

**SUNSET LAKE ASSOCIATION  
MINUTES OF THE MONTHLY MEETING  
FEBRUARY 3, 2004**

**CALL TO ORDER:** Vice President Tom Erickson called the meeting to order at 7:03 p.m. Also present for the meeting were Joe Dinora, Allan Sharp, Ernie Neumann, Bob Sons, George Toepfer, Rick Whitehead, and Superintendent Bill Hohimer. Jim Dorr and John Schwandner were absent.

**VISITORS:** Ed Snell #286 and Ray Reardon #256A,257

**SUPERINTENDENT'S REPORT:** Bill Hohimer stated he has mostly been plowing snow. Bill stated the gas for the shed is a little less than half full and even without the heat on it's never below 40 degrees in there.

**OFFICE MANAGER'S REPORT:** Kyla Tanner was absent.

**APPROVAL OF MINUTES OF DECEMBER 2, 2003:** Tom Erickson noted under New Business ½ way down it should say "suspicion" not "suspension". A motion to approve the minutes of the December 2, 2003 meeting as amended was made by Bob Sons and seconded by Ernie Neumann. Motion passed unanimously.

**APPROVAL OF MINUTES OF DECEMBER 15, 2003:** A motion to approve the minutes for the Special Meeting of December 15, 2003 was made by Bob Sons and seconded by Allan Sharp. Motion passed unanimously.

**APPROVAL OF BILLS PAID FOR DECEMBER 2003 AND JANUARY 2004:**  
Tom Erickson called attention to a few bills paid in December. Tom stated the first item Farm Plan should read Tractor repairs not Tracker. Tom said Smokey Jennings \$1,372.62 was for truck repairs. Bill Hohimer explained the engine light said "Service Soon" and he's taken the truck to Jennings now 8 or 9 times. Bill said one censor would go bad causing another to fail. All the censors have now been replaced and the light is still on. Bill said they've called tech support 3 different times. The last time the technician said we have a high performance engine and we only use the truck to go around the lake at 35 or 40 miles per hour. Bill noted we've also had problems with the gas tanks since we've moved them so we may never get that light off. Bill said the light goes off for a while but then comes back on. Tom asked if we have all new censors, spent roughly \$1300 and is there something they can do. Bill stated time wise we were out of warranty but under mileage we still had time to go. Bob Sons suggested having Kyla write a letter to GM and explain the situation. Bob said in the letter explain we've been a good customer, brought the truck in when it said "service soon", spent \$1,400 and the light is still on. Bob said they may not do anything but it's worth the effort. Tom Erickson agreed that a letter should be sent.

Tom stated he told Kyla not to be in a hurry to close the books for December so we have all the bills for 2003 in. Tom noted for January they were just the normal bills paid. Upon a motion by Bob Sons and seconded by Allan Sharp, the Board voted unanimously to approve the bills paid for December and January.

## **COMMITTEE REPORTS:**

**AQUATIC CONTROL AND WATER SAFETY:** Joe stated nothing to report other than the ice is getting thicker. Joe thanked Bill for the nice job he's been doing plowing snow. Bill said since it's been snowing he's put 623 miles on the truck.

**BUILDING AND CONTRUCTION COMMITTEE:** George Toepfer said he received a building request from Larry Royer to build a home on Lot #250. George stated Bob, Allan and himself met with Mr. Royer but he didn't have his paperwork together and we had a number of questions. George said we have been over to the lot and he does have the room there to build. George stated we just received more information from him today so we'll see if we have everything we need now. In January we received another permit from Tom and Nancy Govert to build a home on Lot #57 and we will meet with them on February 7<sup>th</sup>. George said these permits have not been approved yet.

George stated he approved a shed for Richard Mauk, Lot #118. Richard right now has 3 but is planning to remove one. George said we did receive a written complaint from someone but they didn't sign it.

**DAM & GROUNDS COMMITTEE:** John Schwandner was absent.

**FINANCE COMMITTEE:** Tom Erickson stated we finished the year with \$37,019.58 which is better than we anticipated. At the annual meeting we estimated \$29,500. Tom noted budget wise for the year we did excellent on account of the accident with the old shed. The total income for 2003 was \$137,418.74 and we had a budget of \$117,400 so we finished a little better than \$20,000 more than we budgeted. Tom said \$13,900 was insurance from the old shed. Tom noted a few areas we finished over the Budget were Fines and Penalties \$2,326.18 vs. \$800, Interest Income \$3,122.85 vs. \$1,400, Transfers \$8,000 vs. \$6,400, and Earned by Maintenance Man \$1,959.88 vs. \$1,200. Tom stated on Expenses we really didn't go over in too many areas; Utilities \$6,207.49 vs. \$6,000, Insurance we budgeted \$6,500 and we spent \$6,702 which included the new shed. Tom said on Capital Expense we spent \$35,257.90 vs. \$19,500 and all but \$2,561.70 of that was for the new shed.

Tom said January 2004 we started the year with 37,019.58 and we've taken in \$16,240.84. Tom noted \$15,041.50 of that was for Assessments. Tom said for Hall Rental we've received \$75.00 so far and if it's anything like last year it will raise about \$1,000. Tom noted this will fall into Misc. Income but we'll list it separately and use the money to replace tables or have the floor buffed, those types of things.

Tom noted the expenses for January were \$5,241.39 leaving us with \$48,019.03 at month-end. Tom stated the money market is not paying very much so he asked Kyla to prepare a cash-balance for each month last year. We currently have \$25,000 in a 3-month CD paying 1%. Tom said we could look into buying some government security for a certain amount to see if we could get a little more for our money. Tom stated this is something he'd like to look into that we buy for short term that pays a littler more interest without risk. Tom stated it looks like we are going to have extra cash.

Upon a motion by Ernie Neumann and seconded by Allan Sharp, the Board voted unanimously to approve the Finance report.

**LEGAL & INSURANCE COMMITTEE:** Allan stated as of date, we only one company going to get us an insurance bid. Allan said we received Troxell's bid with an increase of \$605.00 and it will be for a 3-year period. Allan noted a lot of the increase was due to worker's compensation. Smith-Brown in Virden is still working on a bid but not sure if Troxell can be beat. Allan said he hasn't had a chance to go over all the information from Troxell because we just got it today but it will be \$7,433. Tom said we budgeted \$8,000 so we should be okay there.

Allan stated on Sam Drake's property there was a motion for possession put in by Attorney, Bill Nicholson for First Midwest who has the mortgage. Allan said we do not need to be in attendance.

Allan said on George and Patty Robson there is no new trial date as of now. Mr. Bloomer knows Jim will not be back until April 1<sup>st</sup> so it will be scheduled sometime after that.

Allan stated we have not heard from Bill Jones or Peggy & Michell Smith on their past dues. Allan said we will go after them if not paid by March 31, 2004. Peggy Smith has paid two \$50.00 payments but nothing more.

Allan said I've passed out a copy of the letter from Mr. Bloomer regarding Chris McCaskey. The attorney is waiting to hear from us before he proceeds but feels McCaskey's will have to take the culvert out and pay court cost. Allan said he wanted the whole board to decide on this. Tom Erickson said McCaskey's have had more than a month. Allan Sharp made a motion to proceed and have our attorney pursue this, Bob Sons seconded and the motion carried.

**ROADS COMMITTEE:** Bob Sons stated he helped Bill plow snow. Bob said as you're going into town the county used that heavy rock and oil on Emmerson. Bob said he's got 8 cracks in his windshield from that rock. Bob asked if there was anyone else having problems with the rocks hitting their windshield. Tom Erickson said he had to get his windshield fixed too. Bob said he called the county highway department and talked to the engineer in charge. The engineer said he'd never received a complaint about it before and as far as he's concerned it's the best thing going. Bob said the engineer is planning to use this on all the roads. Bob said what we need to do is have people call the highway department and complain or all the roads will have this heavy rock.

**SANITATION, SHORELINE & BOAT DOCKS COMMITTEE:** Rick Whitehead stated Kyla asked him to check on Lot #57 and Lot #63. Rick said Bill thought Lot #57 was okay. Rick stated the riprap and boat dock are good at Lot #63. Rick also received a call from Carl Richey Lot #30 regarding his boat dock. Rick said we didn't send him a letter but Carl was concerned it may need to be repaired and just wanted me to check on it for him.

**WATER QUALITY & CONSERVATION:** Ernie Neumann stated nothing to report.



## **OLD BUSINESS:**

Tom Erickson stated at the December meeting we talked about trying to get a rebate from the Power Company if you pay by credit card. Kyla wrote them and received a letter back thanking us for our credit card application issued by Bank One. The letter stated they were unable to process our request because personal account applications can't be changed to business accounts. Allan asked if there was a difference between a business and not-for-profit. Allan said he'd follow-up with Kyla on this.

Tom Erickson said we have not done anything with the digital cameras. Tom stated he did not have a digital camera and asked if someone knew something about it. After much discussion by the Board, Tom said this would be put on hold until we had more information on digital cameras or a more urgent need for one.

Tom Erickson stated we've discussed the superintendent's fee before. Tom said when Bill cuts grass or takes care of leaves for members we charge \$35.00 an hour. Tom said Bill wanted to make this \$40.00 because of the ease of charging for quarter hours. Bill Hohimer said the price has been the same since we got our tractor in 1990. Bob Sons said it should be a minimum of an hour on any job. Tom Erickson said time wise it should be from the time you leave from here. Bill said there are jobs we charge a minimum for like when he mows the Dividing Dam it's a minimum of 1 hour. Bob said he doesn't have a problem with charging \$40.00 an hour with a minimum of 1 hour. Bill said he could see a minimum with the tractor but with the mower it's usually when he's going by and it takes 15 or 20 minutes to do the job. Bill said on some of these yards, like HUD and VA, we charge them a flat rate for the month. Bill said when he goes by he just does it. After much discussion, the Board agreed to charge \$50.00 an hour. Tom Erickson told Bill he could determine if there should be a minimum of \$50.00 for jobs he has to load up equipment to do.

Ernie Neumann said he wasn't at the meeting where it was voted to charge \$25.00 for the use of the Hall. Ernie said he could see if there was a wedding reception but what if 2 or 3 people wanted to use it for a meeting. Ernie asked if there is going to be a charge for that? Tom Erickson said there should be exceptions for those types of things. Tom stated the charge is if there is some type of a party here. Tom said if members are just going to use a table up front and don't plan to fill up the hall, there shouldn't be a charge.

## **NEW BUSINESS:**

**TRANSFERS:** The following transfers were approved upon motion by Rick Whitehead and seconded by Joe Dinora.

- #9B Kenneth & Peggy Volz to James & Elizabeth Seggelke
- #52, A Daniel & MariAna Rappe to James & Carole Finchum
- #57 Jack & Wilma Kirby to Thomas & Nancy Govert

The Board agreed unanimously.

**ADJOURNMENT:** Upon motion by Bob Sons, seconded by George Toepfer, the Board agreed again by consensus to adjourn. The meeting adjourned at 7:53 p.m.



**SUNSET LAKE ASSOCIATION  
MINUTES OF THE MONTHLY MEETING  
MARCH 2, 2004**

**CALL TO ORDER:** Vice President Tom Erickson called the meeting to order at 7:03 p.m. Also present for the meeting were Joe Dinora, Allan Sharp, George Toepfer, Rick Whitehead, and Superintendent Bill Hohimer. Jim Dorr, Ernie Neumann, Bob Sons, and John Schwandner were absent.

