

Holiday Lake Owners' Association, Inc.
Board of Directors Meeting
Thursday, November 12, 2009

President Larry Ehrig called the meeting to order at 6:30 P.M.

Members in Attendance: Charlie Aiels, Dee Brown, Larry Ehrig, Dale Howe, Duane Selken and Katie Tomlinson were present. Audrey Brickman was absent

Dale Howe read the Secretary's report from October 8, 2009.

Katie Tomlinson read the treasurer's report as of October 31, 2009.

Katie Tomlinson read the current bills.

Everyone was reminded to sign in on the attendance sheet.

Larry Ehrig also reminded everyone present that the meeting was being recorded for the sake of documentation.

Additions to the Agenda: Under New Business add E Ruth's Park - Jim Clayton Jr.

Agenda: Dee Brown made a motion to accept the agenda as amended, Katie Tomlinson seconded, motion carried by unanimous vote.

Hearings:

Brian Nusbaum spoke to the issue of dogs on the property. The property is owned by Richard Nusbaum; Brian is living there. His dogs are Rottweiler's and are on the nuisance list, according to the Rule posted on June 13, 2002. He had previously been reported as having pit bulls, which he had shown to be not true. Brian wonders why he has to get rid of the dogs now, when he's had them for a long time. The Board was not aware that he had those, as no complaints about these dogs had been filed before this. There is a complaint now. The Rule was put in place in 2002 and was subsequently published. Brian was told by the Board that he has to get rid of the dogs by Wednesday, November 25, 2009.

Secretary Report: There were no changes to the Secretary Report, Dale Howe made a motion to accept the report as presented, Katie Tomlinson seconded, motion carried by unanimous vote.

Treasurer's Report: Dee Brown made a motion to accept the report as presented, Duane Selken seconded, motion carried by unanimous vote.

Bills presented for payment: Charlie Aiels made a motion to pay the bills, Duane Selken seconded, motion carried by unanimous vote.

Maintenance Report Duane Selken read Darrin Ehret's report. The mowing season is over so the mowers were power washed and put away for the winter. Darrin used the brush cutter to cut small trees and weeds out of some catch basins and road ditches. Larry Ehrig, Duane Selken and Darren Ehret picked up the buoys. New posts and two new 15-foot gates were installed at the entrance to the shop. Some repairs were made to different pieces of equipment, reworking the weight bracket on the John Deere 5400. Two new tires were installed on the tractor and the post hole auger was strengthened with new steel. The brush cutter was hard to hookup with the bent 3-point bracket, so Darrin added new steel and strengthened it up as well. The back of it still needs to be repaired. He serviced the air compressor with new oil. The grader was returned, with the some seals in the transmission replaced, some of the clutches and shafts replaced, and the blade controls repaired. Darrin hauled several loads of rock to various places, graded a few spots and put out two truck loads of cold patch. A sink hole has developed on Tracey Drive; he has added cold patch and rock to it four times and it seems to be holding now. He dug several ditches around the lake. These were done because owners had filled portions of them in order to access their lots. The first one was on Circle Drive, which had been dug out to accommodate a 20-foot culvert and a 40-footer was installed. Then the ditch was overfilled by their construction crew and the road has been torn up. It has

Thursday, November 12, 2009, Holiday Lake monthly board minutes continued:

not yet been corrected. Darrin made several trips down there and spoke with the owners and the construction crew regarding problems there and was told that it would be corrected. A ditch on Barbara Drive was dug out because it had filled in. A ditch was filled on Aurora this spring and the owners had until October to correct the problem; he dug it out also. The ditch on Tracy Drive connecting to Cozad Ct. was filled in by construction crews and needed cleaning out. A ditch and drain area on Caron Drive was dug out in hopes of drying up the road and saving the chip and seal that was put on this spring. A drain was put in the culvert on Unit 3 Lot 210 to help get water in the culvert by that lot. Darrin added erosion stone to the ditch on Barbara Drive, by Dennis and Jackie Drakes, to help hold the road. Nineteen post holes were dug out, the posts set and cable strung for the fence at the beach. Road bank is washing out on Barbara Drive at Unit 3 Lot 96. Darrin has put a lot of dirt in it, as well as some rip rap and lime mix. It looks like it will hold, but that will be an area that will need to be watched. The spillway gates had been closed by someone unknown just before the last big rain, forcing the water level of the lake over the red line again.

Accounting Advisory Committee: Harold Vokoun recommends that the Board change the fiscal year to coincide with the calendar year (January 1 - December 31). The result would be that all the activity (deposits of the lot owners' maintenance fees and the expenses incurred in running the business of Holiday Lake Association) would be in the same fiscal year. Both the corporate and the tax years would then be the same. The only expense to making this change would be whatever the CPA firm would charge in making this change. Wendy Schwab reported that she had checked with the CPA firm and the attorney and both thought the move be okay. She said she would find out if the incoming Board members would have to wait until January to take office. There was a question about keeping the Annual Meeting in August. Charlie Aiels made a motion to accept the Advisory Committee recommendation of changing the fiscal year to the calendar year, January 1 to December 31, and to update Article IX of the bylaws as needed, Dale Howe seconded, motion carried by unanimous vote.

