



**BOARD OF DIRECTORS MEETING
AUGUST 17, 2024**

9:00 A.M. – ACL CLUBHOUSE, 14A157 CANYON CLUB DR, APPLE RIVER, IL 61001

AGENDA

- 1.0 CALL TO ORDER – 8:00 A.M.
- 2.0 EXECUTIVE SESSION – 8:00 A.M
- 3.0 RETURN TO OPEN SESSION – 9:00 A.M.
- 4.0 PLEDGE OF ALLEGIANCE
- 5.0 TREASURER’S REPORT
- 6.0 COMMITTEE/COMMISSION REPORTS
- 7.0 GENERAL MANAGER’S REPORT
- 8.0 PRESIDENT’S REPORT
- 9.0 ANY ADDITIONS TO THE AGENDA
- 10.0 CONSENT AGENDA
 - 10.1 APPROVE/ADOPT MINUTES FROM THE JUNE 15, 2024 & JULY 20, 2024, BOARD MEETINGS, AND COMMITTEE/COMMISSION CHANGES
- 11.0 UNFINISHED BUSINESS
 - 11.1 FAMILY BEREAVEMENT LEAVE – 2nd Reading
 - 11.2 ATTENDANCE – 2nd Reading
 - 11.3 ICE FISHING SHELTERS – 1st Reading
- 12.0 NEW BUSINESS
 - 12.1 DISSOLUTION OF THE FLOOD MITIGATION AD HOC COMMISSION
 - 12.2 DISSOLUTION OF THE MULTI-SPORT COMPLEX AD HOC COMMISSION
 - 12.3 DAM ADVISORY AD HOC COMMISSION
 - 12.4 BOARD POLICY – GOVERNANCE SECTION – 1st Reading
 - 12.5 BOARD POLICY – CONFLICT OF INTEREST – 1st Reading
 - 12.6 BYLAWS & COVENANTS – DISCUSSION ONLY
- 13.0 PROPERTY OWNER COMMENTS (3 MINUTES PER MEMBER)
- 14.0 ADJOURN

**Apple Canyon Lake Property Owners Association
Board of Directors Meeting Minutes
June 15, 2024**

UNAPPROVED

1.0 Call to Order: Meeting called to order by President Nolan Mullen at 8:03 AM. Other Directors present: Bob Ballenger, Bill Becker, Carmel Cottrell, Brian Holt, Debra McNamee, Mark Kosco, Laura Pratt and Mike Ward. General Manager John Sabo was also present.

2.0 Executive Session – motion to proceed to executive session made at 8:03 AM.

3.0 Return to Open Session – motion to return to open session made by Bob Ballenger at 9:02 AM. Seconded by Mark Kosco, motion carried unanimously.

4.0 Pledge of Allegiance – after the Pledge of Allegiance, a quorum was present with the following Directors in attendance: Nolan Mullen, Bob Ballenger, Bill Becker, Carmel Cottrell, Brian Holt, Debra McNamee, Mark Kosco, Laura Pratt and Mike Ward. General Manager John Sabo was also present.

5.0 Approve/Adopt Minutes from the May 18, 2024, and May 29, 2024 Board Meeting - Deb McNamee motioned “to approve/adopt minutes from the May 18, 2024 and May 29, 2024 Board Meetings.” Seconded by Bill Becker, motion carried unanimously.

6.0 Approve Amended Agenda – Motion by Brian Holt to approve amended agenda, seconded by Carmel Cottrell. Motion carried unanimously.

7.0 Election of Officers

7.1 President - Motion by Bill Becker to nominate Nolan Mullen for President, seconded by Bob Ballenger. Motion carried unanimously.

7.2 Vice-President - Motion by Bob Ballenger to nominate Bill Becker for Vice-President, seconded by Carmel Cottrell. Motion carried unanimously.

7.3 Secretary - Motion by Carmel Cottrell to nominate Laura Pratt for Secretary, seconded by Bill Becker. Motion carried unanimously.

7.4 Treasurer - Motion by Deb McNamee to nominate Carmel Cottrell for Treasurer. Brian Holt motioned to nominate Mark Kosco for Treasurer. Mark Kosco declined the nomination. Bill Becker seconded the nomination of Carmel Cottrell for Treasurer. Motion carried unanimously.

8.0 Treasurer’s Report - will be in *The Apple Core*.

9.0 Committee/Commission Reports

Maintenance – Carmel Cottrell reported they checked out the cardboard baler, a transistor was ordered. More information at next meeting.

Memorial Pavilion – Carmel Cottrell reported they are still waiting for bricks to come in. They were delayed at the engraver.

Rules & Regs – Brian Holt reported they met and discussed several items--lake draw down, E-bikes, deer stand inspections to name a few. No changes at this point, discussion only.

Golf – Mark Kosco reported at the last meeting they discussed sand traps. Big Cup and Night Golf discussion.

Board Policy – Brian Holt reported they are meeting regularly and making progress.

Sports Complex – Mike Ward reported they are days away from having this completed. Final step is putting in the nets. Another phase, from their perspective, would be adding accessories, e.g. wind protectors. We’re putting together a list of those items along with costs and will present those.

Campground – Ron Carpenter reported they served just over 400, including volunteers, at the pancake breakfast. Netted a little over \$100. Biggest expense was with the vendor. Also had quite a

bit of milk and orange juice left over because not as many people. Last year's profit was about \$400. There are some dead trees at the Campground that Maintenance will be taking care of. There will be a few additional sites added.

Employee Handbook – Jody Ware reported agenda items for the 2nd reading today. Looking forward to moving on to the other items. More to come to the board for the July meeting.

Sports Complex - Gary Hannon reported they are tentatively planning to have a ribbon cutting ceremony next Saturday.

Flood Mitigation – Gary Hannon: Major decisions to be made today. New information coming in—the Winchester project grant, we have two years to use. Flood Mitigation Commission, is considering phasing the flood mitigation project. Jeff Rice: Phasing option – if we were to remove the rocks, waterfall side, this would greatly improve our spillway capacity. Talked to Helm they did not see any issues in phasing the project. Gives us some breathing room to do the project. Only 6-8” draw down this year. Cofferdam decision to be made—should be buy it ourselves?