**VISITORS:** Keith Day #21,22 and Ed Snell #286

Keith Day approached the Board regarding a \$25.00 fine he received for not raking his leaves. Mr. Day stated he's been apart of this lake since 1959 but lives in North Carolina and gets here when he can. Mr. Day said he has 2 lots and pays \$500.00 in Assessments and hasn't asked for anything from the lake. He stated he's been over to his place working and thinks they are taken care of now. Mr. Day said he didn't think the rules gave a specific time when the leaves had to be done. Tom Erickson stated the Chairperson for the Dam and Grounds Committee is not here this evening but my understanding was this is not the first time you've received a letter regarding leaves. Mr. Day said he tries to get here by Thanksgiving and understands the idea of keeping the leaves out of the lake. Tom stated several letters went out and for those members that couldn't get to their leaves they hired someone to assist them. Tom noted this is the policy of the Board to encourage all the members to rake up their leaves. Mr. Day said he pays \$500.00 a year and doesn't use any the lake facilities; he feels this fine is a little excessive. Tom asked if any of the board members had anything to say. Rick Whitehead said the policy is to send a warning letter first and that usually gets the member motivated to do something. Mr. Day said he didn't think the rules said a specific time when it had to be done. Tom stated unless one of the board members want to make a motion to wave this fine but I'm not inclined to do so. Joe Dinora stated we can't keep giving fines and then dropping them. Mr. Day asked if there was anything in the Rules and Regulations that gave a certain time the leaves had to be cleaned up by. Tom said one would think the majority of the fall leaves would be raked up by Christmas. Mr. Day said they haven't all fallen by then. Tom said he's been raking since August and is still raking. Joe Dinora asked how many letters went out. Kyla Tanner stated 9 letters were sent the middle of November and the first of December 5 additional letters were sent. Kyla said 3 members received fines. Mr. Day said if he felt he was in fault he would have been here sooner. Allan Sharp stated nobody on this Board wants to give fines but there has to be compliance. Tom Erickson said we called your son in November and sent you a letter in December. Mr. Day said he appreciates what the Board is trying to do and doesn't think he's ever been in trouble with the board before. Mr. Day said his property is now cleaned up. After additional discussion, Tom Erickson thanked Mr. Day for coming but stated we must move on.

**SUPERINTENDENT'S REPORT:** Bill Hohimer stated he has been patching roads and taking care of dead trees. Bill said he's stripped the hall floor and waxed it 3 times; it now needs to be buffed. Bill stated he also polished the cabinets with furniture oil.

Bill stated we need to replace a few buoys and they are about \$85.00 each to make. Bill said we also should consider replacing or re-facing a few of our stop signs. Tom Erickson stated the stop signs and buoys are things we need to get.

Tom stated we haven't gotten a digital camera as of yet. Bill stated Target has the best prices. Joe Dinora said Target has an \$88.00 digital camera that will be enough for what we need here. Bill stated he could get it and take his son-in-law to help because he knows a lot about them. A motion was made by Joe Dinora and seconded by Allan Sharp to get the \$88.00 digital camera from Target. Motion passed unanimously.

Bill also said in previous years we've planted trees and asked if this was something we wanted to continue doing. Tom Erickson asked how many trees and how much will it be. Bill stated what we've done in the past is get about 10 trees from Rural King for about \$15 each and about 6 feet tall. Bill said he'd like to get Red and Silver Maples. Tom said yes this is something we should do.

Allan Sharp said in talking with Bill and Kyla it was mentioned the difference between the old snowplow and the one we have now. Allan said this new one is tearing up our roads and it may cost us less in the long run to go back to the old style. Bill said the blade on the old type went straight down but this new one curves up and cuts everything in its path. Allan stated Bill mentioned to him about checking with a dealer to see if they wanted to trade; this way it wouldn't cost that much. Allan said we can't ignore the fact that the new one is tearing up our roads and thinks it warrants some consideration. After much discussion, Tom Erickson said if we could remedy the problem of tear the roads up it would be well worth checking on this.

**OFFICE MANAGER'S REPORT:** Kyla Tanner stated she's been receiving Assessments and mailing boat stickers back to members. Kyla said she's also sent letters to members who mailed in money for boat stickers but didn't send copies of their IL registration. Tom Erickson asked if we were finding many motors bigger than 50 horsepower? Kyla stated there were 2 members where the registration showed bigger motors but the members said the registrations were wrong. Kyla said Bill has gone over, looked at the motors and they are not bigger than 50HP so their registration was in fact wrong. Kyla gave 1 orientation and sent out interest invoices.

**APPROVAL OF MINUTES OF FEBRUARY 3, 2004:** A motion to approve the minutes for the February 3, 2004 was made by Joe Dinora and seconded by George Toepfer. Motion passed unanimously.

**APPROVAL OF BILLS PAID FOR FEBRUARY 2004:** Tom Erickson called attention to a few bills paid in February. Tom stated Wheeler & Ross was for the shed's propane and M&M Service is propane here at the office. Tom said we had a credit from M&M Service that's why it was only \$31.65. Tom noted Chris Campbell \$150.00 was for a tree that was removed because it was in some wires. Bill Hohimer said this was on Hickory Lane and Chris took down the tree plus cut the stump out. Tom said Central Equipment Sales under income was a refund for snow skids for the plow. Bill stated we got the skids sometime back and when we received the invoice it didn't seem right. Bill said he talked to them and in fact there had been a mistake.



Tom stated the remainder were the normal bills paid. Upon a motion by Rick Whitehead and seconded by George Toepfer, the Board voted unanimously to approve the bills paid for February.

#### **COMMITTEE REPORTS:**

**AQUATIC CONTROL AND WATER SAFETY:** Joe Dinora stated he and Bill went to look at Lot #182 and it seems this member has taken over some lake property. Tom Erickson said we received an E-mail from Tom Mottershaw stating he had done some landscaping in front of his place and if someone feels he should pay the Association a little something for it let him know. Joe said its not just a little section; it's quite a bit. Tom said we responded by telling him he should have come to the Board before the landscaping items were put into place. Tom noted we also explained we would need a survey of his property and an appraisal may be needed to see what to charge for this additional land. Tom said Mr. Mottershaw had other commitments and couldn't be here tonight. Joe said he should have to remove that stuff. Tom asked how the Board feels about this; do we have any problem with leasing him some additional ground. Allan Sharp asked if this area could be sold as additional lots instead of piece by piece. Allan said if we sell as lots we bring some money into the Association each year from that property. Allan asked if it was used or if it was just being mowed and maintained. Bill Hohimer said its never used and there's about 3 or 4 acres there. Tom Erickson said it's his understanding Mr. Mottershaw's property goes over 15' from the shed. Tom stated it was brought to his attention that Article VII of the ByLaws, Section #3. Sale of Lots Not Directly on Sunset Lake states "Property owned by Sunset Lake Association which is not bordering the lake cannot be sold without prior approval of a majority of Class "A" Members."

After much discussion, Tom Erickson said we should write him back and explain the items need to be removed until a more formal request in writing is submitted. Tom said we will need to know exactly how much more land he's wanting to lease. Tom said we should also tell him a survey of his property is needed. Tom stated the Board has the power to amend his lease to add additional land but we may need to get our attorney involved. Tom said we might want to advise his neighbors to see how they feel. Joe agreed to draft a letter to Mr. Mottershaw.

Joe Dinora stated he checked on fish and we can get 6 to 10 inch Walleye for \$2.00 each and Red Ear for \$.60 each. Joe stated he would like to get \$1,500 worth of Walleye and \$500 of Red Ear. Joe said this is still early but he wanted to get some prices.

**BUILDING AND CONTRUCTION COMMITTEE:** George Toepfer said last month he told the Board he had 2 building permits for new homes. George stated Larry Royer, Lot #250 has his staked out and his permit has been signed by all three committee members. George said Kyla spoke with Nancy Govert, Lot #57 and her builder will be in to give us the information we need. George said we probably wouldn't have this information until next month so their permit has not been signed.

**DAM & GROUNDS COMMITTEE:** John Schwandner was absent.

**FINANCE COMMITTEE:** Tom Erickson stated we started the month of February with \$48,019.03. We took in \$36,224.51 most of which was Assessments and spent \$5,349.77 leaving a balance of \$78,893.77. Tom said we ended the year with \$37,000 in the bank and most of that was in a money market account. Tom noted we do have \$25,000 in a 3-month CD paying 1%. Tom stated at the last meeting he mentioned putting \$25,000 or \$30,000 in a long-term account paying a little more but without risk. Tom said he spoke with a financial advisor from AG Edwards and he recommended getting a 6-month CD and thought interest rates would be going up. Tom said a 6-month CD at the First National Bank pays 1.25%. Tom said if the Board approves he'd like to put \$30,000 in a 6-month CD at FNB. Upon a motion by George Toepfer and seconded by Joe Dinora, the Board approved unanimously.

Tom noted according to the Budget, 62% of the Assessments have been paid and 57% of the Boat permits are in. Tom said if assessments are not paid by March 31<sup>st</sup> an additional 10% penalty is added. Tom stated he felt a reminder should be sent out the middle of March to those members who have not paid.

Upon a motion by Allan Sharp and seconded by Joe Dinora, the Board voted unanimously to approve the Finance report.

**LEGAL & INSURANCE COMMITTEE:** Allan Sharp said he mentioned before about including this year's assessment in the lawsuit against Peggy & Michell Smith, #130 and Bill Jones, #272. Allan said if nobody has any objections he would like to start this process March 31<sup>st</sup>. Allan said Peggy Smith contacted Kyla and said she'd be paying this off but didn't show up. Allan said he asked Kyla to contact her and explain if this wasn't paid by March 31<sup>st</sup> we'd be contacting the attorney. Allan said Mr. Jones had said before he'd have his taken care of by the end of last year but we haven't heard from him again. Allan stated we should contact the lawyer on March 31<sup>st</sup> and get something done. Tom questioned if this would be this year's assessment plus what they owe for last year. Allan said that was correct and felt they need a boost. Tom stated it was fine with him and we have been very patient with them.

Allan stated we are proceeding with the lawsuit against George and Patty Robson, #154,A. Allan noted they requested from our attorney information on other people who have had to put riprap along their shoreline as well as clean up their place. Allan said the trial date is April 5<sup>th</sup> at 9:30 and Jim, Bill, Kyla and either Rick or Joe needs to be there.

Allan said Mr. Bloomer notified Chris McCaskey to remove the culvert and repair the land as it was. Mr. Bloomer also sent us a request for boundaries on McCaskey's side of the road and Kyla complied. Allan noted a Complaint for Injunction has now been filed and Mr. Bloomer sent us a copy.

Allan said we have not heard back from Brown-Smith Insurance Company in Virden with a bid for insurance. Allan noted Troxell submitted a total of \$7,530 for 3 years with an additional \$97.00 for vacant land. Allan said we budgeted \$8,000 and he'd recommend staying with Troxell. Allan said they've been a good company for us. Upon a motion by Joe Dinora and seconded by Rick Whitehead, the Board voted unanimously to continue insurance with Troxell.



**ROADS COMMITTEE:** Bob Sons was absent.

**SANITATION, SHORELINE & BOAT DOCKS COMMITTEE:** Rick Whitehead stated nothing to report.

**WATER QUALITY & CONSERVATION:** Ernie Neumann was absent.

**OLD BUSINESS:**

**NEW BUSINESS:**

**TRANSFERS:** The following transfer was approved upon motion by George Toepfer and seconded by Joe Dinora.

**#49B Matthew & Margaret Clarke to David Zimmerman**

The Board agreed unanimously.

**ADJOURNMENT:** Upon motion by Allan Sharp, seconded by George Toepfer, the Board agreed again by consensus to adjourn. The meeting adjourned at 8:24 p.m.

**SUNSET LAKE ASSOCIATION  
MINUTES OF THE MONTHLY MEETING  
APRIL 6, 2004**

**CALL TO ORDER:** President Jim Dorr called the meeting to order at 7:00 p.m. Also present for the meeting were Tom Erickson, Allan Sharp, George Toepfer, Bob Sons, Joe Dinora, John Schwandner and Ernie Neumann. Rick Whitehead was absent.

**VISITORS:** Carol Schwandner #62, Ed Burg #101,A, Bill Harris #105-106, John Munchalfen #221, and Ed Snell #286

Carol Schwandner asked if something could be put in the next Newsletter about organizing a monthly potluck here at the hall for members wanting to get together. Carol said her thoughts were to ask different members to organize it each month. Carol said we could put her name and number in the Newsletter for those interested in doing something like this. Carol questioned if the \$25.00 fee would be charged. Jim Dorr said there should not be a fee for an Association function and suggested if not monthly, maybe quarterly. Jim said he has always thought that we should have something to bring the members together.