Community Center Report: Katie Tomlinson reported for Kim Pendarvis. The Committee is still planning on having a meeting to list the projects needing completion, including the sealing of the floor and the installation of diaper-changing stations in both restrooms. They have been communicating by phone and have decided that the acoustics bid is too high, so they are still looking into solutions for that problem. Wendy Schwab reported that five keys were made and donated by Wayne Tietje of Tri -State Lock. This allows for loaning each renter a key.

Fish: Dick Osborne reported that they purchased fish and got them in Friday, November 6. They were 1000 nice-sized walleye, 1000 regular blue gills, 1000 hybrid blue gills, 1000 redear and 4000 crappie. It was announced that an anonymous donation of \$1500, designating \$750 for fish, \$375 crappie, \$375 for walleye. The committee wants to put in five new fish structures, built as those last year and put in along the dam before this year's freeze. Members of the committee had spent some time observing the crossover at the spillway and feel that very few fish escape the lake by way of that spillway. Duane Selken stated that the gates are going to be taken off.

Silt/Dredge Report: Duane Selken reported that the drain pipe in Unit 3 catch basin near Dave and Rita Roots has been extended and rock needs to be added to that standpipe. There was also one in Unit 5 that was worked on.

Rural Improvement Zone: Harold Vokoun reported that we are still waiting for the Court to decide. The current budget cuts will probably cause the wait to be longer.

Old Business:

A: Poweshiek County Sanitarian - Gaddis septic - 10/21/08 Last County contact was 12/08/08. No update.

B: Nuisance Complaints - Last County contact was 12/08/08. No update.

Thursday, November 12, 2009, Holiday Lake monthly board minutes continued:

- C:** Neeson Septic - 1308 Holiday Lane, 10/21/08 Last County contact was 12/08/08. No update.
- D:** Wolf House - 2337 Angler Court 10/21/08 Last County contact was 12/08/08. No update.
- E:** Nuisance Complaint Unit 1 Lot 171 - Ellingston - House. There seems to be some movement on that issue.
- F:** Kim Pendarvis - Lights at Powell Park- motion lights for under Powell Shelter have been purchased and are awaiting installation.
- G:** Violated Injunction - Richard Samuelson - Hearing The hearing was October 26, 2009. The injunction is continued indefinitely; Samuelson's property has been sold, a witness testified to having seen him in the Holiday Lake area. All are encouraged to report him if seen. It was pointed out that since people may not recognize him, a picture should be printed in the next Newsletter.
- H:** Don Van Voorhis - Lake Watch Tabled until Don Van Voorhis returns in the spring.
- I:** Cindy Prusha-restroom at South dock-The estimate to build is \$15,000, which is prohibitive for the Association right now.
- J:** Cindy Prusha - Signs for trespassing Cindy would like to see the signs be bolder. It was decided that the current signs are sufficient.
- K:** Jon Brones - Speed limit It was decided that the rule as written is sufficient. Rule B 3 states: "The speed limit on Holiday Lake roads is twenty-five (25) miles per hour or such lower limit as is required to safely use such roads after taking into account the sight distance, road conditions, oncoming traffic, pedestrians and lake occupants."
- L:** Signs for Road/Ditch damage - The \$250 minimum per hour will be in the By Laws, which will be voted upon under New Business.
- M:** Hearings - Ronald Puls On October 22, 2009, the Court ordered in favor of Puls; the Bylaws are being revised so that that situation will not reoccur. As a result of the hearings held on October 22, 2009, Obdulia Irwin and Kevin Heishman will pay their fees.
- N:** Fence between lots 49 and 50 in Unit 6 - The Board has already voted to that job and Darrin Ehret will attempt to repair the existing fence.
- O:** Tree removal - U 1 L 40 Crooks That tree is dying so that is okay.
- P:** Building permit - U 2 L 332 McElmeel Duane Selken made a motion to approve that permit, Dee Brown seconded, motion carried by unanimous vote. U 6 L 104 Maxfield Katie Tomlinson made a motion to approve that permit, Dee Brown seconded, motion carried by unanimous vote. U 1 L 122 Nielsen Dee Brown made a motion to approve that permit, Katie Tomlinson seconded, motion carried by unanimous vote.
- Q:** Carport U 2 L 19 Braden - Randy Braden was present and stated he is still unclear about where his lot lines are. He'll have a survey done if necessary, but asked for some advice on finding them on his own. Duane Selken and Larry Ehrig told him that the pegs are there someplace and maybe a magnet would help in locating them. It won't be approved until the lot lines are established.