10.0 General Manager's Report – Jon Sabo reported the following updates – staffing has now been almost completed (temporary and seasonal folks). Will allow us to better address the amenity upkeep. Shout out to Tyler regarding the plant life at the beach (vacuuming out dead plant life). Stratifier proposed to be at Nixon Beach – not entirely sold on this. Three phase 220 motor may be an issue. Normally you do not see a three-phase motor in water. We want to guarantee this to be 100% safe. Reminder – Owners' Facebook page is **not** the official way to communicate with us. Staff does not monitor. If an issue – please call, email or stop by. Very optimistic on the multi-year phasing options discussed - this is a cost savings. Exploring rock removal as a landowner. Could be a six-figure savings. Congratulations on the Flood Mitigation group for their efforts.

11.0 President's Report – will be in *The Apple Core*.

12.0 Any Additions to the Agenda - none

13.0 Consent Agenda

13.1 Committee/Commission Changes – Laura Pratt motioned “to approve Tim Brokl to join the Employee Handbook Ad Hoc Commission; to allow Bill Bourell to resign from the Nominating Committee; to allow Tim Brokl to join the Nominating Committee; to allow Mark Kosco to resign from the Zebra Mussel Ad Hoc Commission; to allow Paula Wiener to resign as Chair of the Conservation Commission; to allow Paula Wiener to resign from the Nominating Committee; and to allow Gary Hannon to resign from the Board Policy Ad Hoc Commission.” Seconded by Carmel Cottrell, motion carried unanimously.

14.0 Unfinished Business

14.1 [Employee Handbook] 6.1 Requesting Leave, 6.3 Holidays and Holiday Pay, Charts for 6.2 Paid Time Off, and 6.3 Holidays and Holiday Pay – 2nd Reading: Laura Pratt motioned “to approve the Employee Handbook Ad Hoc Commission request to approve Employee Handbook 6.1 Requesting Leave, 6.2 Paid Time Off, 6.3 Holidays and Holiday Pay, Charts for 6.2 Paid Time Off and 6.3 Holidays and Holiday Pay.” Seconded by Mark Kosco, motion carried unanimously.

15.0 New Business

15.1 Designated Fund Purchase Request - Mark Kosco motioned “to purchase a \$250.00 Visa prepaid gift card for Jon Sonntag + \$5.00 for the card fee (\$255.00 total) using the Deer Management Commission's designated fund.” Seconded by Bill Becker. Discussion: Brian Holt asked about why the purchase of this magnitude would come to the board. Seems like this does not need to come before the board. Can discuss at the next Board Policy Commission meeting. Motion carried unanimously.

15.2 Recommendation for Spillway Project - Brian Holt motioned “to approve the Flood Mitigation Commission's recommendations: 1) moving forward with the project right now; 2) opting for the 30-inch drawdown to minimize logistical issues with docks and ramps; 3) potentially

phasing the project over two years if finances are challenging and for other reasons as indicated in attached document. Understand staging the project over two years may result in additional costs in labor and material.” Seconded by Laura Pratt. Discussion: Mike Ward - If the lake is the most valuable asset – then the dam is even more valuable than the lake. The dam is why we have a lake. My estimate is our community is probably worth about \$750 million. If you add up homes, land, lake, golf course, etc. The dam is protecting this \$750 million asset. Investment we are making to protect this. It’s about making sure this never gets broken. Less than a \$1000 per property owner. Protecting the community we live in, that’s the issue. Laura Pratt - As dam owners we have a responsibility to the community downstream from us. Loss of life downstream would be our legacy here if we ignore the problem. Cannot put a price on life, we have an obligation. Nolan Mullen – this motion is a commitment to move forward with the project, not the funding. Motion carried unanimously.

15.3 Zebra Mussel Ad Hoc Commission Recommendations - Deb McNamee motioned “to use our current equipment, there are additional items ACL needs to purchase. With this additional equipment, ACL can monitor for hot spot areas, be able to predict spawn events, and monitor the success of treatments. ACL currently owns a polarizing microscope, which is useless without additional equipment. The Ad Hoc Commission will develop procedures and training to volunteers/ACL staff. Data collected can be reported to property owners. The cost of additional equipment is not to exceed \$2000.” Seconded by Carmel Cottrell. Discussion: Brian Holt – idea of having lake temperature information added would be good information to have. Gary Hannon – there is a group (Water Monitoring sub-commission) that goes out every two weeks and they do report numbers. That data goes to Joe Rush and Conservation Commission. Motion carried unanimously.

15.4 ACLPOA Employee Benefits Renewal – Laura Pratt motioned “to approve the 2.99% increase from Blue Cross; dental optical was worked down to a 4% increase with Principal.” Seconded by Brian Holt. Discussion: Brian Holt - thank you for the work to save money and negotiate the increase. Do the employees like these plans? John Sabo – initial outreach, we did ask the employees that question. What is good, what is bad, etc. They love Blue Cross, love the PPO. If approved, this would improve morale. Motion carried with Bob Ballenger not present.

15.5 2023 Audit Report – Deb McNamee motioned “to approve the 2023 Audit Report.” Seconded by Mark Kosco. Discussion: Brian Holt - Should this be available for review prior? For next year, we need to see this report before the annual meeting. Gives us time for questions, etc. Need time for discussion. John Sabo – part of this was recreating the financials that previous management did not do. Typical cycle, this would be done before the annual meeting. Steve Borst, Financial Manager– wondering why we are approving the audit. At the annual meeting last week, you heard the opinion from the auditors. Independently reviewed – gave a copy to the Board of Directors. Deb McNamee – Should be to accept this rather than approve. John Sabo – will correct moving forward. Ron Carpenter - tough to get ahead of time, a lot of times comes before the annual meeting. Steve Borst – you are getting monthly financials – would feel less blindsided than just getting the audit. Can’t run a business without knowing where you stand financially. Our numbers that we gave the auditors were solid. Motion to accept the 2023 Audit Report carried unanimously.

