

UNITED LOST LAKE PROPERTY OWNERS ASSOCIATION

Board Meeting Minutes

August 9, 2008

Call to Order

The meeting was called to order by Tom Wendling, President, at 9:00 a.m.

Attendance:

Sue Hill	Crystal Pohlman
Mike Robinson	Mick Kazmerski
Tom Wendling	Marilyn Mancini
Sandy Lewis	Lois Lytle
Don Finn	

Absent:

None

Agenda:

Motion to Accept Agenda:

Crystal Pohlman made a motion to accept the Agenda. Sandy Lewis 2nd the motion. This motion was put to a roll call vote with the following results: Voting yea – Sue Hill, Mike Robinson, Crystal Pohlman, Mick Kazmerski, Marilyn Mancini, Don Finn, Lois Lytle, Sandy Lewis. Voting nay – none. Motion unanimously approved.

Motion to Accept Minutes:

A motion was made by Mike Robinson to accept the July 12, 2008 Board Minutes as presented. Sandy Lewis 2nd the motion. This motion was put to a roll call vote with the following results: Voting yea – Sue Hill, Mike Robinson, Crystal Pohlman, Mick Kazmerski, Marilyn Mancini, Don Finn, Lois Lytle, Sandy Lewis. Voting nay – none. Motion unanimously approved.

Motion to Accept the Treasurer's Report:

Crystal Pohlman stated that all Lost Nation and New Landing POA accounts have been reconciled and closed with one exception. The CD's from Lost Nation are still in place and will remain in place until they mature in March 2009. The New Landing CD matured on July 31st and was cashed in with funds being deposited to the reserve account and is reflected on the Balance Sheet. She stated that she would be putting the majority of the new reserve into a new CD that will mature in March of 2009 to gain more interest. The current Balance Sheet reflects the balance of our bank accounts and includes all monies received as of July 31, 2008. She stated that as far as dues that have been billed out in June for the West side that were due on July 23rd, there are currently sixty delinquent property owners for a total of \$13,005.94. The late fees have been added and the multi-lot discount has been rescinded and the invoices on the additional charges were mailed out last week. The property owners in arrears will be listed in the upcoming newsletter along with a list of delinquent members from the East side that are currently in the collection process. The lot swap was completed on the lot next to the NL POA on July 7, 2008 and the sale of the last six properties that were acquired from the foreclosure sale last fall have been completed and we are currently free of all vacant properties owned by the POA. She stated that there will be a sheriff's sale on the last three foreclosure lots and there is a hearing scheduled in mid-September but the date has not been set for those last three lots.

Marilyn Mancini asked if a category like road expenses could be added to one of the reports so she could see expenses that were accrued from past months. Crystal stated that the financials were normally sent out a couple of days prior to the Board Meeting but if Marilyn saw something she wanted more breakdown on she does have a copy of the road expenses and the mowing expenses since June 1st and she would be happy to provide that at Marilyn's request. Mike Robinson asked about the category labeled "bad debt" and wanted to know what that was for. Crystal explained that when we have money owed to us that is un-collectable and we have to take it off of our books we write it off to "bad debt". She stated that keeping track of this goes toward our tax return. Marilyn asked about the item listed as CSB Bank service charges. Crystal explained that this was for the credit card service. Marilyn asked if we had much activity with credit cards. Crystal stated that they have seen more than normal credit card use this year. Sandy Lewis asked if we have a newsletter sponsor if they would be allowed to use a credit card to pay for advertising. Crystal stated that the credit card service was set up as a convenience for our members. She did not see any reason why advertisers could not pay with credit cards. Service charges for the use of the card were discussed but some Board Members were opposed since they are helping offset the cost of the newsletter. Crystal then stated that when the bill was paid for the road paving that was done, money was held back from UC Paving until some of the road repairs are fixed.

Mike Robinson made a motion to accept the Treasurer's Report. Lois Lytle 2nd the motion. This motion was put to a roll call vote with the following results: Voting yea – Sue Hill, Mike Robinson, Crystal Pohlman, Mick Kazmerski, Marilyn Mancini, Don Finn, Lois Lytle, Sandy Lewis. Voting nay – none. Motion unanimously approved.

Unfinished Business:

Computer Purchase – West Office:

Tom Wendling stated that no bids have yet to be received for the purchase of a computer for the West Office and this item will be carried on to the September Meeting.