**SUPERINTENDENT'S REPORT:** Bill Hohimer stated he called about oil and chip mix. Bill said oiling will be about the same price as last year \$ .98 - \$1.00, chip mix will be \$32.00 a ton, and CA-7 that is coarser will be \$28.00 a ton. Bill said he'd been to Springfield, picked up the camera and material for buoys. Bill stated he made the buoys, got the boat ready, and replaced some stop signs. Bill said Joe Dinora had given him 2 newer signs to use. Bill said he burnt off the dam area, cut several trees, and is taking care of the burn piles on a daily basis. Bill stated he's shook and oiled several goose eggs. Bill also buffed the hall floor. Bill said the truck wouldn't start a couple weeks ago and the security light came on. After taking it to Smokey Jennings they seem to think this is still fuel related. Bill said he changed the filter on the fuel tank and it was full of rusty pieces. Bill stated he's got some prices on new fuel tanks; FS has a 300-gallon tank for \$1,289.00 and the transfer pump is \$470.00. Bill said Northern Tool & Equipment Company where we received a catalog from has a 285-gallon tank for \$419.99, \$279.99 for a throwaway pump and about \$300.00 for freight. Bill said the tanks we have now were given to us and then we've moved them. Joe Dinora said Certified Tanks out of Springfield sold fuel tanks. Joe said this company sold out to another but he'd try to get us the phone number. Jim Dorr questioned if we went with new tanks would they sit on the ground. Bill stated yes. Bob Sons said we should investigate this a little more. John Schwandner suggested replacing only one tank. After much discussion, it was agreed to get a price from the place in Springfield.

**OFFICE MANAGER'S REPORT:** Kyla Tanner stated she sent out reminder letters to members that had not paid their assessments. Kyla also sent letters to 3 members that had Aeration contracts expire; she's heard back from 2 of the members but waiting on the other. Kyla stated she sent out 10% penalty invoices to members that had not paid their assessments as of March 31st and also sent out interest invoices.



**APPROVAL OF MINUTES OF MARCH 2, 2004:** A motion to approve the minutes of the March 2, 2004 meeting was made by Tom Erickson and seconded by John Schwandner. Motion passed unanimously.

**APPROVAL OF BILLS PAID FOR MARCH 2004:** John Schwandner questioned payments made to Gary Hayes and Dan Walk. Tom Erickson stated this was part of Water Quality and Conservation and is paid in two installments. Ernie Neumann said this is for the land we use as buffers. Tom Erickson stated Troxell Insurance is all paid at the beginning of the year and Greg Bierman was for the tax return.

Upon a motion by John Schwandner and seconded by Bob Sons, the Board voted unanimously to approve the bills paid for March.

#### **COMMITTEE REPORTS:**

**AQUATIC CONTROL AND WATER SAFETY:** Joe Dinora stated there are a lot of boats in the water and there has only been a couple that didn't have stickers. Joe said it's been about 95% compliance, maybe a little more. Joe said he'd talk to DNR and they're scheduled to shock the Lake next year. Joe said it could be postponed a year because the situation the State is in but they'd get back with him this summer. Joe stated Lot #210, Wendell & JoAnn Jones has a young boy around 13 years old who has thrown most of the riprap at the boat ramp into the Lake. Joe said he's gone over there and talked to him but he just gets smart. Joe stated a couple of weeks ago he was running up and down the boat ramp in a go-cart. Joe said he went over there and put a stop to that real fast. Bob Sons questioned whose riprap he had thrown in the water. Bill Hohimer said it was ours; we put riprap in at the ramp last year and probably half is now gone. Bob suggested sending them a bill. Joe said at least a letter should be sent. After much discussion, Jim Dorr said send a letter telling them if they want to get in the Lake and put it back up on the shore that is acceptable to the Board.

**BUILDING AND CONSTRUCTION COMMITTEE:** George Toepfer stated we received 2 building permits in the month of March; Ken & Sandy Phillips Lot #190 to extend their roof over their patio and Bill Jones Lot #272 to replace a boat dock. George stated this month so far we've received a permit from Charles Dodge #70,A for a garage extension (16x24) and he's got plenty of space to do that. George said Larry Royer #250 is coming right along with his home and Govert's Lot #57 have their house staked out but have not started construction.

**DAM & GROUNDS COMMITTEE:** John Schwandner stated Bill has talked to him about a few members wanting to cut down live trees. John stated David & Nancy Busby, Lot #172 want a tree cut because it's in their view of the Lake. The tree is on Association property between Lot #174 and #175. John said Edith Luddeke, Lot #60 said there are walnut trees dead in her yard she wants to cut. John said he doesn't believe the trees are dead because he got walnuts from them. John said he's not in agreement with members cutting trees for non-valid reasons and asked if anyone else had thoughts on this. Jim Dorr stated he agreed and if members want to cut a live tree they should have to replace it with 2 new ones. Bob Sons said his understanding was a live tree could only be cut down to build a house or garage; something like that. Bill said yes unless it's causing a problem.

John stated something he wants to do is get out to check on the riprap and send letters to those members who need it. Bill stated last fall he and Joe operated the valves and inspected the dam. Bill said he wanted someone else to look at the dam but he thought the east wall might have moved. Joe Dinora stated Greene & Bradford in Springfield had done an inspection a few years ago. Ernie Neumann said there is a file on this in the office. John stated he has some information at home also and he'd check on this.

**FINANCE COMMITTEE:** Tom Erickson stated we started the month with \$78,893.77, took in \$23,018.19 most of which was Assessments. We received our cable franchise payment for \$1,253.71 which we only had budgeted \$1,100 because it had been dropping so we are now over budget. Tom said we received \$485.00 for a driveway that was done last year but we did not receive the interest. Tom stated we spent \$14,628.82 leaving a balance of \$87,283.14 at the end of the month. Tom said we renewed our 3-month CD and had \$25,243.33 invested in that and we bought a \$30,000.00 6-month CD paying 1.25%. Tom said we have \$31,529.81 in the money market and we use that to pay bills. Tom stated according to the budget we are in good shape. Tom said we've received 85% of the Assessments and as of March 31<sup>st</sup> we are adding a 10% penalty. Tom said if someone gets their Assessments in a day or two late we should waive the penalty. Tom said one particular case was Keith Day who was here last month appealing his fine, he sent in his assessments on April 2<sup>nd</sup>. Jim Dorr agreed if it is that close we should waive the penalty.

**LEGAL & INSURANCE COMMITTEE:** Allan Sharp stated regarding Chris and Christine McCaskey, we notified our attorney that Mr. Gray's property was originally a cabin built before the Lake was built. Allan stated this cabin was later converted into a home and where the cabin was it's now his family room. Steven Daventier's home was built and sold by Chris McCaskey about 9 years ago. Allan stated the access Mr. McCaskey put in at the time was mentioned at a meeting when Lou Long was President but the Board did nothing to stop this at that time. Allan stated if we are unable to force him to remove the culvert, his opinion was charge McCaskey a yearly fee to use the road. Allan said this could be as much as \$250.00 a year.

Allan stated Bill Jones has paid in full and Peggy & Michell Smith paid \$122.00 on their Assessments. Allan said they also gave us 3 post-dated checks dated April 10<sup>th</sup>, May 10<sup>th</sup>, and June 10<sup>th</sup> bringing them up-to-date except the \$25.00 late fee plus interest.

Allan stated the trial date for George and Patty Robson has been postponed and we do not have another date as of now. Troxell insurance has been paid and is guaranteed for 3 years with the exception of worker's compensation. Allan said at December's meeting he mentioned we should warn those members, in the next Newsletter, who have not paid this year's assessments we would be turning it over to our attorney. Allan said there are a number of members that have not paid as of now. Allan questioned if we should give them 30 days or is this even something the Board wants to do. Allan said if we are going to do this, we should state in the next Newsletter that the member is responsible for attorney fees. Allan said when he brought this up before it was to keep a situation like Peggy Smith and Bill Jones from happening again but didn't realize it would be so many members. After much discussion, it was agreed by the Board for those members that was late on this year's assessment Kyla would call and remind them it was due March 31<sup>st</sup>.

Ernie Neumann said getting back to Chris McCaskey. Ernie said the way he understood it was, at the time Mr. McCaskey built the home of Daventier's, the Board was under the impression that the road did not belong to the Lake and felt they could do nothing about it. Ernie stated subsequently we have researched it and determined it to be a Lake road. Ernie said the County states it's a Lake road, Township say it's a Lake road and our map shows it's a Lake road. Ernie stated there is a logical explanation as to why the Board took 2 different positions on this road, is this not correct. The Board agreed.

**ROADS COMMITTEE:** Bob Sons stated nothing to report on the roads but he'd been out looking at building permits with George and Allan.

Jim Dorr said he was looking back at last month's minutes and it sounds like we have a problem with the snowplow. Bill Hohimer said the old snowplow was straight up and down and the new one is curved. Bill said he's checked around at a few places but can't find an old one to trade for. Bill said another thing he's noticed was with Royer's home being built the road over there is getting bad. Bill said they use those big trucks and the roads crack because of the weight. Bill stated he plans to oil the roads after the two new homes go up. Jim said he brought up the snowplow because he wondered what we needed to do before next year's winter with the snow. Bill said the part of the road that is traveled all the time starts to sink so when he uses the snowplow it shaves off the area that is not normally traveled. Bill said what he tries to do is fill in spots that are lower and then smoothes it out before they oil the roads. Bob said we might want to allocate more money next year for roads.

**SANITATION, SHORELINE & BOAT DOCKS COMMITTEE:** Rick Whitehead was absent.

**WATER QUALITY & CONSERVATION:** Ernie Neumann stated he had nothing to report.

**OLD BUSINESS:**

Jim Dorr stated Tom Mottershaw has decided against leasing additional land from SLA.

**NEW BUSINESS:**

Jim Dorr stated the next Newsletter would go out the first of May and normally we have a Lake wide Garage Sale that month. Jim said normally it is around the middle of the month. Jim stated the 29<sup>th</sup> of May there is a craft fair in Carlinville so he would suggest the 15<sup>th</sup> or 22<sup>nd</sup>. It was decided May 22<sup>nd</sup> for the Lake Garage Sale.



Jim asked if there was anything the Board wanted in the Newsletter. Bill Hohimer stated driveways. Jim said tell them if they want their driveway done to contact Bill and the price would be \$1.50 per running foot. Bill said they really don't like doing driveways; we have narrow roads, trees and cables to contend with and they have the big trucks. Bill stated we just try to work with their schedule because they come the biggest part of a day. Jim said all we can do is work with them and try to keep them happy but we need to realize there may be a day when they say no more driveways. Jim said that's the same as us with the members out here on the Lake with boat stickers and speeding. Jim said we need to work with the members, we want to set the Rules and Regulations and abide by them but we can't be hard nose either.

Jim Dorr stated Section 5 reads, "All boats must be licensed by the State and all applications must be accompanied by a valid State registration to apply for a boat permit." Jim said when he mentioned this last fall he was mainly looking for horsepower but has realized the boat registration does not always show the correct horsepower. Jim stated it was brought to his attention that probably boats on this Lake, since it's private, don't need an Illinois sticker. Joe Dinora stated yes they do and even on private ponds they need stickers. Joe said he didn't have his copy of the Illinois rules with him but stickers are needed. Jim said he was going to ask the committee if this should be stricken from the Rules but if it is a must then we should keep it. Bob Sons said he called the State on this and for your own pond or lake you do not need one. Bob said he told them about Sunset being a private lake and the girl told him technically you do need it but she wouldn't have one if she lived out here. Bob said his concern is why should we be out here policing for the State of Illinois. Bob said let the members decide if they want to get a sticker and we should not have to police the Lake. Bob said most of these boats never leave this Lake. Ernie Neumann stated it's strictly revenue as far as he can see because there is no safety issue. Bob said if this was Lake Springfield he could see it because DNR patrols it and so does the City. Bob said we could request it but we don't need to be out there enforcing it. Ernie said we need verification so let's see what the rules say. Jim Dorr said we will see what the State rules say and if we don't need it, we can then decide if we want to take it out of our Rules and Regulations. Jim said if it is needed we would have to see the registration before we issue a boat sticker.

Jim stated something else he wanted to mention was from the backside of the Island to the iron bridge it's roughly 1 mile. Jim would suggest the Board members that will be patrolling the Lake run that in their boat to see how slow 6 mile per hours really is. Jim said it should roughly take 10 minutes and he knows there were some pontoons that were running pretty quick last fall.

**ADJOURNMENT:** Upon motion by John Schwandner, seconded by Tom Erickson, the Board agreed by consensus to adjourn. The meeting adjourned at 8:14 p.m.

**SUNSET LAKE ASSOCIATION  
MINUTES OF THE MONTHLY MEETING  
MAY 4, 2004**

**CALL TO ORDER:** President Jim Dorr called the meeting to order at 7:00 p.m. Also present for the meeting were Ernie Neumann, Allan Sharp, Joe Dinora, Bob Sons, John Schwandner and Rick Whitehead. Tom Erickson and George Toepfer were absent.