16.0 Property Owner Comments

Mary Hannon, 8A239 – Thank you to whoever that paved the path from hole 8 to 9 – appreciate that. They also filled in a hole coming down from hole 8, but needs to be filled in better. Gravel in the middle of the path is unsafe.

Jeff Rice 8-152 – Thank you for the vote earlier. Also, currently Vice-chair of Golf and of Trails. I have the good fortune of working with Ed and Julie – two great employees doing a wonderful job. Don’t

think any of us grasp how much it takes to maintain this property. We need to realize that we have a great group of employees.

Steve Davis, 11A193 – Thank the commissions for the hard work on zebra mussels, spillway, watershed. Other side of the dam – south side of the dam – brush, bushes, trees. Certainly can put a person on this to kill the bushes and trees, etc. Very important. Laura Pratt: It is very important. Growth needs to be removed and prevented from growing to help maintain integrity of the dam.

Jody Ware, 12A134 – Value of the dam – If Mike could possibly write up his notes to be placed in *The Apple Core*. This is the week to submit the letters. We have to reframe this – too focused on the money. Every time we put off a project – cost goes up substantially.

Therese Nelson, 8-152 – budget is a big deal for all of us. Became aware that we do not have an inventory of everything here at Apple Canyon Lake. Encourage us to get started on that. How do we reconcile that we have a budget if we don't know what we own, what's going out, etc. Steve Borst – our Reserve Study lists every asset of the association, originally done in 2013 by an outside party. When I first got on the Board and became Treasurer, I asked the GM about it updated regularly. Spent about a ¼ of my time as Finance Manager updating this. We do manage this.

Ron Carpenter, 11-247 – Thank the board for the vote on the flood mitigation. People need to understand that the existing dam is inspected every year with no deficiency in that structure. Don't want people to be overly concerned that we have a problem with the dam – we don't. Getting back to the brush, if you just cut back, roots rot, then we have a hole. We have to stay on top of it. Reserve study – in house about 10 years ago and working on that regularly. Every time it gets done, it's better.

LeAnn Killeen, 12A62 – Thank you to the ladies for the pavilion. My parents would have loved this – they did contribute to it. Question about the names on a spreadsheet that donated – wish the higher donations would be more noticed. Laura Pratt – We tried to give the original donors more prominence by placing their pavers right at the pavilion.

Gary Hannon, 8-239 – Conservation commission, Winchester project – need to understand that we have been waiting close to 3 years on getting this 319 grant. Fantastic grant 60/40 split with EPA paying 60%. Make sure the Winchester project does not get overlooked.

Henry Doden, 13A129 – Growth on the dam – problem there. But, Koesters pond has the same problem. Trees growing. Not being maintained. Railings – can get a sliver on them. Should have a commercial railing system in here and install.

17.0 Adjournment – motion to adjourn by Bob Ballenger, seconded by Deb McNamee, motion carried unanimously at 10:33 AM.

Recording Secretary, Rhonda Perry

President, Nolan Mullen

Corporate Secretary, Laura Pratt

Date

**Apple Canyon Lake Property Owners Association
Board of Directors Meeting Minutes
July 20, 2024**

UNAPPROVED

1.0 Call to Order: Meeting called to order by President Nolan Mullen at 8:00 am. Other Directors present: Bob Ballenger (via Zoom), Bill Becker, Carmel Cottrell, Brian Holt, Mark Kosco, Debra McNamee, Laura Pratt and Mike Ward.

2.0 Executive Session – motion to proceed to executive session made at 8:00 am.

3.0 Return to Open Session – motion to return to open session made by Brian Holt at 9:10 am. Seconded by Mark Kosco, motion carried unanimously.

4.0 Pledge of Allegiance – after the Pledge of Allegiance, a quorum was present with the following Directors in attendance: Nolan Mullen, Bob Ballenger (via Zoom), Bill Becker, Carmel Cottrell, Brian Holt, Mark Kosco, Debra McNamee, Laura Pratt and Mike Ward. General Manager John Sabo was also present.

5.0 Treasurer's Report - will be in *The Apple Core*. Steve Borst reported the May financials were released. June is almost finished as well. We are trending slightly below budget, but big-ticket items are coming up.

6.0 Committee/Commission Reports

Memorial Pavilion – Carmel Cottrell reported the structure has been completed. Pavers will be ongoing for next year.

Conservation – Deb McNamee reported the lake is trending down on phosphorus levels. Fishery is in good shape for blue gill and bass, but walleye has not recovered from last year. Will be watched very carefully.

Golf - Mark Kosco reported that today is the Big Cup.

Zebra Mussel – Bill Becker reported the water clarity is 9.5 feet. Many zebra mussels have been killed. 9.5 clarity is about perfect for our lake. Data will be collected, testing will continue. Little to no algae.

Deer Management – Gordon Williams reported the Annual Youth Shoot will be on August 3. We generally have a good turnout for this event - 9 am to noon. Great event.

Rules & Regulations – Brian Holt reported they did not meet in July.

Board Policy – Brian stated work continues.

Campground - Ron Carpenter reported that Maintenance removed a lot of apple trees that were dying – looking forward to getting something replanted in those areas. Road on the east side is wonderful, maintenance will work on the edges with dirt and gravel.

Sports Complex – Mike Ward reported they are pretty much through the final phase. Getting unbelievable use – tennis, basketball, pickle ball. Parking, pets on courts, signage, etc., will need to be worked on with Rules & regulations.

7.0 General Manager's Report – John Sabo reported he wanted to start by giving information about events through June 3 to July 14 – 703 calls Security addressed in that timeframe; 24 boats towed; 223 boat safety checks; 24 stickers issued; 37 residents assisted by Security; 2 vehicle lock outs; 8 people found trespassing in the spillway; 14 EMS calls; 2 heart attacks; 2 golf cart accidents (a 14 year old and 6 year old allowed to drive); 4 UTV accidents. 12 citations were issued, 66 warnings with 5 residents not caring about the fine. Personally, will not go on trails on the weekends. Disappointing. Positive – amazing turnout for other events. 4,485 pool uses during those two weeks; 18 toddlers taught how to swim; 5 pool rescues. Grateful for all of the help.