Front Gate Signage:

Tom Wendling stated that we have received a lot of input and several quotes and every time we receive a quote it brings up new and more interesting opportunities and ways to approach it. The price keeps going down so we are going to continue to work on this because the more we look at new ideas we get more new ideas. Tom stated that Frank Durkin has been working on this. Right now, it looks like we are going to get both signs for less than what we were going to pay for one sign and they will be well constructed. Since we are gathering more information on this, it will be postponed for the time being.

Fire Code Construction – West Office:

Tom Wendling explained that we have received three quotes; two of which were over \$5,000 and one was \$6,150. One was \$5,200 and the contractor did not want to do the painting. The third one came in at \$4,800 and that contractor was going to do everything; two coats of paint, dry-walling, fire door, windows, vent fan and electrical. Tom stated that when he gets his computer up and running he would email these quotes out to the Board Members. Sandy Lewis stated that Butler Construction quoted \$5,100 for all the work and she is courting him to place an ad in the newsletter, which would offset the additional bid price, and he's local. Marilyn stated that she would like to see the quotes before she votes on one. Tom stated that this item could be moved up to the September Meeting and a vote can be done at that meeting.

New Business:

Authorizing the Board Lawyers to research the law concerning the four subdivisions that we thought were part of New Landing and what can be done to bring them into the POA legally: Tom Wendling stated to the Board that they need to authorize the Board lawyers to research the situation we have with the four subdivisions. Tom explained that this started and was uncovered due to the Torsberg property. The Torsberg property has attached to their plat covenants and those covenants state that they must adhere to the New Landing covenants. However, by State statutes they must enforce their own covenants, we cannot enforce their covenants. We have nothing in our Covenants, By-Laws, or Rules and Regulations that would give us authority to do anything outside of our territory. The question then came up about some of the other areas so we started looking into Lakewood Greens, Knollwood Estates, Blueberry Hill and Heather Ridge and nothing was ever done to officially bring those people in to the property owners association. Tom stated that he had talked to several of the residents and to Darrell Jordan who was involved with Ted Masterson and he said, it will be okay - they'll be part of the property owners association. Over the years we have been deeded the roads so the roads are ours. We are going to have a title search done and find out if nothing was done and then what we need to do to correct the situation. It probably will be fairly simple but at this point in time he can't give anyone any more information than that.

Marilyn Mancini asked Tom what the process is to sanction these communities into our Association. Tom stated that it is probably going to be as simple as passing around a petition within each of those divisions asking to be accepted into United Lost Lake. Those petitions would be presented to the Board the Board makes a motion, and votes on it. It appears to be that simple but this is why they are researching it. Mick stated that the ECC doesn't have any authority in those subdivisions. He explained that we couldn't issue permits, we couldn't enforce the covenants, and we could not do anything in those areas. Marilyn stated the other serious issue is to unification. Marilyn asked if we should go out with another vote on it because secondly, those four little sections are fifty plus houses. Don Finn stated that it well may be the unification voting itself authorized the association of those communities and we don't have to go through all of this stuff. Tom Wendling stated that it is going to be looked into and we are going to try and meet prior to the September meeting. Sandy Lewis asked why this wasn't discovered until now. Mick stated that it wasn't discovered until now because up till now, to his knowledge, we have never had a property owner question the authority of the POA to regulate or control their area. We have a situation now where in the Torsberg Subdivision we have a property owner who has challenged the authority of the POA to require them to do anything. Our lawyer came back and stated that the POA has no authority to enforce anything. The only ones that can enforce it are the ones who live in those subdivisions so to Mick's understanding every one of those subdivisions need to have their own POA to collect dues and do to everything. Sandy Lewis wanted to know why the lawyers, who were given paperwork months ago were not looking at the plats the subdivisions at the rules and regulations to make sure all our ducks were in a row properly. That is what we paid for. Tom Wendling stated that is not what we paid for. We were unifying the two communities. We did not pay to have title searches done on all the properties and to have all that research done. Mick Kazmerski went on to explain the situation with the Stluka's who are building in the Torsberg Subdivision and how they have refused to obtain a building permit from the Association, cancelled meetings with the Association, are not going to hook up to the Association's water and sewer and how we have no control over anything they do. If they speed on our roadways, we have no course of action against them. Crystal Pohlman asked if there was anything we could do to stop the trucks from coming in and out of the Association that are going to the Stluka's building site. Mick stated that there was