**VISITORS:**

Denis & Judy Kehrer #9, Amy & Bill Walkenbach #17, Steve Kolsto #31, Bill Harris #105,106, Raymond Fickas #167,167A, Tom Mottershaw #182, Mel Lomelino #197, John Munchalfen #221, Charles Wooten #231, Wanda Volz #232, Ray Reardon #256A,257, and Ed Snell #286

Bill Harris, #105, 106 stated there is a real problem with muskrats. Allan Sharp stated he knows a gentleman willing to run traps daily and charges \$4.00 per muskrat. Allan said he gave this information to John Schwandner.

Denis Kehrer, #9 said he was in the office when Kyla was putting together the mailing and it cost \$.60 per envelope. Denis suggested using E-mail to send this out to those members who have computers and are willing to give us their address. Allan said this was tried before but we didn't have a lot of luck with it. Denis said in the next newsletter you could put something in there for members who have e-mail. Allan stated he had a hard time getting it off the computer before. Jim Dorr said this is something we may check into.

Wanda Volz, #232, #233 stated she is in the process of trying to sell her home; her husband died last September. Wanda stated she had checked with Kyla and was told the Association required her to keep \$5,500.00 in an escrow for her septic. Wanda said she just had a sand system that is about 6 years old and never had a bit of trouble with it. Wanda stated Terry Clark put the system in, the health department inspected it and it's in perfect condition. Wanda said it floored her that she had to put that kind of money down in a Sunset Lake Escrow account where her name wasn't even on it. Wanda stated she was told by some of the elderly around here that she would never see that money again. Jim Dorr said that is ridiculous; if there is no problem with the system you will get that money back in 6 months. Tom Mottershaw, #182 asked if Wanda would get it back plus interest. Jim Dorr stated no interest because we do not put escrow money in an interest account because it ties it up. Wanda said she felt she was being penalized by the Lake Association for trying to sell her home. Wanda said this rule was passed last September. Jim Dorr said this has been a rule for years. John Schwandner said he'd been down here 17 years and it's been a rule at least that long. Wanda said she thought that was ridiculous to put that kind of money in an escrow account just to sell her home. Charles Wooten, #231 questioned when she would get the money back. Jim Dorr said you get it back 6 months after the date of the sale if there are no problems. Wanda stated she was concerned if someone bought the house and knew nothing about a septic system. Wanda questioned what if they put items down the system that should not go down there and the system fails, she'd pay for her sand system all over again. Jim stated if determined by a contractor that it's the buyer's fault, she would still get her money back.



Wanda stated she still wouldn't get the money back that was paid to the contractor to do the inspection. Jim stated if it was determined it was done after you left, a recent thing, then yes they would have to pay for it and you would get your money back. Ernie Neumann stated there was an arbitration process spelled out in the rules that you'd follow. Wanda asked if you have a buyer that really wants the place and willing to sign an agreement saying they would pay the \$5,500.00 or fix the problem themselves, would the Association go along with that. Jim Dorr stated we have not gone along with that before. Wanda said in other words that is completely out of the question. Jim said yes and they had been asked that question before.

Amy Walkenbach, #17 stated she submitted a building permit for a dog run and was proposing a 3 ft. picket fence that goes along each side of the house. Amy said she understands there are some issues with fences so they decided to come tonight to discuss this. Jim Dorr stated picket fences in the past have not been approved. Jim said a chain link fence/dog run is not a problem. Amy questioned a chain link fence in the similar fashion as they originally proposed if that would work. Bill Walkenbach said it would roughly be 2/3's of the back yard because the dog is very active. Jim asked what they meant by a chain link fence in a similar fashion. Bill said from the edge of the house down to the lake so he'd have most of the back yard to run. Bob Sons stated we've never done that big of a dog run before. Bob said usually a dog run is off the side of your home or garage out 20' at the most. Bill said they drew out three different types they could go with. Bill stated they had been discussing invisible fences but not sure how the dog would deal with the shocking part. Bob Sons said what the permit shows is basically fencing off the back yard. Denis Kehrer, Lot #9 stated they have an invisible fence at their house that goes around their whole lot, the company comes out and even trains the dog. After much discussion, Jim Dorr stated a dog run would be acceptable. Jim also said if it's a dog run/chain link or an invisible fence I would say keep it at least 15' from the water's edge. Jim said what he sees from this permit you want to fence in the whole back yard and that's not acceptable. Amy stated they were looking at different options that would work for them. Jim stated they would try to work with them but as far as the picket fence that would not work.

Tom Mottershaw, #182 asked for clarifications on fences; are some fences allowed and others not. Tom said he thought the rules say no fences at all and now you're saying chain link fences are ok. Jim Dorr stated there are chain link fences put up for dog runs not as fences to fence off a whole yard. Tom stated it's a fence and didn't care if it's called a dog or rabbit run; he thought you weren't supposed to have fences out here. Bob Sons said not without Board approval. Tom said he would put up a chain link fence and borrow the neighbor's dog and let it run once a week. Tom stated you told him no fences at all and that was in the Bylaws; it doesn't say dog run. Bob said it does spell it out in the Rules. Tom said the Board wouldn't let him have a fence because fences haven't been allowed the last 4 or 5 years; now you're saying dog runs are ok.

**SUPERINTENDENT'S REPORT:** Bill Hohimer stated he picked up goose eggs; 28 nests and collected 192 eggs. Bill cut 2 trees for Ken Phillips, #190 and a tree for Marv Wingo, #51. Bill stated he mowed Lots 27, 83, 111, 144; these are extra lots he is taking care of. Bill said he bought 10 trees and has 6 planted. Bill said he's been cleaning up the burn piles on North side and he's also spread rock on some of the roads.



Bill stated he had gas problems with the mower last week and was down 4 days. Bill said he changed the filter, cleaned the spark plugs and it seems to be running ok now. Jim Dorr stated we'd get back to that gas problem under old business.

**OFFICE MANAGER'S REPORT:** Kyla Tanner stated she did the quarterly taxes and called members who still owed this year's assessments and reminded them. Kyla said she worked on the Newsletter and May mailing. Kyla had one orientation and also sent out interest invoices.

**APPROVAL OF MINUTES OF APRIL 6, 2004:** Joe Dinora stated under Call to Order, Ernie Neumann's name was omitted and needs to be listed. Bill Hohimer stated under Dam & Grounds when the dam was being discussed, he said the "East" wall not "West". A motion to approve the minutes of the April 6, 2004 as amended was made by John Schwandner and seconded by Bob Sons. Motion passed unanimously.

**APPROVAL OF BILLS PAID FOR APRIL 2004:** Jim Dorr stated there was not anything out of line for bills paid in April. Bob Sons questioned what are we using crossbow for. Jim stated crossbow is a type of weed spray, it's an herbicide that you can use when we don't want to use roundup and kill everything. Jim said it doesn't hurt vegetable or flower plants.

Upon a motion by Bob Sons and seconded by John Schwandner, the Board voted unanimously to approve the bills paid for April.

#### **COMMITTEE REPORTS:**

**AQUATIC CONTROL AND WATER SAFETY:** Joe Dinora stated there had only been 2 boats on the Lake without stickers, Sharon Smith Lot #20 and Stan & Terri Patterson Lot #125. Joe said he believes they are just temporary members. Joe said Ron & Cathy Wenneborg Lot #84 have been warned for speeding several times. John Schwandner said Wenneborg has had his warnings and next time it will hit his pocket. Joe stated everyone else has their stickers on and the fish are biting.

**BUILDING AND CONTRUCTION COMMITTEE:** George Toepfer was absent but left his report with Allan Sharp. Allan said everything has basically already been discussed. Allan stated the garage for Denis & Judy Kehrer Lot #9 was approved. Allan said the footings for the new home on Lot #57 are okay. Allan stated we've approved Rich & Kelley Himmelberg Lot #150 to take off a breezeway and old garage and rebuilding it into a home. Allan stated they would also be adding a new garage, deck on back and porch on front. Allan said they are going to re-grade the back yard down to the lake and install new riprap. Allan said they will take down 4 trees in the back and requested 3 pine trees but we've asked them to try to trim them back instead of taking them down. Allan stated the pine trees are not really in the way of the construction so we hope to keep them.

**DAM & GROUNDS COMMITTEE:** John Schwandner stated last month we discussed the possibility of the wall moving at the dam. John stated he received a proposal from Greene & Bradford to come and inspect it and they want \$1,000 to do it. John said when he first talked to them they said \$700.00 with a maximum of \$1,000 and now they came back with a bid of \$1,000. Jim asked if they were the ones that marked it before and John stated yes. John said he wanted to get the board's approval before proceeding. Allan said we need to stay with this company; we don't want to start from scratch again. John said his only question was do we want to spend the \$1,000. Allan stated if Bill thinks there's been any movement we need to check it out. Jim Dorr stated for you visitors that don't know, we had this surveyed 2 or 3 years ago and they put some markers in the sidewalls because we have had some movement and cracks there before we had the spillway redone two years ago. Jim said we think there may have been some movement since then so we need to get the engineers back to check the survey markers and see if they have moved any. John Munchalfen, #221 asked when the actual survey was given did we get the records in order to determine the actual positions or are they carrying the records. Joe Dinora said they kept the records. Jim Dorr said it would be a good thing if we get a copy of that in case we don't use them. Joe Dinora said we have their report but it doesn't state the dimensions. Bob Sons made a motion to accept this proposal and Joe Dinora seconded. Allan stated we need to mention when we are accepting this that we expect a copy for our files. Jim Dorr stated yes we want a copy. Motion passed unanimously.

John stated the only other thing he had was Allan mentioned to him we might have a muskrat problem. John asked Bill if there were problems with muskrats at the dam. Bill stated we have in the past but not sure now. Bill said if there are muskrats around, they will be at the dam also. John said he talked to this gentleman that Allan knows that goes by "Stretch" or "Scratch". Allan said "Stretch". John stated instead of putting traps out he would build cages and put them in the rocks. John said he told him he would run them once a day. Allan said at least once a day. John said he does this in the wintertime and would charge \$4.00 for each muskrat. Allan said we need to get a nuisance permit ourselves. After much discussion, it was agreed Kyla would check into getting a permit.

**FINANCE COMMITTEE:** Tom Erickson was absent but Jim Dorr stated we started the month with \$87,283.14 and had \$6,101.85 in expenses. Jim said we took in \$10,013.93 leaving a balance of \$91,195.22 at the end of the month. Jim reported we have 96.3% of the Assessments, 94.1% of the Boat Permits and 43.8% for Building Permits. Jim stated we were well within our budget in all of our expense accounts. Jim stated a list of the accounts receivables went out in the newsletter and the big ones are Lot #111 Bankruptcy and Lot #154, A George and Patty Robson. There are only 4 besides these that haven't paid their assessments.

Upon a motion by Ernie Neumann and seconded by Allan Sharp, the Board voted unanimously to approve the Finance report.

**LEGAL & INSURANCE COMMITTEE:** Allan Sharp stated for insurance there is nothing to report. Allan said we have not heard back from the lawyer on Chris McCaskey. Allan said we do not have a new date for the Robson's trial. Jim Dorr stated this has been postponed now at least 3 times. Allan said it's been twice this year and he's discussed this with the lawyer but there was nothing he could do.



Allan said as far as the Accounts Receivable, 1<sup>st</sup> Midwest has Lot #111 now. Allan stated we have not heard from Bill & Ken Kirbach #181 and Ron Bormida #85 has his place for sale. Allan said Jared March pays whenever and whatever he wants. Allan said he only owes \$131.83 now. Allan said we've had no response from Robert Trapp #97 and Nancy Standen #53 has promised to pay her assessments.

John Schwandner questioned Bill if he had done leaves for Dr. Trapp last year. Bill stated no, last fall the weather changed and I didn't get to it. Bill said there is some work that needs to be done over there; he could spend at least half the day there cleaning up. Jim asked if it would do any good to send him a letter. Jim said if you do it, it will cost \$50.00 an hour. Bill said he always pays his bills; it may not be for 3 or 4 months but he does pay. Kyla stated she called him and left a message for him to call back about whether he wanted Bill to take care of the yard but he hasn't called back yet. Jim said try giving him another call.