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

9.0 Any Additions to the Agenda – Bill Becker motioned “to add agenda item ‘UTV Usage Discussion’ under New Business 12.8.” Seconded by Mark Kosco, motion carried unanimously. Brian Holt motioned “to add agenda item ‘Sale of the Dredge’ under Unfinished Business 11.1.” Seconded by Bill Becker, motion carried unanimously. Brian Holt motioned “to add agenda item ‘Employee Recognition’ 12.9 under New Business.” Seconded by Mark Kosco, motion carried unanimously.

10.0 Consent Agenda

10.1 Approve/Adopt Minutes from the June 15, 2024, Board Meeting, Committee/Commission Changes, and Board Liaisons - Mark Kosco had some questions about the minutes. Nolan Mullen – remove the minutes out of this motion. Laura Pratt motioned “to approve Dave Bohnenkamp to join the Nominating Committee; to allow Mark Fill to join the Recreation Commission, to approve Sue Gardner to join the Tellers Committee, and to approve Deb McNamee to join AECC Commission. To approve the following Board Liaisons: AECC – Bill Becker; Board Policy – Brian Holt; Budget/Audit – Mark Kosco; Campground – Nolan Mullen; Conservation – Deb McNamee; Deer Management – Mark Kosco; Employee Handbook – Laura Pratt; Flood Mitigation – Laura Pratt; Golf – Mark Kosco; Legal – Carmel Cottrell; Maintenance – Bill Becker; Memorial Pavilion – Laura Pratt; Nominating – Mike Ward; Recreation – Mike Ward; Rules & Regulations – Brian Holt; Safety & Emergency Planning – Laura Pratt; Strategic/Long Range Planning – Carmel Cottrell; Tellers – Laura Pratt; Trails – Deb McNamee; Zebra Mussel – Bill Becker.” Seconded by Deb McNamee, motion carried unanimously.

10.2 Approve/Adopt Minutes from the June 15, 2024, Board Meeting – Deb McNamee motioned “to approve minutes from June 15, 2024 Board meeting. Seconded by Carmel Cottrell. Discussion: Mark Kosco will check some things against the video. Deb McNamee motioned “to table this until next month.” Seconded by Brian Holt, motion carried unanimously.

11.0 Unfinished Business

11.1 Sale of the Dredge – John Sabo thanked Carmel Cottrell for working with the broker for this purchase, excluding the piping and floats – \$272,500 cash offer. Expense related to this sale would be the crane to lift the dredge to the trailer (\$4,000). Mark Kosco motioned “to approve the sale of the dredge to Western Dredge, LLC for the amount of \$272,500, with ACL responsible for cost of loading dredge, \$4,000.” Seconded by Carmel Cottrell, motion approved unanimously. Broker is buying from us and will sell due to where the buyer lives. We paid \$279,000 for the dredge in 2006.

12.0 New Business

12.1 Family Bereavement Leave-1st Reading – Discussion: Continued work on the Employee Handbook. Motion to suspend Roberts Rule of Order by Mark Kosco, seconded by Carmel Cottrell, motion carried unanimously. This is following the new state statute. Brian Holt – suggests leaving as paid leave, not fair to ask to take unpaid time. Five days pay applied to bereavement leave. Rationale taking the benefit away? Laura Pratt – three employees on this commission and they supported this. Federal law – Family Bereavement Leave Act. Increases more opportunity to use time off, maximum of six weeks if experiencing more than one event in a 12 month period. Maybe we need to outline this better. Take back to commission for further discussion. Mark Kosco – more discussion on details. Rationale for taking away a benefit is not clear. Laura Pratt - increases more opportunity for time off. Not just for funerals, other issues listed. Back to commission.

12.2 Attendance-1st Reading – Discussion: Continued work on handbook – required attendance during regular work week and inclement weather. John Sabo - big change was to deal with inclement weather closures. Gone is the discretion of general manager and will now use Jo Daviess County Sheriff for no travel advisory. Also cleaned up details (delayed opening or early closure). Essential personnel was discussed and required to stay. Give community clear expectations and clear direction for staff. Would close less often – roads can be bad, but we need to have something

clearer. Bill Becker – consider a step process – defines where corrective action would be taken. Not up to someone’s judgement where to take corrective action. Could clarify the issue. One occurrence, two occurrences, etc. Would show where corrective action is needed. Will bring back next month.

Motion to reinstate Roberts Rule of Order by Mark Kosco, seconded by Bill Becker, motion carried unanimously.

12.3 Winchester 319 EPA Grant – Deb McNamee motioned “to accept the 319 EPA Grant and to authorize the General Manager to facilitate cost-sharing as an expense from reserves.” Seconded by Carmel Cottrell. Discussion: Ron Carpenter – always planned on this project to be paid from Capital – capital project costs. Also thought we were supposed to get a credit in this (in-kind). John Sabo – parallel process; cash audit at the end. Brian Holt motioned “to amend previous motion to read expense from Capital Project Fund.” Seconded by Mark Kosco, motion carried unanimously. Chair of Conservation, not sure who that was - the plan was to have the agreement completed in next month or two. But can’t take trees down until December or January. Start May or June of next year. John Sabo - moving on this in the next 30 days – may or may not happen. Log jam – federal government grant portal, our previous authorization has expired. Letter has to be sent and they replied they will respond within six months. Will need to gather more information. Motion carried unanimously.

12.4 Helm – Spillway Contract - Mark Kosco motioned “to approve Helm’s reduced proposal for Spillway & Channel Improvements Stage 1 for \$2,485,200; CMT Project Management \$300,000; Grand total requested for approval is \$2,785,200.” Seconded by Carmel Cottrell. Volunteers will be used as well. Motion carried unanimously.