something call a prescriptive easement which states that if someone is using your roadways you can not stop them or deny them access to their property by going over your roadways. He went on to state that does not mean you couldn't charge them something but he doesn't know how you would enforce that. Mick stated that the ECC is completely on hold until the lawyers tell them where they can go from here. Tom Wendling stated that he is hopeful the title company will come back with something within the next ten days. Tom Wendling stated that they are also going to look into any grandfather clause that would be allowed by State statutes but felt it was highly unlikely. Jim Dixon, lawyer and title expert is working with Phil Nye and Paul Chadwick on this issue. Sue Hill requested that the lawyer(s) attend the next Board Meeting when they have a ruling on this issue.

Postponing the election until some of these problems are rectified:

Tom Wendling stated that due to this fiasco, he would like a motion to postpone the election until some of this is rectified. Mick Kazmerski made a motion that the election be put on hold. Don Finn 2nd the motion. Mike Robinson asked if this would mean that the date in which people had to apply to run for the Board would be changed or extended. Mick stated that he didn't think so since it would be just the date of the election that we're changing. Mike stated that we need to decide on whether we are going to hold fast or extend the August 1st date and postpone the actual election or we're going to change the bio date as well as postpone the election. Tom Wendling and Don Finn stated that it would be just to postpone the election. Mick Kazmerski amended his motion to state that the election be put on hold if needed. This motion was put to a roll call vote with the following results: Voting yea – Sue Hill, Mike Robinson, Crystal Pohlman, Mick Kazmerski, Marilyn Mancini, Don Finn, Lois Lytle, Sandy Lewis. Voting nay – none. Motion unanimously approved.

Tree Trimming and Removal:

Tom Wendling stated that he and Don Finn had been out and covered all 23 miles of roadway of the development. They came up with nineteen locations that they determined need to be corrected. This is a combination of both sides of the lake and they will be divvying that work out soon. He explained that these are trees that are all on POA property that were damaged by the storm. He stated that the debris from the roadways has been removed. Mike Robinson asked if there is something in place that in the event trees do go down there is someone you could contact. Marilyn stated that there is nothing in place. However, she stated that perhaps security could note those vacant lots where property owners don't come out very often and could be notified that a tree has come down on their property. Through the years it has been community members that have removed many of these trees.

Petitions from the Community:

Dan Nicolini presented two petitions to Tom Wendling. Tom Wendling read the petitions aloud for the Board and audience.

- 1) We, the undersigned Members in good standing, respectfully submit for the ULLPOA's consideration the following proposal: ULLPOA members in good standing should be allowed to vote for all Board Members running for position on the ULLPOA Board; we are opposed to being allowed to vote for only one representative.
- 2) We, the undersigned Members in good standing, respectfully request that all Standing Committees of the ULLPOA Board be reviewed and that all Members of those Committees be approved by the full Board at a Public Meeting.

Tom stated that this brings up a question in regard to elections. He stated that he had quite a few people approach him a few months ago stating that they were unhappy with the fact that they

can't vote for all people running for the Board. Mike Robinson stated that the By-Laws Committee has been fighting with how to implement the voting by Districts. Mike went on to state that this issue will come up later in today's meeting because they were bound by something and all they could do was modify it but they are not happy with the voting by District. Mick Kazmerski stated that maybe what we need to do since the premise of unification, one of which was to vote as district representation, we might need to go back and re-vote the whole thing. He said that if you nullify that, you nullify the unification vote. Tom Wendling stated that the Board has the authority to make changes to the By-Laws or anything else after the unification vote. That's part of the process of the Board conducting business so we can change that and we can do that right here at this meeting. Marilyn stated that if we are going to do this she would like to see this all addressed at the By-Laws Meeting. Mick Kazmerski stated that as the ECC Chairman, he has been contacted with respect to some people who serve on the ECC Committee. The ECC Committee advertised to people who wanted to volunteer to serve on the ECC Committee. A number of people applied and all who applied were allowed to serve on the Committee. A large Committee is needed due to the separate covenants that need to be enforced under the old New Landing and the old Lost Nation. He stated that that he has been asked to remove a couple of people from the ECC Committee. His understanding is that part of this one petition revolves around that issue. Don Finn stated that he personally agrees with the petition and he also feels strongly that this Board has complete authority to make the decision as to whether we follow that zone project voting or decide to cancel that and he would highly recommend that we cancel it specifically based on the spread of applicants we currently have.