New Business

- A:** Tree removal- U 6 L 233 Tibben, U 6 L 149, 150 Aiels, U 6 L 147, 148 Root, U3 L 46,47 Lemert All were okayed.
- B:** Building Permit: U 1 L 299 Braley Dee Brown made a motion to approve that permit, Duane Selken seconded, motion carried by unanimous vote. U 2 L 104 Goldsberry Dee Brown made a motion to approve that permit, Duane Selken seconded, motion carried by unanimous vote. U 1 L 403 Allison Charlie Aiels made a motion to approve that permit, Katie Tomlinson seconded, motion carried by unanimous vote.
- C:** By Laws - revised Article XII, paragraphs F, G. Dee Brown read the amended paragraphs:

- F. In the event a lot owner does not respond to the notice given to the lot owner, or if after hearing, the Board finds that the complaint of violation is valid, an appropriate corporate assessment or remedial action or both shall be prescribed consistent with the following:
1. Unless otherwise set by Board for a particular type of violation, there shall be a \$50 assessment for each individual violation processed. A violation that is ongoing may result in multiple violations and

Thursday, November 12, 2009, Holiday Lake monthly board minutes continued:

assessments at a frequency as determined by the Board. (This \$50 assessment also applies to a failure to timely pay amounts owed pursuant to Article XIV.)

2. In the event remedial action is required of a lot owner and the lot owner fails to complete such remedial action within ten (10) days of the written notice thereof, except in the case of remedial action required under Article XI subsection J and K of these Bylaws, in which case same must be completed within sixty (60) days of written notice thereof, the Board of Directors may complete the remedial action and issue a corporate assessment against the lot owner (1) for all remedial work contracted by the Lake at the actual amount of the resulting bill, (2) for all remedial work undertaken by Lake personnel using any motorized Lake equipment at a rate of \$250 per hour, and (3) for all remedial work undertaken by Lake personnel not using motorized Lake equipment at a rate of \$50 per hour. In addition or as an alternative to taking remedial action, the board may opt not to complete all or some the remedial action and may pursue any other remedy, equitable or legal, afforded to the corporation by the laws of the State of Iowa or the United States.
 3. Nothing herein shall prevent the Board or its personnel from commencing remedial action prior to notice or hearing if delay may reasonably risk injury, additional damage or significant inconvenience to the corporation, its members or the public. In that event, the Board may issue a notice consistent with subparagraphs A-D of this Article XII of the violation, the remedial action already taken and the assessment to be imposed for cost of the remedial action.
 4. Interest shall accrue at the rate of 1% per month on all assessments (including amounts owed pursuant to Article XIV or any other assessments under these bylaws) not paid within 30 days of notice of the assessment. Upon notice of the assessment and until all amounts, including interest, are paid in full, a lot owner loses the right to use the lake or any common area.
- G. In the event a lot owner does not pay an assessment (including amounts owed pursuant to Article XIV or any other assessment under these bylaws) within 30 days of the notice of assessment, the Board of Directors is authorized to bring suit to recover the assessment against the lot owner, along with any interest. Any money judgment rendered by the court may be executed upon in such manner as the Board of Directors, in the exercise of its unfettered discretion, determines appropriate. In addition to the above, violators may be subject to discipline imposed by resolution of the Board of Directors, which may be amended from time to time and include, but not be limited to, the issuance of warnings, the use of corporate assessments, and the loss of privileges normally afforded to lot owners, as well as the use of remedies, equitable or legal, afforded to the corporation by the laws of the State of Iowa or the United States.

Larry Ehrig pointed out that it gives the Board the power to charge the lot owners for any repairs done because of damage that was caused by work the owners had ordered, \$250 per hour, when equipment is needed and \$50 per hour if equipment is not needed. Violations will be raised from \$15 to \$50 and privileges will be lost when fees are not paid.

Katie Tomlinson made a motion to accept the amended bylaws, F and G, Charlie Aiels seconded, motion carried by unanimous vote.

- D: January Newsletter - It will include the amended by laws, which addresses the issue of work needing to be done to repair and address the issue of junk vehicles. In February letters will be sent to those with junk vehicles. This January Newsletter will replace the May Newsletter.

Thursday, November 12, 2009, Holiday Lake monthly board minutes continued:

- E. Ruth's Park - Jim Clayton Jr. Jim would share the cost of the survey if the Board decided to survey that lot and his adjacent lot. Since the Board is not going to survey, then he will not dig a trench in that area. Duane Selken said that we don't need to survey it in order to put in the planned boat ramp.

Communication received by the Board: None

Our next board meeting will be December 10, 2009, at 6:30 P.M.

Motion to adjourn was made by Duane Selken, seconded by Katie Tomlinson, motion carried by unanimous vote.

Meeting adjourned at 8:14 P.M.

Minutes taken and typed by Dale Howe, Secretary.

Dale Howe - Holiday Lake Board Secretary

Attest to:

Larry Ehrig - Holiday Lake Board President