12.5 CMT – Spillway Engineering Change Orders – Deb McNamee motioned “to approve an additional total of \$31,400 of additional monies for CMT (\$21,400 for Design Phase services and \$10,000 for Bidding Phase services).” Seconded by Mark Kosco. Discussion: Carmel Cottrell - every item by CMT always exceeds upper limit. Concerns. John Sabo – additional engineering needed. Numbers originated over 18 months ago. Motion carried unanimously.

12.6 Propane Bid Acceptance 2024-2025 – Carmel Cottrell motioned “to approve Pearl City Elevator at 1.13 per gallon.” Seconded by Mark Kosco, motion carried unanimously. Discussion: Pearl City is the incumbent and service has been good. This price extends to off the truck. Motion carried unanimously

12.7 Food & Beverage Commission – Mike Ward – The Cove, Marina, Pro Shop (excluding Golf) – three amenities. We have committees that cover almost every aspect of ACL. Nothing in terms of a commission focused on supporting food & beverage retail. Those amenities are at the top of the list, second to the lake – very critical to ACL. Throwing out the idea that we create a committee for those amenities. All three of these amenities operate in the red – part of the responsibility of the committee would be to look at operations, customer satisfaction, and make them at a minimum break even and eventually profitable. Feel strongly we could impact the financial aspects of those amenities. Optimize the value they bring to the association. Also requesting, as part of this committee if we were to move forward – a contract giving ACL monthly financials and meeting with someone each month as a relationship meeting. Having a committee that can look at the numbers, provide help and support, check on how things are going, etc. Give the GM support as well. Jon does meet with them and did receive the financials for June. Usually meet the first Tuesday of the month. Information about those meetings might be helpful. Mike Ward – soliciting feedback from ACL property owners is difficult – most of the feedback is on a whole separate page in social media, managed by the restaurant owner. Every single feedback that is negative gets deleted. Does not give the whole picture. Not suggesting The Cove is good or bad, but hard to assess and evaluate with no metrics. Charter would include soliciting feedback, good or bad. So

we can help them be successful. Deb McNamee – against a commission. Voted to close The Cove, done nothing but lose money. Mike Ward – not suggesting taking over The Cove. Not spending any property owner money in running The Cove. Suggesting we have a responsibility to every amenity we have. Mark Kosco – commission that would support those operations, suggest ideas for improvement, etc., looking at things like best practices across the board. Mike Ward – Pro Shop - 79% is cost of labor. Not a restaurant in the country that can run with 79% labor costs. We can provide recommendations for that. We can make the Pro Shop better. Help them, support them. Mark Kosco – charge for this commission? Mike Ward – does have one written up, but wanted to see if any interest here. Will take a commission to proceed. Bill Becker - too premature to start a commission for Food & Beverage – give GM time to come up with a plan. We’ve hired him to manage, give us your plan on correcting this. Deb McNamee – lot of confidence in the new GM – agree with Bill. Give all a chance. First conversation we had was loss of money with the Pro Shop a year ago. How does this happen? Mark Kosco – commission should not micro-manage. Charter should be some recommendations to improve things, identify an inefficiency, etc. Commission looking at how we are running these amenities and identify areas of improvement. Jon Sabo – with all of the work in process, no way I can address a turn around in F&B this year. For the record, 95% of HOA run restaurants never make money, we have six months of stranded costs. Originally came out opposed to this, but does not have the bandwidth to tackle this. Carmel Cottrell – information from Julie with regards on safety the last two weeks, if we can’t pull together a Safety and Security commission, how will we pull a F&B commission. Discussions have been going on – we need to do something in regards to safety and security. Nolan Mullen – seems like some are interested, some are not. Mike will bring information to board next month and we will vote. More to come next month.

12.8 UTV Discussion – Bill Becker - with the data John has shown, we have a problem. Someone will get killed. We need to get serious about this, fines will not do the job. Consider suspending privileges to deter this behavior. Racetrack on our trails. John Sabo – one of the items we are looking at is proposing a speed limit. Safe and reasonable - a person would judge. Deb McNamee – on the trails a lot, just a few bad apples, most people are respectful. Jeff Rice – co-chair of Trails – a lot of the things you are talking about have been discussed at our meetings. As we continue to improve trails, speed increases. Just a few bad apples – agree. Where do you put a speed limit on a trail? 20 mph could be too fast in certain trails. Haven’t been getting cooperation for additional costs in Safety and Security budget. Issues more at night but need the budget to support. Mark Kosco – assess a fine that will have an impact on their pocketbook. If we raise the fine to 1000 or 2500, that will send a strong message. Consider a 2500 fine. Fatal accident out here would cost everyone out here. Two strikes, maybe three – you are out, can’t ride anymore. Gary Hannon – member of Trails commission – you can give tickets for reckless driving. Don’t create rules/policies that could potentially mess up 95% of the people. Gordon Williams – need a deep dive in this and check with our attorney. In 2018 they suggested to us to not have a speed limit. Brian Holt motioned “to reinstate Roberts Rule of Order.” Seconded by Bill Becker, motion carried unanimously.

12.9 Employee Recognition - Brian Holt – we appreciate how the staff has responded in the last several weeks. Suggest authorizing Jon to spend \$11,000 to award a Christmas in July recognition for our employees. Using some of the proceeds from the sale of the dredge. Brian Holt motioned “to allow the GM to spend up to \$11,000 on employee recognition.” Seconded by Mark Kosco. Motion carried with Bill Becker abstaining and Bob Ballenger absent.

13.0 Property Owner Comments

Build on what Mike said about committees. Disheartening when we have recommendations that just get ignored. Committees have a lot of experience and knowledge, just don’t ignore us.

Jim 9-57 – would suggest that with the ATV tickets, a suspension be given as well. Secondly – profit/loss for The Cove and Pro Shop – hear all kinds of rumors. Loss of The Cove – through May – but only open for one month. Mike Ward – numbers were through May, putting into context they have only been open for one month. Costs starting January through May – includes insurance, property tax, etc. Pro Shop through May was also starting in January.