Rule Violation Complaint:

Tom Wendling stated that this violation complaint has to do with a particular individual who prior to going out the gate passed a car that was driving 20 mph. The individual passed within 20 feet of the gate and was also observed not stopping at the gate (the gate arm was broken at the time) and also did not stop at the stop sign on Flagg Road. It was stated that due to the seriousness of this incident, it warrants a violation and not a warning simply because it was so blatant. It was determined that a \$25 fine will be issued which must be paid within 30 days of receipt of the violation complaint.

Sandy Lewis asked about the status of the satellite dish that remains in the right-of-way on Birch Lane. Mick stated that after speaking with the property owners they told him they have been in touch with Direct Satellite which claimed they can not give them service and will cancel their contract and remove it and then the property owners can go to another provider which claims they can give them service. Mick Kazmerski and Don Finn will work with the homeowner to get this issue resolved.

Committee Reports:

Roads – Don Finn: Don stated he spoke with Franklin Maintenance and they have been marking potholes for repair. He stated that he contacted UC Paving regarding Birch Road and was told that they would come out and smooth down the surface but he has yet to hear from them. \$5,000 has been withheld from their payment until this issue is taken care of. He stated that he is still waiting for a salt price bid. As soon as that comes in, they will sign the contract so they can get the bid in for salt for this winter. Don stated that a request for four bids for snowplowing has gone out and are due back by September 8th.

Tom Wendling stated that under Tree Trimming he forgot to mention that we also need to thank John Mulholland and Joe Gargano for clearing out the kids playground area on the east side. A

very large tree branch broke and was a very dangerous situation and John and Joe cleared that out.

Rules & Regulations/By-Laws – Marilyn Mancini: Marilyn stated that everyone has received a final copy of the By-Laws. Everything was taken into consideration from the July Meeting and they have made some changes. One of the proposals is doing away with the district voting and go to a general election and she would like to place that in the By-Laws now. The other thing she would like to do is change the structure and model they use for coming up with dues and assessments to be fair and equitable. Marilyn stated that she has put together a small letter that she would send out to property owners that would explain to the community what she feels is the fairest and most equitable method for determining dues and assessments. Her recommendation would be to use a square footage formula to determine dues and assessments. Mick Kazmerski stated he was strongly opposed to a square foot method of assessing and stated that no one does that. He felt this was not a fair way to assess property and would not vote to change it. Don Finn stated he was also opposed to this method and would not vote for it. Mick stated that every family uses the same services and it doesn't matter whether they have a one-acre lot or a quarter acre lot. They are paying for the same services no matter what their lot size is.

Mike Robinson made a motion to change the districting election to a general election. Marilyn Mancini 2nd the motion. This motion was put to a roll call vote with the following results: Voting yea – Sue Hill, Mike Robinson, Crystal Pohlman, Marilyn Mancini, Don Finn, Lois Lytle, Sandy Lewis. Voting nay – Mick Kazmerski. Motion approved.

Mick Kazmerski had a question on the By-Laws pertaining to terms of Directors. The item in question states: Hereafter, elected three Directors will serve for a term of two years. He stated it's mute as to whether they can succeed themselves or whether the intent is to serve only one term or two terms. Marilyn stated that they can serve two consecutive terms. As far as succeeding themselves in the offices of the positions they are in, that is entirely up to the Board. Mick stated that this item should be clarified. If the intent is that they cannot succeed themselves as a Director he is in opposition to that. He felt that in some positions it takes a number of terms before a person becomes knowledgeable about their position. He felt that it should be up to the community to decide whether they should continue in their position.

There were issues raised regarding the validity of the current By-Laws and Rules and Regs since the public did not vote them on. Tom Wendling stated that the By-Laws, according to the lawyers, are currently under Rev. I. Mike Robinson stated that in April the Board had to temporarily approve those By-Laws and that was done with the understanding that when the revisions are completed, the Board would approve them and they would be mailed to the property owners.

Social Committee – Lois Lytle: Lois stated that 90 people attended the corn boil on August 2nd. She stated that the upcoming bake sale and garage sales would take place on August 23rd and encouraged everyone to start their ovens!