**ROADS COMMITTEE:** Bob Sons stated he received a call from a lady at the end of North Lake Drive about some kids hanging out in the woods. Bob said she didn't want him to go down there because she was afraid the kids would find out she called. Bob questioned do we call anyone about this or is he the person if there's a problem with people hanging around the lake at night. John Schwandner asked if this was after dark? Bob said it was around 8:00 p.m. John asked if it was at the holding pond. Bob said yes. Joe Dinora and John Schwandner stated they seen them too and they were just fishing. Bob said he thought he better bring this up in case something did happen and wasn't sure how to handle it. Jim Dorr stated he felt if he gets a call, make an appearance and give them a warning or two and explain if it comes up again we'll have to call the authority. Jim said I don't know if they'll do anything about it because they say we're a private lake. John said they were just fishing in the holding pond. Bob said this was a couple of cars had drove down there and turned their lights off. Bob said they were probably just talking but she knew who the girls were. John said well that's a different situation. Joe said he had a question related to this. Joe said could we get some magnetic stick on signs to put on our cars so when we are out checking roads and stuff. Bob said he wasn't sure how far we wanted to go with this or do we wait to see if something else arises. Jim said if he got another call or two just try to check it out. Jim said the authority told us before we were not in their jurisdiction because we were a private association, a private lake. Ernie Neumann stated we are part of their jurisdiction whether they think so or not. Ernie said he thought we should see how creditable do we think the information is we were given; is there any substance to it or is it just a complaint. Bob said she didn't want to sign a complaint form because she knows who it is and I told her once we get a form signed then we can attack the problem. Ernie asked what did she say they were doing wrong. Bob said the kids were just talking and hanging out. Ernie asked if we knew if they were lake people or not. Bob said about half were; it was some girls down there with their boyfriends. Ernie said I don't think this is a monumental problem; it just sounds like kids being kids. Bill said he get 8 to 10 calls like this a month. Bill said he has a lady from the north side that calls him usually once a week about something. Bill said he's gotten calls about kids on the north side so when he goes over there they're just sitting around talking and there's been times when people have gone down there and just turned around. Bill said he usually checks it out and if it's kids he just tells them this is a private lake. Jim Dorr said if this is a serious problem then we need to get a complaint form signed and then we can follow through on it.



Jim said we don't need harassing phone calls to directors and Bill. Bill said he's never had anything tore up, destroyed or anything like that with these particular kids. Bill said if we start chasing kids and being rough on them we will have trouble like we did a few years ago where they took every sign on the north side and changed them. Bob said I told her she had to sign a complaint but thought he better at least bring this up.

Allan said he's gotten calls about people speeding but didn't think we could do anything about that either. Bob said he's had those kinds of complaints too but it's usually the ones speeding that are also complaining. Allan asked what we should do, ask them to fill out a form giving the name and license number. Ernie said if you know them and it's a continuous pattern and it looks dangerous then tell them to bring it to the board and someone will talk to them. Denis Kehrer said the UPS driver always speeds. Jim said if we could get a name or license number that would help.

**SANITATION, SHORELINE & BOAT DOCKS COMMITTEE:** Rick Whitehead stated he received a call from Rick Maquire regarding Gary Barnes, Lot #175 having a problem with his sand filter. Rick said he told him Gary's filter was failing and the problem was it was under his blacktopped driveway. Rick said there is not room to put another sand filter in and Maquire questioned him how the Board felt about an aeration system. Bob Sons said there should be a second opinion on having to get an aeration system and thought there was enough property to put one on.

Jim Dorr stated he was not in agreement with an aeration system. Jim said when a sand filter goes bad you dig it up and haul it off, bring in more sand and set up a new one. Jim said why would anyone blacktop over their septic system. Rick said Maquire was going to look at the plat, go over and do some checking and then draw something up. Jim said his solution would be dig the whole thing up and put a new one in. Rick said I told Maquire I wanted to bring this up before the board to see how everyone felt. Jim said there is an area there that the Association owns just to the north. Jim said it is used as a buffer strip, water drains down there and it does have tile thru it to take care of the water from the road. Jim said we could draw something up and maybe he could use part of this land for a sand filter. Ernie Neumann stated it would have to be well written out; if it's on our property we are not responsible for the operation of that or anything about it. Jim said he didn't know how the rest of you feel but wasn't for aeration systems. Rick stated Maquire was going to come up with some plans and get back with him on it. Jim said we will wait and see what Rick comes up with.

**WATER QUALITY & CONSERVATION:** Ernie Neumann stated they would be starting the lake clarity testing this month.

#### **OLD BUSINESS:**

Jim Dorr asked Joe Dinora what he found out about registration of boats on private lakes. Joe stated he didn't have a chance to find his book. Bob Sons said the law in this state is you need a registration. Bob stated his argument is why should we spend our time policing for the State of Illinois. Bob said if we want to monitor something we should make sure boats have proper safety equipment. Bob said it's all how far we want to get involved with it.

Jim asked Kyla if there has been many that haven't had current state registrations. Kyla stated there's only a handful left that hasn't showed their registration. Jim Dorr stated under Section 5 of the Rules and Regulations the last line of A. says "All boats must be licensed by the State and all applications must be accompanied by a valid State registration to apply for a boat permit". Joe Dinora asked what the problem was; you have to have one. Jim said according to our Rules and Regulations it's needed but if the State says we don't need it we can leave it in there for us or take it out. Jim said at this time he was inclined to leave it the way it is. Bob Sons agreed just leave it the way it was.

Jim Dorr stated we got a proposal on fuel tanks from up North but found out their rules and regulations for providing fuel tanks was not near as strict as Illinois. Jim said in Illinois they want you to have a double wall tank so if we imported one from up north we would be out of compliance with state laws. Jim questioned what was the name of that company in Springfield we were going to check with but they'd been sold out. Joe Dinora stated Certified Tanks and they sold to Illinois Petroleum. Jim asked what did we get from them. Kyla stated they were also out of the business and referred us to a place in Terra Haute, Indiana and it would cost \$3,000 for two 550-gallon double wall tanks. Jim stated FS proposed \$1,289.00 for the tank and \$470.00 for the pump. Jim asked what the board wanted to do. Ernie Neumann stated we've lost 4 or 5 days mowing, first it was the truck then the mower; it's time for a new tank. Jim said we don't really use that much diesel so we could probably get by with hauling whatever diesel we need or just keep using the same tank. Bill said he hasn't had that much trouble with the diesel. Jim stated the way our finances are and the way things are going we need to get a new tank for the gasoline. Jim said we had several problems last winter with the truck after we moved the fuel tanks. Upon motion by Allan Sharp, seconded by Joe Dinora, the Board agreed to purchase the 300-gallon double wall tank from FS which comes with decals and fittings, gas pump all delivered but does not include wiring for \$1,759.00.

Jim Dorr stated at last meeting there were a couple places we needed to look at and get cleaned up. Jim said Wooten, #231 has still got that old car over there that has been covered up for 2 or 3 years. Charles Wooten asked what the problem was with the car. Jim said it's not been licensed for 2 or 3 years. Mr. Wooten said yes it is licensed. Jim said the other one the gentleman recently passed away and I understand she is in the process of trying to sell the place. Bob Sons said that has changed, they are now talking about putting a roof on and staying there. Jim said we are talking about Secrist, #212.

#### **NEW BUSINESS:**

Jim Dorr said the refrigerator is not working again. Jim asked if anyone had an old one they'd like to donate or knew where to get a used one cheap. Jim said or do we want to buy a new one. Ed Snell said to give him a couple days and would see if he could fix it again.



Ernie Neumann stated he had a lake member approach him about our definition of business. Ernie said he was specifically inquiring about the fact we have no place convenient to buy fish bait now. Ernie said he was asking if the Board would allow him to have an honor system where he'd have fish bait behind his house for sale. Ernie said he told him he would bring this up. Bob Sons said this is the board's discretion. Jim asked the board to state their opinion. Rick Whitehead said we've said no in the past. Jim asked if the place on Emmerson was going to open up this year. Joe said no and there was a sale this weekend on the remaining things. Bob Sons said you can go to Otter Lake to get bait and he would think not. Jim Dorr said that is how he felt too.

Ernie Neumann stated someone questioned him regarding Section 39, Transfer of Property or Modify Ownership of Leasehold. Ernie said they wanted to be sure what they did conformed to our Lease and requirements. Ernie said Item J. If a current leasehold is transferred to his own trust or estate, or if modification of lease is only for addition or deletion of leaseholder(s), all items in the section 38 except D & E are applicable. Ernie said D & E are the septic escrow and survey. Ernie said in other words if the member transfers to their trust they wouldn't have to do D & E or if they add the daughter's name they wouldn't have to do D & E. Ernie said if they transfer it to the daughter's name they would have to comply with requirements D & E. Ernie asked if this was correct. Jim Dorr said this is how he interpreted it. Ernie said what if they add the daughter's name and 6 months to a year from now they remove the mother's name. Allan said this was brought up before. Ernie said we did not answer it. Ernie said the mother would not be living there, she would be in an assisted care living facility. Jim said his interpretation of it was we could add the daughter's name; if the mother is still living and they wanted to take her name off then it's a different situation. Jim said the day she passes away her name could be removed without any problem.

Ernie said the next item is if transferred to the daughter's name for a period of time with the mother still living there, no rent but living there and not being the owner of the property. Ernie questioned would she be allowed to live there for some months after it was transferred. Ernie said we are not sub-leasing and does not see a problem. Allan said he didn't see a problem. Bob Sons said he didn't see a problem; it's a family member living there. Jim Dorr agreed.

Ray Reardon asked for clarification on rules for boats stickers, registering boats. Ray said a couple of years ago he bought a new boat and kept his old boat as a spare. Ray said most of the time it's just sitting in my driveway but has taken it off the lake a couple of times. Ray said he wanted clarification of the rule on number of boats and he would like to see if he could get a sticker for this 3<sup>rd</sup> boat. Ray said he ran into a situation with his other boat where it was not working and had this boat in his driveway but couldn't use it. Ray said the way the rules reads, a member can have no more than four (4) boat license and no more than two (2) of these four (4) licenses are to be registered to motorboats. Ray said he and his wife have two lots and pay two assessments, not sure if this makes a difference and questioned how this works. Ray said it basically would sit in his driveway virtually all the time unless he runs into a situation like he has with Memorial Day weekend. Ray said someone had asked to borrow their pontoon boat for the weekend and he said yes and then found out that we were having company too. Bill Harris asked if he paid two assessments and Ray said yes. Bill said then you should have four motorboats. Allan Sharp stated the rules don't say per lot. Ray said the way the rules state members and he's not sure if he is considered a member and his wife.



Ernie Neumann said the board has the authority to make an exception. After much discussion, Jim said to keep the record straight he would entertain a motion to make an exception for Ray to have the 3<sup>rd</sup> sticker or if the board doesn't want to go along with it we can make a motion to deny it. Ernie made a motion for an exception for periodic use of the 3<sup>rd</sup> boat. John Schwandner seconded the motion and the Board approved unanimously.

Jim Dorr stated in the newsletter that just came out under fishing limits. Jim said a couple years ago we were told we should probably keep all the crappie that we catch under 9 inches. Jim questioned if that still stands; he thought the biologist was the one that made that recommendation to get rid of all the crappie we could. John Schwandner stated that would be his thought and asked Joe what he thought. Joe Dinora said take all for the next year and then we'll shock the lake next year. Jim said if anyone would ask tell them to keep all the crappie.

**TRANSFERS:** The following transfers were approved upon motion by Bob Sons and seconded by Ernie Neumann.

Lot #17 - Richard and Bette Bilinsky to William and Amy Walkenbach

The Board agreed unanimously.

**ADJOURNMENT:** Upon motion by Allan Sharp, seconded by Bob Sons, the Board agreed again by consensus to adjourn. The meeting adjourned at 8:17 p.m.

**SUNSET LAKE ASSOCIATION  
MINUTES OF THE MONTHLY MEETING  
JUNE 1, 2004**

**CALL TO ORDER:** President Jim Dorr called the meeting to order at 7:01 p.m. Also present for the meeting were Ernie Neumann, Joe Dinora, George Toepfer, Tom Erickson, John Schwandner and Rick Whitehead. Allan Sharp and Bob Sons were absent.