Henry Doden, 13A129 – when he was on the board, state says agenda items have to be posted 7 days ahead of meeting. Any items added to the agenda should be for discussion purposes only.

Laura Pratt – can vote if there are exergent circumstances. Henry Doden – trails – should be a speed limit on trails. Winchester Bay – plans were drawn up 4-5 years ago. Bay has changed quite extensively. To spend huge money on something that will not last does not make sense.

Nolan Mullen – agenda items – never been on a committee where you can't add agenda items. Spoke with an attorney. If the majority of the board approves, that item can go on the agenda for a vote.

Gary Hannon, Washington Lane – used to have copies on the table of the complete board packet. Sports Complex – has to get back in R&R as well. Include in budget meetings discussion to make sure maintenance goes forward. Winchester Bay – creek is close to the road, very expensive, great project. Two-year expiration date on this grant. If things don't happen soon, you won't be able to start until next year. Really close to expiration date. F&B commission – can't go back and look at what The Cove did in the past. Don't understand why we don't take the advice of an expert – Mike Ward.

Ron Carpenter – rock washed out of the stream – too many times we put rock in the streams and it is not staying. Shouldn't expect this to last forever without maintenance.

Mike Ward – long term strategic planning plan. Long term planning issues involving Maintenance – incorporated into some sort of planning plan.

Mary Hannon, Washington Lane – thank you for approving most of the funds for the Sports Complex. It is being used tremendously. Courts are consistently filled.

14.0 Adjourn – Motion to adjourn by Carmel Cottrell, seconded by Deb McNamee, motion carried at 11:03 am.

Recording Secretary, Rhonda Perry

President, Nolan Mullen

Corporate Secretary, Laura Pratt

Date



Memorandum

To: Board of Directors

Date: August 5, 2024

From: ACLPOA

Memo: 2024-50

Topic: August Consent Agenda

Recommendation: To approve/adopt minutes from the June 15, 2024, and July 20, 2024, board meetings.

To approve Mark Fill to join the Golf Commission; to allow Mike Ward to join the Strategic/Long Range Planning Commission, to allow Tim Brokl to resign from the Employee Handbook Ad Hoc Commission & Nominating Committee.

VOTE RECORDED:

MOTION MADE BY: _____

YEA: _____

MOTION SECONDED BY: _____

NAY: _____

PRESIDENT: _____

ABSTAIN: _____

Motion: _____ Passed _____ Failed _____ Tabled



Memorandum

To: Board of Directors

Date: August 5, 2024

From: Employee Handbook Ad Hoc Commission

Memo: 2024-49

Topic: 6.8 Family Bereavement Leave – 2nd Reading

Issue: The Employee Handbook Ad Hoc Commission has been working on updating the Employee Handbook. The Family Bereavement Leave Act (820 ILCS 154/10(a)) became effective in Illinois on January 1, 2023. The language in this policy is aligned with the statute and has been reviewed by the Association’s Attorney. The policy has been updated with the recommendations provided by the Board of Directors at the July 20, 2024 meeting.

Recommendation: To approve Employee Handbook 6.8 Family Bereavement Leave.

(Revised)



6.8 Family Bereavement Leave

Effective Date: October 15, 2016

Revision Date:

Eligible full-time employees are entitled to up to five days paid leave to attend the funeral or otherwise deal with the death of ~~an immediate~~ a covered family member. A covered family member is an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.

Additionally, eligible full-time employees are entitled to ~~use up to~~ up to three days paid leave to attend the funeral or otherwise deal with the death of ~~a relative who is not a covered family member~~, of the following relatives: aunt, uncle, nephew, niece, brother-in-law, sister-in-law, or parent-in-law.

Bereavement leave will be paid at an employee's base pay rate multiplied by the number of hours that the employee would have worked if not absent.

In accordance to the Family Bereavement Leave Act (FBLA), all employees are entitled to a maximum of two calendar weeks of unpaid leave time in the event of:

- the death of a "covered family member";
- a miscarriage;
- an unsuccessful reproductive procedure;
- a failed adoption match or an adoption that is not finalized because it is contested;
- a failed surrogacy agreement;
- a diagnosis that negatively impacts pregnancy or fertility; or
- a stillbirth.

The two calendar weeks maximum includes the full-time employee's paid leave.

A ~~"covered family member"~~ is an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.

Employees may use FBLA leave time to:

1. grieve;
2. attend the funeral or alternative to a funeral of a covered family member;
3. make arrangements necessitated by the death of the covered family member;
or
4. Be absent from work due to (i) a miscarriage; (ii) an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure; (iii) a failed adoption match or an adoption that is not finalized because it is contested by another party; (iv) a failed surrogacy agreement; (v) a diagnosis that negatively impacts pregnancy or fertility; or (vi) a stillbirth.

FBLA leave time must be completed within sixty (60) days after the date the employee receives notice of the event. Employees must give their manager/supervisor at least 48 hours of advanced notice before taking FBLA leave, unless not reasonable or practicable.

A manager/supervisor may require an employee to provide reasonable documentation of the FBLA leave. Documentation may include a death certificate, published obituary or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency.

For leave following a loss of negative diagnosis related to pregnancy, surrogacy, or adoption, the manager/supervisor is not allowed to require an employee to disclose the specific event that qualified the employee for the leave. Documentation may be provided by a health care practitioner, or an adoption or surrogacy organization, or on the FBLA form available on the Illinois Department of Labor's website. The website can be found at labor.illinois.gov.

Employees are entitled to a maximum of six (6) weeks of leave if they experience more than one event during a 12-month period.

Unpaid leave pursuant to the Family Bereavement Leave Act (FBLA) may not be taken in addition to unpaid leave permitted under the Family and Medical Leave Act (FMLA), 29 U.S.C. 2601 et seq., and may not exceed unpaid leave time allowed under the FMLA. However, nothing prohibits the General Manager from allowing employees additional leave time in addition to FMLA.

(orig.)