ECC Committee – Mick Kazmerski: Mick thanked the community for picking up their properties after the storm. He gave special consideration to John Mulholland, Joe Gargano and Marilyn Mancini who were out picking up debris with their truck and helping neighbors with their sites. He wanted to follow up on a few other issues. Tom Beissel's screening around his LP tank – a letter was sent informing him of the Board's denial of a six foot fence and letting him know the tank still needs to be screened. A reminder letter will be sent out to the owners of

the satellite dish telling them we will work with them to help resolve this issue. The new septic installation on Lakeside has been completed and that should eliminate the little swamp along Lakeside Drive.

Security Committee – Dave Strasemeier: The eastside vandalism in March – they are progressing with the investigation and can hopefully clear that up. There has been no progress with the vandalism of the speed sign. Hopefully someone will come forward with information on that. Speeding violations are continuing and security officers are out with the speed gun. There were reports of two large dogs running around on the north end of Lost Nation.

An audience member stated that they would like to see all the violations in the community listed in the newsletter.

Utility Committee – Mike Robinson: Mike Robinson read the Utility Report. The report is on file at the East Office.

Parks Committee – Sandy Lewis: No report at this time.

Gatehouse – Tom Wendling: No report at this time.

Covenants Committee – Sue Hill: The Covenants Committee consists of Jerry Sellers, Frank Durkin, Herb O’Rorke, Tom Wendling and Sue Hill. Their first meeting was with the lawyers and they came away with three important things: the covenants could be changed at any time, not necessarily in ten year increments, new covenants have to be approved by 51% of all property owners – not just the ballots that come back in – 51% of what is sent out have to respond in order to make the changes legal and every lot owner gets one vote – if you own 10 lots, you get 10 votes. At the lawyer’s suggestion, they are using the New Landing Covenants as a guide and then looking at the Lost Nation Covenants and are working them in. They need to be kept clean and simple and use only what is really needed. The lawyer felt the New Landing covenants were simpler to work with. They are taking a lot of information out of the Covenants and placing some of it into the By-Laws and some into the ECC Building Packet where it can be changed more often and as needed. Their next meeting is on August 11th at 3:30 pm.

Office Administration – Crystal Pohlman: Crystal stated she is currently working on standardization processes for collections and other issues in the office. We are trying to make things work the same on both sides of the lake so we are consistent with whatever we are doing. One of the things we are trying to accomplish is that we take care of all the requests we get between the Directors and the Members of the Community within our 50 hours a week which is at times difficult. She asked that everyone be patient as we work through those issues of standardization and give the girls a break. She stated that she has an office protocol that was adopted on the New Landing side in 2006 that has been sent to all Board Members. It has been revised a little and she stated she would send it to all the Board Members so that they can vote on this to either accept or reject at next month’s meeting.

Tom Wendling then read the list of candidates running for election to the Board:

Don Finn	Mick Kazmerski	
Mike Robinson	Lois Lytle	
Sandy Lewis	Charlie Moore	
Crystal Pohlman	Sue Hill	
Kay Chovanec	Rosslynn Shaw	Ralph Petersen

Tom then asked the audience if they had any documentation that they received when they bought their homes that has to do with New Landing, to please give the Board a copy of it. He stated they needed anything they could get their hands on to simplify the process and to keep lawyers fees down.

Joe Olliges brought up an issue regarding speed bumps on the east side of the lake. He stated that if they were all removed from the West side they should be removed from the entire community. Marilyn Mancini stated that the speed bump is probably the only thing slowing people down between 5:00 – 5:30 am.

Ralph Petersen spoke to the Board and audience about grinder pumps. He passed out information to the Board on Liberty Grinder Pumps. Ralph offered to help anyone interested with the electrical work and also stated that Hill Electric in Sterling could also do the work.

Mike Robinson made a motion to remove the speed bump on the east side of the lake. Lois Lytle 2nd the motion. This motion was put to a roll call vote with the following results: Voting yea – Sue Hill, Mike Robinson, Mick Kazmerski, Sandy Lewis. Abstain – Crystal Pohlman, Don Finn. Voting Nay – Marilyn Mancini. Motion approved.

Lois Lytle made a motion to adjourn the meeting at 10:58 am. Mike Robinson 2nd the motion. Motion unanimously approved.