**VISITORS:** Ed Burg #101,101A, Bill Harris #105,106, John Munchalfen #221, Ray Reardon #256A,257 and Ed Snell #286

**SUPERINTENDENT'S REPORT:** Bill Hohimer stated he's been cutting grass between rains. Bill said he received a call about a dead fish that weighed over 30lbs so he took care of that. Bill also received a call about two trees that had gone down on the north side during the storm last night. Bill said the trees hit power and cable lines but he got them off the road last night and spent today cleaning that up. Bill said he hired Mitch Munchalfen to help clean up sticks. Bill said Josh Langley, Ward Walker's grandson, would be helping mow and do trim work tomorrow and Thursday. Jim Dorr stated the North burn pile was getting big. Bill said yes, he's been over there, stacked it several times but there's about 4 huge piles he's trying to take care of.

Bill stated Larry Royer, #250 called about a water situation he has. Bill said he and Bob Sons met with Larry and decided there needs to be a culvert and tile ran. Larry is asking who is going to pay for this. Bill said in the past we've not paid for it before. Bill said if one needs replaced we've paid for that. Ernie Neumann asked if he's created a problem for his neighbor. Bill said yes probably but not sure what to do there. Bill said Larry wants to put a culvert in and run tile down between him and his father-in-law. Bill said Bob talked about cleaning the ditches on the other side. Ray Reardon said Bob dug out his ditches 6 or 7 years ago in front of his place down to Holcolm's at the time where it was real shallow. Bill said we still need to get rid of it down where Patton's. After much discussion, Jim Dorr said if we haven't paid for this in the past then we won't start now.

Bill said 4 years ago he started putting down black patch on the roads and rolling it but last year we skipped it because we were involved in the shed. Bill said he didn't feel there was money to do it this year but there are a lot of places on West Lake that really need it. Jim Dorr said his opinion was it would be cheaper in the long run if he did it now instead of wait another year and let it get out of hand. Bill said he'd like to oil over the black patch to seal it and that would roughly cost \$3,500. Jim said he felt he should do it.

Jim Dorr asked about the gas tank. Bill stated he had roughly 70 gallons left in the old tank. Bill said he's not had any more trouble with the truck; the light has been off for about 3 weeks. Jim asked if he was going to wait until he used all the gas and then have them bring out a new tank; Bill said yes. Bill also stated the 1990 weed eater locked up on him so he got a new one.

**OFFICE MANAGER'S REPORT:** Kyla Tanner stated she worked on the map for the garage sale. Kyla said she also worked several days with HUD and HUD's closing agent to get Lot #49 finalized. Kyla stated she had 3 orientations and sent out interest invoices.

**APPROVAL OF MINUTES OF MAY 4, 2004:** John Schwandner pointed out a few typographical errors. A motion to approve the minutes of the April 6, 2004 as amended was made by John Schwandner and seconded by Ernie Neumann. Motion passed unanimously.

**APPROVAL OF BILLS PAID FOR MAY 2004:** Tom Erickson stated the bills had been identified and one thing he wanted to mention was we may recover some of the attorney's cost. Ernie Neumann stated he was surprised to see McCaskey's bill was that much and questioned what has been done other than a letter sent. Tom said papers have been filed. Jim Dorr stated we don't have a trial date set as of now.

Upon a motion by Tom Erickson and seconded by John Schwandner, the Board voted unanimously to approve the bills paid for May.

### **COMMITTEE REPORTS:**

**AQUATIC CONTROL AND WATER SAFETY:** Joe Dinora stated it was an uneventful holiday weekend because of the weather. Joe said there were a few boats without stickers and a few members picked up their stickers over the weekend. Joe said we had a little trouble with people sitting on the front seat of the boats and they were warned. Jim Dorr asked if we are giving out tickets to members that don't have stickers on their boats. Joe stated that one of the problems was Patterson, #125 but they do have stickers now. Joe said he felt anything now should be a fine. Jim said he thought it was made perfectly clear at the annual meeting and then in the newsletter that when you put your boat in the water it needs a sticker. Jim said if you have it in your yard or up in your lift that's fine but when you put that boat in the water you better have a sticker on it. Jim said there are a lot in the water without stickers on them. Jim said he thinks they should be sent a letter giving them 5 to 10 days to either get a sticker on it or get it out of the water. Jim said we have rules that 90% of the members abide by why shouldn't they. Joe questioned what to do with Robson's boat that's in the water. Ernie Neumann said it's been there the same way for two years now; the back end is in the water and the front up with the trolling motor on it. Jim said he went by the other day and there was 2 fishing poles with lines in the water and the light on. John Schwandner said he agreed letters should be sent to those members giving them 5 to 10 days to either get their stickers or get the boat out of the water including Robson's.

Ed Burg questioned what was decided on about state registration. Joe Dinora said according to the state you need a current registration. Jim Dorr stated we are not going to police it but if the state comes out and wants to check, you better have it.

Ray Reardon questioned if Robson's were able to get a sticker for their boat when they're in arrears. Jim Dorr said he thought their letter should say something like "because of the legal situation we are involved in with you, you have no lake privileges and the boat needs to be removed from the lake".

**BUILDING AND CONTRUCTION COMMITTEE:** George Toepfer stated he's had 7 new requests for permits in the month of May. George said Sobeck, #78 submitted a permit for a deck on the West side of his house and a sunroom on the East. George stated he received a permit from Walkenbach, #17 for a hot tub. George said Govert, #57 the footings are poured, the foundation walls are up and there's wood there for the sub floor. George said the shed at Royer, #250 has been relocated and the house is really looking good. George stated he received a permit from Grider, #250B to add a small cover over his boat dock and King, #165 wants to redo his boat dock.



George stated Broadway, #103 submitted a permit for a Deck and Pergola. George said Finchum, #52 is redoing their boat dock; Bill and Bob Sons have been over there and checked it out. George stated Bill took him back over there and it looks like it's going to be nice. Jim Dorr thanked George for having this well under control.

**DAM & GROUNDS COMMITTEE:** John Schwandner stated Greene & Bradford would be here Thursday at 1:00 for anyone interested. Jim Dorr asked if we received a copy of their records. John said he told Greene & Bradford we needed copies and before they get their money we'd have copies. John stated we sent a few cleanup letters; one was to Dr. Trapp but he has not responded. John said we should just let Bill clean it up and send him a bill. John asked Kyla what she found out about the Muskrat permit. Kyla said she spoke with a Kent Boyle from DNR and he needs names and phone numbers of all the members that want to do this. Kyla said she also spoke with Stan Dyer "Scratch" and he won't get started on trapping until November but he did say if the Board wanted he could ride around in the Lake boat now and shoot the muskrats with a shotgun. Ernie Neumann stated he has spoke to several members that use the lake a lot and they don't think we have any more muskrats than normal. Ernie said he would suggest we wait until Fall and get someone during normal season for \$4.00 or \$5.00 a head. John Munchalfen asked if a shotgun could be used. Ernie said yes with Board approval and as long as we have a nuisance permit prior to using the gun. Jim Dorr stated if the Board approved this he wanted a rider drawn up stating anyone using a shotgun to kill these muskrats, even with Board approval, should any liability happen, the Association and Board Members are not responsible. Jim said each person is liable for his or her own action and he will want each member to sign this form. John Munchalfen stated if you start going from property to property chasing a muskrat someone is going to get offended. Ernie said he felt you needed permission to be on someone's property and you better think strongly about shooting towards their property. After much discussion, John Schwandner made the motion to get the nuisance permit, George Toepfer seconded and the Board agreed unanimously.

The following members agreed to have their names on the permit: Ed Snell, John Schwandner, George Toepfer and John Munchalfen. Jim Dorr stated anyone else wanting their name on this permit to let Kyla know.

**FINANCE COMMITTEE:** Tom Erickson stated we started the month with \$91,195.22 and we approved bills totaling \$7,272.58. Tom said we had income this month of \$2,532.68 leaving a balance \$86,455.32 at the end of the month. Tom stated there was some discussion last month about the Escrow account and yes that is a non-interest bearing account. John Schwandner questioned why couldn't that be put in an interest account. Tom said he felt an interest account of this type is not a good thing. Jim Dorr said all the years he has been in banking he'd never seen it that way. Tom noted according to the budget we have 97% of Assessments and Boat Permits paid.

**LEGAL & INSURANCE COMMITTEE:** Allan Sharp was absent but Ernie Neumann stated we received a copy of the Judgment of Foreclosure for Sam Drake's property that was entered May 17, 2004. Ernie said he has until June 17<sup>th</sup> to respond. Ernie said the Association is the first recipient; we will receive our money before the bank.

Jim Dorr said Robson's trial is set for June 24<sup>th</sup> and we will verify the time.

**ROADS COMMITTEE:** Bob Sons was absent.

**SANITATION, SHORELINE & BOAT DOCKS COMMITTEE:** Rick Whitehead said he wanted to bring everyone up-to-date on Gary Barnes, #175. Rick said we are approving an aeration system for Barnes because even if we give him access to the section of SLA property north of his property a sand filter still is not feasible. Jim Dorr stated the regulations have changed since his current system was put in; you have to be 15' from the house & drive and 25' from the water line. Rick also stated Humphrey, #180 and Long, #223 are in the process of selling and need to do some riprapping. Jim Dorr questioned if Sue Long was aware of the riprap needing to be done. Kyla stated yes and she was also told a survey was needed. Kyla said we received a \$350.00 bid for a survey and Sue wanted to know if the board would make an exception to waive this. After much discussion, the board decided a survey was needed but Sue could escrow the money at closing.

Jim Dorr said there are a couple of boat docks that need to be redone. Rick said if you have the lot number he'd have letters sent. Joe Dinora stated Fred Hagen, #65 needs to take out his boat dock. Jim asked if there were any shorelines that need to be taken care of. John Schwandner said he's seen and heard some stirring up of riprap. John said he plans to see who needs riprap and send letters out.

**WATER QUALITY & CONSERVATION:** Ernie Neumann stated Paul and Shirley Erley are assisting with the water clarity tests again this year. Ernie said the test taken at 36 to 42 inches look normal for this time of year. Ernie said the color is normal even after all the rains we've had. Ernie said bryozoan is back again this year but we should not be concerned because he was told it was a sign of good water.

#### **OLD BUSINESS:**

Jim Dorr stated the refrigerator was working again thanks to Ed Snell.

#### **NEW BUSINESS:**

John Munchalfen addressed the board for permission to use the Island to shoot fireworks. Ernie Neumann asked if he's had a problem with keeping boats back. John said no after the first few launches they start moving back. Joe Dinora asked what day was he planning to do this. John stated one year they did it early so he didn't want to say for sure but normally it's the 4<sup>th</sup>. Joe said the 4<sup>th</sup> is on a Sunday and John said he would suspect it would be that day. Joe Dinora made a motion to allow John to use the Island to shoot fireworks and George Toepfer seconded. Motion passed unanimously.

Tom Erickson stated he sold his home and closing was this month so he could no longer be on the board since he would not be a member. Tom asked if he needed to submit a formal letter of resignation and Jim Dorr stated he would appreciate it if he did. Tom said he's enjoyed working with everyone. Jim stated he wanted to express his thanks to Tom for the amount of work he's done. Jim said he would like to formally invite Tom back to the annual meeting to make proper recognition for his contributions to the lake association.

Jim Dorr stated last month Ray Reardon asked for clarification on the rules regarding boat stickers and registration of boats. Jim said Ray was having problems with one of his boats and asked if he could get permission for a third set of stickers. Jim said it was discussed and talked about, voted on and approved. Jim said he does not want this board to be a rubber stamp yes committee and understands there were a couple of people upset about this. Jim said if something goes on at the meeting that you don't approve of and when it comes to a vote say something. Jim said this was not a one-man committee and each board member has their privilege and duty to speak up. Jim said if you don't want to vote yes, don't. Jim said having said all that, Saturday afternoon he stopped Ray's pontoon boat on the Lake because there was no sticker on it. Ray said this was his mistake but it does have the stickers on it now. Ray stated he just got it back from the shop the day before but got the stickers several months ago and just forgot to put them on. Jim asked Ray what he thought the action of the board should be for having a boat out there without a sticker. Ray said since he had already purchased the stickers quite some time ago and just picked the boat up from the shop, he felt he had done his part. Joe Dinora said you didn't do your part because the stickers were not on the boat. Ray said you are correct and that was his mistake. John Schwandner said we made it a point last year that when the boats went in the water they better have stickers. After much discussion, Ernie Neumann made a motion not to fine Ray for failure to have stickers on boat. Tom Erickson seconded the motion and the board agreed unanimously.