6.8 Bereavement Leave

Effective Date: October 15, 2016

Revision Date:

Eligible full-time employees are entitled to up to five days paid leave to attend the funeral or otherwise deal with the death of an immediate family member. "Immediate family members" include an employee's spouse, civil partner, child (biological, adopted, foster, stepchild, or otherwise), parent, sibling, grandparent, grandchild, same-sex domestic partner, or same-sex domestic partner's parent or child. Additionally, eligible full-time employees are entitled to use up to three days paid leave to attend the funeral or otherwise deal with the death of a relative who is not an immediate member, including an aunt, uncle, nephew, niece, brother-in-law, sister-in-law, or parent-in-law. Bereavement leave will be paid at an employee's base pay rate multiplied by the number of hours that the employee would have worked if not absent. The employee should notify his/her department manager immediately if he/she wishes to take bereavement leave. Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. An employee, with his or her manager's approval and final signature of the General Manager, may use any available vacation or personal time off. ACLPOA may request verification of the facts surrounding the requested leave.



Memorandum

To: Board of Directors

Date: August 5, 2024

From: Employee Handbook Ad Hoc Commission

Memo: 2024-48

Topic: 2.5 Attendance – 2nd Reading

Issue: The Employee Handbook Ad Hoc Commission has updated 2.5 Attendance in order to inform the employee about required attendance during the regular work week and during inclement weather. This policy has been reviewed by the Association's Attorney.

Recommendation: To approve Employee Handbook 2.5 Attendance.

(Revised)



2.5 Attendance

Effective Date:

Revision Date: October 15, 2016

ACLPOA expects that every employee will be regular and punctual in attendance. This means being in the workplace, ready to work, at their starting time each day. Absenteeism and tardiness place a burden on other employees and on ACLPOA.

When an employee is unable to work due to illness or an accident, they should promptly notify their department manager/supervisor. In the event the department manager/supervisor is unavailable, contact the General Manager. Leaving a message with another staff member or on voicemail does not constitute an acceptable notification of absence. ~~If an employee does not report for work and ACLPOA is not notified of their status circumstance, it will be assumed after two consecutive scheduled work days of absence that the employee has resigned, and will be removed from the payroll.~~

If an employee becomes ill at work or must leave the workplace for some other reason before the end of the workday, they will **must** inform the department manager/supervisor of the situation.

If an employee arrives at work after their starting time, that time will be charged as unpaid time.

Should undue tardiness or absenteeism become apparent, disciplinary action up to and including discharge may be required.

If an employee is absent two or more days without approval from or contact with their manager/supervisor, ACLPOA may consider the absence a resignation (without proper notice) by the employee. **The employee will be removed from the payroll.**

Inclement Weather

ACLPOA is open for business unless ~~there is a declared State of Emergency~~ the Jo Daviess County Sheriff's department has advised no travel. There may be times, however, when ACLPOA will delay opening or implement an early closure. Use

~~common sense and best judgment when traveling to work in inclement weather. The General Manager or designee may use their discretion to make the final decision.~~

However, Safety & Security, Maintenance, Communications, and Natural Resource personnel are considered essential employees, and Essential employees are expected to report, and remain on duty until relieved of duty by the General Manager or designee when conditions are safe.

When potentially dangerous weather develops during the day and a decision is made by the General Manager or designee to close, the employee will be compensated as if they had worked to the end of the regularly scheduled hours for that day, for the actual hours actually worked. If an employee elects to leave prior to a decision being made by ACLPOA and has the General Manager's approval to do so, time will be the employee will be charged as unpaid time.

(Orig.)



2.5 Attendance

Effective Date:

Revision Date: October 15, 2016

ACLPOA expects that every employee will be regular and punctual in attendance. This means being in the workplace, ready to work, at their starting time each day. Absenteeism and tardiness place a burden on other employees and on ACLPOA.

When an employee is unable to work due to illness or an accident, they should promptly notify the department manager/supervisor. In the event the department manager is unavailable, contact the General Manager. Leaving a message with another staff member or on voicemail does not constitute an accepted notification of absence. If an employee does not report for work and ACLPOA is not notified of their circumstance, it will be assumed after two consecutive scheduled work days of absence that the employee has resigned, and will be removed from the payroll.

If an employee becomes ill at work or must leave the workplace for some other reason before the end of the workday, they will inform the department manager/supervisor of the situation.

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If an employee is absent two or more days without approval from or contact with the manager/supervisor, ACLPOA may consider the absence a resignation (without proper notice) by the employee.

Inclement Weather

ACLPOA is open for business unless the Jo Daviess County Sheriff's department has advised no travel. There may be times, however, when ACLPOA will delay opening or implement an early closure. The General Manager or designee may use their discretion to make the final decision.

However, Safety & Security, Maintenance, Communications, and Natural Resource personnel are essential employees, and are expected to report, and remain on duty until relieved of duty by the General Manager or designee when conditions are safe.

When potentially dangerous weather develops during the day and a decision is made by General Manager to close, the employee will be compensated for the hours actually worked. If an employee elects to leave prior to a decision being made by ACLPOA and has the General Manager's approval to do so, time will be charged as unpaid time.



Memorandum

To: Board of Directors

Date: August 5, 2024

From: Dave Homb – Chair of The Rules & Regulations Committee

Memo: 2024-51

Topic: Ice Fishing Shelters – 1st Reading

Issue: Leaving ice fishing shelters on the lake overnight

Recommendation: No vote to be recorded at this time.

IX. ICE FISHING

Preamble: All rules of the Illinois Department of Natural Resources apply at ACL and will be enforced by ACL Security. Ice fishing is for property owners and their guests or occupants with an amenity tag. Apple Canyon Lake Property Owners Association assumes no responsibility for the safety of individuals on the lake.

A. General

1. No State licensed vehicles such as trucks or automobiles are permitted on the frozen lake.
2. The Association provides no information regarding the thickness of the ice.
3. Violations of Illinois Department of Natural Resources regulations are prohibited.
4. All poles and tipups shall be constantly attended and kept under observation by the angler.

