we would be responsible for 40% of the cost. Steve Borst – does explain what they are going to do. Henry Doden – would like more explanation on some of this. Ashlee Miller – did give a side-by-side explanation to the Board members last week from Shaun. Roll call: Mike Harris – aye; John Anderson – aye; Gordon Williams – aye; Tom Ohms – aye; Steve Borst – aye; Bob Ballenger – aye; Nolan Mullen – aye; Henry Doden – nay. Motion carried with seven ayes.

12.13 Capital Projects Update – Mike Harris motioned “to suspend Roberts Rule of Order, seconded by Tom Ohms, motion carried unanimously. Ashlee Miller reported: Flood Mitigation – received a probable estimate of costs, survey has been completed, quote to come to Board in June hopefully. Commission will meet on this first. Dredging – working on getting bids to clean out existing dredge ponds. Winter bid and award in February to start in April when ice is out. Sports Court – send out to RFP soon – cost to do existing layout cost and what else can be done. Probable cost estimates, but not actual bid estimates. It is an approved R&R project. Does that need to come back to the Board? Gary Hannon - the Flood Mitigation Commission is waiting to see the survey from the engineers and make a recommendation to the Board of Directors.

Tom Ohms motioned “to reinstate Roberts Rule of Order.” Seconded by Bob Ballenger, motion carried unanimously.

Motion to adjourn by Mike Harris at 11:09 am.

Recording Secretary, Rhonda Perry

President, Barb Hendren

Corporate Secretary, Tom Ohms

Date