Bill Hohimer said we received a letter from Exmark last September and something again recently recommending we put rollover bars on the mower. Bill said personally he feels it will be a nuisance for him with all the trees but since it was a safety issue he thought he better mention it. Ernie Neumann questioned who besides him would be driving the mower, would kids be driving it. Bill said possibly but the mower is stable and he sees the rollover bar being in the way. Bill said his concern is if you start up a slope and you catch a tree branch with that bar it could pull it right over. Jim Dorr said he could see that being a problem with all the trees.

Bill Harris stated last month we discussed if you pay two assessments you can still only have two motorized boat stickers. Bill said he doesn't understand if Ray Reardon pays 2 assessments why wouldn't he get 4 motorized stickers. Jim Dorr said he didn't have a definite answer other than it's been this way since he's been here.

**TRANSFERS:** The following transfers were approved upon motion by Rick Whitehead and seconded by John Schwandner.

#49 HUD to Stephen & Marsha Marshky

The Board agreed unanimously.

**ADJOURNMENT:** Upon motion by Ernie Neumann, seconded by John Schwandner, the Board agreed again by consensus to adjourn. The meeting adjourned at 8:22 p.m.



**SUNSET LAKE ASSOCIATION  
MINUTES OF THE MONTHLY MEETING  
JULY 6, 2004**

**CALL TO ORDER:** President Jim Dorr called the meeting to order at 7:05 p.m. Also present for the meeting were George Toepfer, Joe Dinora, Allan Sharp, Bob Sons, and John Schwandner. Ernie Neumann and Rick Whitehead were absent.

**VISITORS:** Steve Kolsto #31, Cheryl Stine #59A, George Madiar #66, Ed Burg #101,A, Roxine Burch #117, Janet Shackelford #151,A&B, Loudene Walker #152, George & Patty Robson #154,A, Ryan Gorman #169, John Munchalfen #221, Lee Rule #222, and Ed Snell #286

Loudene Walker, #152 read a complaint form she submitted regarding the Robson's court date and felt the outcome was not fair. Loudene stated the Robson's should not have gotten their lake privileges back until their debt was paid in full and the dog pen stinks. Jim Dorr stated when you go to court you get some things you ask for but we also give up some things. Jim said one of the things the attorneys agreed on was Robson's would pay a certain amount of money upfront for back assessments and then make payments. Jim said one of the conditions was once they paid this money upfront they would get their lake privileges back. Janet Shackelford, #151,A&B stated she had lived here for 30 years and her husband was on the board for 9 years. Janet said if you do it for one you have to do it for everyone. Janet noted when you come to Sunset Lake you sign an agreement to keep your place up and if you're not going to do that you don't need to be here. Roxine Burch, #117 questioned if they don't make their payments will privileges be revoked again. Allan Sharp said since we have a court order, if they don't make payments we can garnish wages and we would not have to go back to court. Loudene asked how long do they have to make payments. Jim said we don't have a signed document from our attorney so this is still in litigation and we will not talk about this until we have a signed copy.

Lee Rule, #222 approached the board regarding 30 or 40 feet of shoreline he was ordered to maintain 25 years ago that was not his or he'd be assessed a fine each month. Lee stated he tried to explain to the board at that time the property was not his and now a recent survey done on Lot #223 shows it is not his property. Lee said he's maintained this property for 25 years and he wants restitution. Jim Dorr asked Lee how much money was he talking about. Lee stated he felt it was worth \$100.00 a year. Jim stated the board would need to discuss this further.

Patty Robson, #154,A stated there had been letters written in the past about them and one thing was the dog pen being a mess. Patty explained the health department had come out on 3 different occasions but didn't find anything wrong. Patty said then there was a letter written about the dog pen polluting the lake and we received a fine. Patty said the President of the Board came out and seen this was not happening; she thought for sure they would see this was foolishness and overturn the fine. Patty said for some reason this was not overturned but felt they could not pay this because they knew they were not guilty of polluting the lake. Patty said the Board then started in about the riprap and one reason she chose this home was because it didn't have a lot of riprap;

she wanted her children safe. Patty said she didn't feel she should be made to do something when others were not being enforced at the same time. Patty said before all this started their lake assessments were paid up but after that they went three years where they refused to pay. Patty said we were not given lake privileges because they said our dog pen was polluting the lake so we felt the only way to get this resolved was to go to court. Patty said she wanted to change things on the lake and make things fair for everyone. Jim Dorr said just recently there were 12 letters sent out about riprap and nobody has objected. Jim stated in the cove where he lived there are 15 houses and 11 of those members have riprapped one time or another since he's been here for 5 years and only 1 had to have a letter sent; riprapping is an ongoing thing.

Roxine Burch, #117 approached the board regarding the neighbor at Lot #118 having a lot of junk piled up in his yard. Roxine said he has an old trailer that is not licensed and also a sign of a big lady's bottom that is facing her property. Roxine read Section 15. Upkeep of Leasehold and stated a lot of things he has is junk just lying around. Roxine also stated she thought there was a limitation to one garage and 2 out building but he has 2 full garages and 2 sheds. Roxine said she was requesting he be made to get rid of the excess and another thing he has done was put 5 different colors of siding on the back of one shed that faces her place. Roxine also read Section 31.A Peaceful Enjoyment of Premises and asked that he be made to remove the sign of the lady's bottom that is in his yard and just be a good neighbor. Bob Sons suggested filling out a complaint form. Roxine said the complaint forms create more problems and suggested one board member riding around the lake once a week and take a few notes of things that needed to be cleaned up; there are 9 members and they could rotate. Roxine said the board is elected officials and why make the members their scapegoats. Jim Dorr said they would discuss this.

Jim Dorr asked Steve Kolsto, #31 and Cheryl Stine, #59A to state their reasons for wanting to fill an un-expired term on the board and their qualifications. Jim said we have a vacancy on the board until October. Steve stated he and his wife Laura have been here for about one year and he grew up on a lake. Steve said 11 years ago he went to work for the Illinois Environmental Protection Agency in the Lakes Unit and 9 years ago became coordinator of education for the whole state in the Lakes Unit. Steve said they have a lot of outreach programs and in 1995 they were out here for a lake workshop/festival to help educate people on how to take care of lakes. Steve stated since then they've had approximately 50 more all over the state. Steve said that's the type of things he would like to do to help educate people on how to take care of lakes; there are a lot of things that they don't know they're even doing wrong. Cheryl stated she and her husband Mike have also been here about a year and she was asked if she'd be interested in the position of finance on the board. Cheryl said she has been in procurement for 20 years and currently working for the Illinois Department of Commerce and Economic Opportunity. Cheryl stated she has worked for the State for the last 6 years and has been on the Board of the Illinois Public Procurement Assoc. for the last 10 years. Cheryl is currently the Fiscal and Budgetary Manager for the Bureau of Management Operations at DCEO besides being the Agency's Procurement Officer. Jim Dorr stated before the meeting was over they would go into executive session and they may or may not make a decision tonight but wanted to thank the both of them for wanting to be a part of the Association board.

Ryan Gorman, #169 stated he submitted a letter today saying he's being harassed by neighbors who feel they live in a retirement community. Ryan said the neighbors are trying to be intimidating.

**SUPERINTENDENT'S REPORT:** Bill Hohimer stated he has been mowing grass and weed eating. Bill said on the 15<sup>th</sup> they put down black patch which was 55 ton and cost roughly \$1,900. Bill said he also went with John and Joe to check riprap and also the new fuel tank is here. Bill stated he would be oiling roads tomorrow and has 10 driveways; he was doing West Lake and a little on the North Side for about 3,800 gallons. Jim Dorr stated one thing the finance committee would have to look at for next year is increasing the money for roads. Jim said with new construction and the big trucks, it's hard on the road.

**OFFICE MANAGER'S REPORT:** Kyla Tanner stated she had 3 orientations. Kyla said she sent out letters to members for boat stickers, boat dock repairs and riprap. Kyla also stated she put together 25 Sunset Lake booklets and sent out interest invoices.

**APPROVAL OF MINUTES OF JUNE 1, 2004:** The Board unanimously approved the minutes of the June 1, 2004 meeting.

**APPROVAL OF BILLS PAID FOR JUNE 2004:** Jim Dorr stated a few things to note on bills paid were Josh Langley was the additional help we hired and Konneker-Brown was for the '89 trimmer that had to be replaced. John Schwandner questioned the R.W.Troxell & Co. for Terrorism charge and Kyla stated this was due to September 11th disaster and was not a choice.

Upon a motion by Bob Sons and seconded by John Schwandner, the Board voted unanimously to approve the bills paid for June.

#### **COMMITTEE REPORTS:**

**AQUATIC CONTROL AND WATER SAFETY:** Joe Dinora stated there were a couple of boats in the water without stickers. Joe said he checked with Kyla and they were given stickers but just didn't have them on the boat. Joe said he was getting ready to order fish and we're going with walleye and red ear. Joe stated we would only be able to get 600 red ears and would suggest taking \$500.00 from next year budget to get more red ear this year. John Schwandner suggested getting less walleye to get more red ear and Joe said a lot of people fish for walleye. Bob Sons suggested have a 50/50 raffle at the annual meeting to raise money for fish, even if its \$100.00 that's more than what we had. After much discussion, Jim Dorr said the next newsletter would go out the first of October before the annual meeting and not sure if that's enough time for a 50/50. Jim said the way the budget looks we can maybe use \$500.00 to get the extra fish without taking from next year. Joe said the red ears he wanted to get are yearlings and they're big enough that other fish won't bother them. Allan Sharp said we should still do the 50/50 raffle to raise money.



**BUILDING AND CONTRUCTION COMMITTEE:** George Toepfer stated in June he received a building permit from Wilkin, #10 for a dog run and Finchum, #52 to replace a boat dock. George said he'd been by Govert, #57 and it's coming along good and Startkweather, #91 submitted a permit for a carport. Goerge stated so far this month he's received two permits; Mottershaw, #182 for a carport and Mayes, #24 to rebuild his boat dock.

**DAM & GROUNDS COMMITTEE:** John Schwandner stated Greene and Bradford, Inc. were out and resurveyed the dam last month. John said according to the survey, a portion of the east wall has moved a small amount but they're not particularly concerned about it. John stated they recommend a control point survey to be done but he would check to see exactly what that meant. Jim Dorr stated it was only a small amount of movement but they recommend just keeping an eye on it. Jim said if something needs to be done it would require a portion of the wall and floor to be replaced and they recommend replacing fill behind the wall. Jim stated it would cost somewhere around \$20,000 or \$25,000.

John also stated 12 letters regarding riprap went out and the only calls he's gotten were to ask where to get the rock. John said we've received the nuisance permit and questioned if we wait until fall to get "Scratch". Allan Sharp said his understanding was Scratch didn't want to do trapping until fall because it's a lot easier at that time.

**FINANCE COMMITTEE:** Jim Dorr stated according to the budget we were in good shape; 99.4% of boat permits have been collected, roughly 85% of building permits and on transfer fees we've almost got 50% of what we expected. Jim noted on expenses the professional fees are at 67% and utilities are 49%.

**LEGAL & INSURANCE COMMITTEE:** Allan Sharp stated we have no news on McCaskey's. Allan said regarding Sam Drake's place the bank had to buy that property and once it's settled the Association gets their money first. John Schwandner questioned how did the Association get ahead of the bank and Allan said that's how the attorney had it set up.

**ROADS COMMITTEE:** Bob Sons stated he and Bill met on Magnolia regarding the drainage ditch and culvert at Larry Royer's place. Bob said we plan to clean the ditch out across from Royer's and run tile over there to help with the water problem.

**SANITATION, SHORELINE & BOAT DOCKS COMMITTEE:** Rick Whitehead was absent.

**WATER QUALITY & CONSERVATION:** Ernie Neumann was absent.

**OLD BUSINESS:**

Jim Dorr stated we've already discussed the nuisance permit for trapping only.

**NEW BUSINESS:**

Jim Dorr said in regards to the Robson's Court date, the attorney's got together and decided on some things; we have a copy of the agreement but it has not been signed. Jim stated this is something we will discuss in Executive Session along with the open board's position and Lee Rule's request.

**TRANSFERS:** The following transfers were approved upon motion by John Schwandner and seconded by Joe Dinora.

- # 26 James & Marcia Perry to Randy Hipsher
- #129 Micah R. Bartlett to Patricia Murie
- #180 Marsha (Vance) Humphrey to Russell W. & Bernadine Reid
- #223 Louis & Sue Long to Ronald D. & Beverly K. Draege
- #287 Thomas & Joyce Erickson to Mark & Imogene Woodson

The Board agreed unanimously.