B. Shelters

1. Ice fishing shelter structures are limited to portable construction consisting of metal, wood, or composite type framework, covered with canvas, paper, plastic material or similar fabric.
2. The doors of enclosed ice fishing shelters are to be readily opened from the outside while occupied; doors may be locked only while not occupied and not in use.
3. Shelters must clearly display the following information in 3" high letters:
 - a. Owner's name
 - b. ID Numbers as issued by the Association
 - c. Phone number
4. Shelter used after dark must have at least twelve (12) square inches of reflective materials on each side.
5. Ice fishing shelters may be allowed in permitted areas overnight by receiving permission solely from the ACL Safety & Security Manager, and prior to overnight occupancy.
 - a. Any ice fishing shelters not permitted for overnight occupancy shall be removed from the ice by 10:00pm, daily.
 - b. Ice fishing shelters shall be permitted overnight only in bays and coves.
 - c. Ice fishing shelters are permitted overnight for no more than 2 consecutive nights.
 - d. When left overnight, the shelter must be firmly anchored to the ice using appropriate ice anchors and tie-down straps.
6. After March 1 the shelter must be removed daily when not in use, and not left unattended at any time.

C. Failure to observe the overnight ice shelter rules may result in the following:

1. First offense: Written notification to property owner.
2. Second offense: A citation issued with a fine of \$100
3. Third offense: A citation issued with a fine of \$200 and suspension of overnight ice shelter privileges for remainder of season.

Amended: September 19, 2020

ONG

fishing method besides pole and line.

5. Persons shall have at all times in their possession a valid Illinois Fishing License while engaged in fishing activities.
6. No person shall introduce any fish species into Apple Canyon Lake waters, except by authority of the Illinois Department of Natural Resources.
7. No fishing is allowed in the following areas: These areas are dangerous – no fishing or trespassing/entry allowed.
 - a. On the dam.
 - b. All reaches of the spillway.
 - c. From the buoy marker to the spillway.
 - d. Bottom of the spillway to the bridge.
8. No fishing from shore at North Bay Wilderness Area Nature Walk.
9. No fishing in the Marina Bay between the parking lot and the posted signs.
10. No fishing from the Cove docks or the area in front of the Cove parking lot during Cove operating hours.
11. Violations of Illinois Department of Natural Resources rules are prohibited.

Amended: January 16, 2021

IX. ICE FISHING

Preamble: All rules of the Illinois Department of Natural Resources apply at ACL and will be enforced by ACL Security. Ice fishing is for property owners and their guests or occupants with an amenity tag. Apple Canyon Lake Property Owners Association assumes no responsibility for the safety of individuals on the lake.

A. General

1. No State licensed vehicles such as trucks or automobiles are permitted on the frozen lake.
2. The Association provides no information regarding the thickness of the ice.
3. Violations of Illinois Department of Natural Resources regulations are prohibited.

B. Shelters

1. Shelters must clearly display the following information in 3" high letters:
 - a. Owner's name
 - b. ID Numbers as issued by the Association
 - c. Phone number
2. Shelter used after dark must have highly visible reflectors on all sides.
3. All shelters must be removed from the ice daily.

Amended: September 19, 2020

X. CAMPGROUND

Preamble: The ACL campground is limited to Property Owners and their authorized guests. An ACL auto sticker or Guest Parking Pass is required for entry to the Campground. RV sites and primitive tent sites are available. RV sites have electric and water hookups. Seasonal Campsites are assigned through the Seasonal Campsite Waiting List for long-term RV camping. A



Memorandum

To: Board of Directors

Date: August 5, 2024

From: Flood Mitigation Commission

Memo: 2024-52

Topic: Dissolution of the Flood Mitigation Ad Hoc Commission

Issue: At the April 2021 Board of Directors meeting, the Board approved preliminary work to be completed by CMT to help determine the best options and cost for flood mitigation. The Board discussed the creation of an ad hoc commission that could meet with engineers to discuss best options on how to proceed. The Flood Mitigation Ad Hoc Commission was formed the following month, May 2021, and has since worked with multiple business and governmental professionals. Many things were learned along the way. With the approval of the redesigned spillway and its management, this commission has completed its charge.

Recommendation: Motion to dissolve the Flood Mitigation Ad Hoc Commission.



Memorandum

To: Board of Directors

Date: August 5, 2024

From: Multi-Sport Complex Ad Hoc Commission

Memo: 2024-53

Topic: Dissolution of the Multi-Sport Complex Ad Hoc Commission

Issue: Construction of the Multi-Sport Complex is complete.

Recommendation: Motion to dissolve the Multi-Sport Complex Ad Hoc Commission.



Memorandum

To: Board of Directors

Date: August 5, 2024

From: ACLPOA

Memo: 2024-54

Topic: Dam Advisory Ad Hoc Commission

Recommendation: To approve the creation of the Dam Advisory Ad Hoc Commission with the appointed members as follows: Chair, Jeff Rice, members, Barry Kren, Steve Nelson, Mike Yorke, and Mike Cammack, General Manager, Jon Sabo, Natural Resources Manager, Tyler Hesselbacher, Maintenance Manager, Ed Ziarko, Safety & Security Manager, Julie Janssen, and Secretary, Kirsten Schubert. This is a special commission that has been created for a particular task and additional members are not warranted.

Memorandum



To: Board of Directors

Date: August 7, 2024

From: Board Policy Ad Hoc Commission

Memo: 2024-55

Topic: Board Policy – Governance Section – 1st Reading

Issue: The Board Policy Ad Hoc Commission has completed a major update to the Association's Board Policies. We now have a complete Governance section. This document was reviewed by the Association's legal counsel.

Recommendation: No vote to be recorded at this time.

Memorandum



To: Board of Directors

Date: August 7, 2024

From: Board Policy Ad Hoc Commission

Memo: 2024-56

Topic: Board Policy – Conflict of Interest – 1st Reading

Issue: A Conflict of Interest policy was originally intended to be part of the Governance section. However, after consulting with the Association attorney, and having the final policy, the commission thought this policy should be approved separately.

Recommendation: No vote to be recorded at this time.