**ADJOURNMENT:** The Board went into Executive Session at 9:05 p.m. and finished at 9:50 p.m. The Board agreed by consensus to adjourn the meeting at 9:55 p.m.

**SUNSET LAKE ASSOCIATION  
MINUTES OF THE MONTHLY MEETING  
AUGUST 3, 2004**

**CALL TO ORDER:** President Jim Dorr called the meeting to order at 7:02 p.m. Also present for the meeting were Ernie Neumann, Bob Sons, Allan Sharp, Cheryl Stine, George Toepfer, Rick Whitehead and John Schwandner. Joe Dinora was absent.

**VISITORS:** Ed Burg #101,A, Bill Harris #105,106, Roxine Burch #117, Roy & Geraldine Grider #250B, Ed Snell #286

Roxine Burch, #117 approached the Board about the complaint form she filed against Mauk, #118. Roxine noted according to the rules, boathouse siding and house siding must be approved by the board and assumed this applies to siding on sheds also. Roxine questioned why would Richard Mauk be allowed to put 5 different types of siding on his shed. George Toepfer said there is nothing in the rules that says anything about the siding on sheds and looks for Mauk to paint it. Roxine questioned what has been done about the complaint form that she filed. John Schwandner said you complained about his dog and we sent him a letter. John said the rules do not say anything about how many garages you can have but it does say you can have only 2 sheds. Roxine asked what is going to be done about him trespassing on her property; last time he parked the mower on her property to go have coffee with George. John said if that is trespassing then that's for the sheriff to handle. Roxine said the sheriff's office said this is private property and owned by the Lake Association. Jim Dorr said you pay real estate taxes and part of that goes for their support; they would have to come out here. Roxine noted Section 31. Peaceful Enjoyment of Premises and feels trespassing is violating this rule and finds this harassment. Jim said this was for the sheriff's office and yes we have rules but we are not policemen. Roxine stated why have this rule if you are not going to ask him to stop trespassing; if you have rules you are expected to enforce them. Roxine said a police officer would have no use for our Sunset Lake Association Rules and Regulations; they do not have to enforce our rules. Jim said yes they would if you call and say your neighbor is trespassing and we have rules against it. Ernie Neumann stated they are not going to enforce our rules; they only enforce State law and City & County ordinance. Ernie said it has to be trespassing under the State law. After much discussion, Jim Dorr said send Richard Mauk, #118 a letter telling him to stop trespassing and leave Roxine alone.

**SUPERINTENDENT'S REPORT:** Bill Hohimer stated the roads were oiled July 7<sup>th</sup> and there was 11 driveways. Bill said he sprayed the dam again, cleaned burn piles and mowed everything 4 times. Bill noted he got a price from Maguire Backhoe for cleaning the ditch on Magnolia Drive and taking care of the water problem there. Bill stated he trimmed the bushes around the office and put mulch down; replaced the stop sign at Oak Lane and also got the gas tank hooked up. Bill noted he traded the old gas tank for 4 stop signs and they run about \$113.50 each and that totals \$454.00 we got for the old tank.

Bill stated he's not really satisfied with what the engineers said about the dam so he's been down there and has taken pictures for his file. Bill said he wants to cover himself because everything in the handbook says contact the Superintendent. Bill stated he's been saying for some time that he feels things are just not right there. John Schwandner asked Bill for his recommendations. Bill said he didn't know what to do but he doesn't like what he sees.



Bill noted on the east side the apron has cracked more and now drops down. Bill stated he would like each Board member to look at it because he sees changes taking place and he's concerned. Bill stated at the Southeast corner there's a cottonwood tree on the backside of the dam and cottonwoods are known for going deep for water. Bill said he feels it needs to be taken down and not sure why the engineers didn't say anything about this tree. Bill stated they talked about trees downstream that may need to be cut but never mentioned this one. Bill also noted there needs to be some more rip rap on top of the dam.

Allan stated last time we couldn't get anyone to give us any idea as to what to do at the dam and asked if anyone had recommendations. Ernie Neumann stated a few years ago we created some commotion by creating special dues because we seen a need for major work at the dam. Ernie said it turned out that we didn't have a clear definition as to what we needed. Ernie stated we need a more in-depth engineering survey but gives Bill credit because he's been around that spillway a long time. Ernie said we need some engineers that know what they're doing because none of us have that expertise. After much discussion, John agreed to check with Steve Kolsto and see if he had some recommendations for engineering firms.

Bill stated Robson's have started riprapping and someone may want to contact them to give some advice or assistance. Jim Dorr stated according to the court order it states the defendants shall repair and restore the riprap on the shoreline of their lake lots no later than September 30, 2004 to the reasonable satisfaction of the Sanitation, Shoreline and Boat Dock committee of the Plaintiff. Rick Whitehead agreed to take a look at what was being done.

Bill noted he spent \$1,917 on black patch and \$4,932 on oil for a total of \$6,849. Bill said driveways were \$3,469 and we've collected \$2,371 so we're still under budget on roads.

Bill said the proposal for the work on Magnolia is \$1,966.35 and it would be 225' of 8-inch dual wall, 18-inch grate and 2-drop boxes. Ernie said he still has \$1,500 in conservation and \$1,000 could be used for this project. A motion to accept the proposal and have the work completed was made by Ernie Neumann and seconded by Bob Sons. Motion passed unanimously.

**OFFICE MANAGER'S REPORT:** Kyla Tanner stated she had 2 orientations and completed the quarterly taxes. Kyla also worked on the proposed budget, sent 5 letters out on Aeration contracts, and sent out interest invoices. Kyla said she also checked on 50/50 tickets and we can get 5,000 for about \$100.00. Jim Dorr questioned if this is something the Board wants to do. After much discussion, it was agreed to have a 50/50 drawing at the annual meeting and sell tickets for 1 for \$1.00 or 6 for \$5.00. The money raised would be to purchase extra fish.

**APPROVAL OF MINUTES OF JULY 6, 2004:** A motion to approve the minutes of the July 6, 2004 meeting was made by Cheryl Stine and seconded by John Schwandner. Motion passed unanimously.

**APPROVAL OF BILLS PAID FOR JULY 2004:** Cheryl Stine called attention to a few bills paid in July. Cheryl noted the \$1,907.19 to M&M Services was for the new fuel tank. Cheryl also stated we spent \$1,917.46 for black patch, \$4,932.34 for roads/driveways and we paid the 1<sup>st</sup> half of property taxes which was \$1,690.91. Cheryl noted total expenses for the month were \$18,427.64 and income totaled \$3,742.50.

Upon a motion by John Schwandner and seconded by George Toepfer, the Board voted unanimously to approve the bills paid for July.

Jim Dorr stated we received notice that Ron Bormida Lot #85 has filed Chapter 7 Bankruptcy and owes the association a total of \$287.57. Jim said we can check at the courthouse as to what's being filed, what he owes and the exemptions. Jim said if someone objects to anything that he's listed as exempt, they then have until November 11<sup>th</sup> to file a letter of objection. Jim stated Allan was going to check on this and since Bormida only owes us a small amount it's not worth our efforts to contact the attorney.

#### **COMMITTEE REPORTS:**

**AQUATIC CONTROL AND WATER SAFETY:** Joe Dinora was absent. Jim Dorr stated he received a call from Joe regarding Mike King, #165. Jim noted M. King applied for a boat permit last year and was rejected because it was for an 80HP motor. Jim said this year they applied for a boat permit and listed an 8HP. Jim said we have found out that he has both an 80HP and 8HP on this boat. Jim said his opinion is if that boat goes on this lake, the 80HP motor must come off. Jim stated it was suggested that maybe he could tilt the motor up and take the propeller off but I'm not in agreement with this and asked for the Board's thoughts. Ernie Neumann stated he didn't have a problem with allowing him to use the boat with the 80HP up and out of the water. After much discussion, John Schwandner made the motion to send a letter to Mike King and tell him the 80HP must be off the boat when on this lake. Cheryl Stine seconded the motion. The vote was 5 to 2 with Ernie Neumann and Bob Sons voting against the letter.

**BUILDING AND CONTRUCTION COMMITTEE:** George Toepfer stated in July he received 2 building permits, Carl Mayes #24 to extend his boat dock and Tom Mottershaw #182 for a portable carport. George said this month we've received a permit from John Vogt #254 to extend his deck and Bob Dunham #39,40 to build a new home.

Jim Dorr stated Mottershaw #182 applied for a building permit last year for a 20X20 workshop and he approved it; he signed the permit. Jim said this was mistake and did not realize it would be a 2-story workshop. After some discussion, it was agreed to look at Mr. Mottershaw's permits better because what the board interprets may not be what he actually plans to do. Jim said ~~mentioned~~ Gary Yaris #214 received a building permit last year to extend his garage and it's still not finished. Jim stated if he needs an extension we could do that; George agreed to check on this.

George noted Finchum #52 has finished his boat dock and it looks really nice and Broadway #103 has finished their boat dock. George stated Mike Kaydus #234 wants to put up a 12x16 shed and it would only be 5' off the road. George said he told Mr. Kaydus no but if he insist, draw up some plans, submit a permit and the whole board could vote on it.

**DAM & GROUNDS COMMITTEE:** John Schwandner stated we've received our final bill from Greene & Bradford, Inc. for an additional \$445.97 making their services a total of \$1,000.00. John said he would also be checking on riprap again.

**FINANCE COMMITTEE:** Cheryl Stine stated we've received 98.8% of Annual Assessments, 88.1% for building permits and 103.3% for boat permits. Cheryl noted 91.3% of the total income has been collected and total expenses are 61% of what we have budgeted. Cheryl said the accounts receivable balance is \$3,721.36.

Upon a motion by John Schwandner and seconded by Bob Sons, the Board voted unanimously to approve the Finance report.

**LEGAL & INSURANCE COMMITTEE:** Allan Sharp stated Chris and Kristin McCaskey's attorney is out indefinitely receiving cancer treatments. Allan noted our attorney filed a motion for the courts to compel an answer so that we can get this case at issue. Allan said nothing has changed on Sam Drake #111 other than Bill is cutting the grass and the Association getting paid regularly for it. Allan stated Mr. Rule has made it known he was not happy with the fact years ago he was told to maintain 30 to 40 feet of ground that wasn't his. Allan said he'd go to the courthouse tomorrow to check on Ron Bormida's property. Jim Dorr said check if this property is exempt and if so, we need to file an objection to the exemption. Jim said we could then state he owes the Association money on this leased property.

Jim said he wanted to say Allan has done a great job on the legal committee and does not have a problem with anything he has handled. Jim said he did have a problem with our attorney filing the Robson's case in small claims. Jim noted small claims court is strictly money and our attorney knew the riprap was an issue. Jim said when we went down there, the two attorneys had been talking and the Robson's made us an offer. Jim said we would not accept their first offer; the second offer was they'd pay \$2,300 and take care of the riprap. Jim said our attorney suggested we take this because small claims court does not have to consider the riprap at all. Jim noted we were not happy about it but we finally agreed. Jim noted he was then called into the courtroom; the judge and attorneys agreed Robson's could not pay all this at once. Jim said it was set up that they would pay so much this year and so much extra with their assessments for the next two years. Jim stated we had nothing to say about this; the Judge had already decided on this. Jim read the section of the signed court order of the Robson's that stated, "Judgment is hereby entered in favor of the Plaintiff and against the Defendants, George R. Robson and Patty Robson, in the amount of \$2,300.00 representing unpaid assessments and Plaintiff's attorneys fees. All other sums claimed by Plaintiff as fines and penalties shall be removed from Defendants' account."

**ROADS COMMITTEE:** Bob Sons stated he and Bill have talked regarding the work to be done on Magnolia Drive.

**SANITATION, SHORELINE & BOAT DOCKS COMMITTEE:** Rick Whitehead stated he talked with Ron Draege Lot #223 about the riprap that was needed. Rick said Ron is planning to someday put up a steel riprap wall but will come to the Board when he decides to do this. Rick said Mr. Draege is also planning to redo the boat dock. Rick noted Humphrey Lot #180 has redone their riprap and it looks good; Maguire Lot #137 is okay also. Rick stated he'd be checking chlorine soon.

**WATER QUALITY & CONSERVATION:** Ernie Neumann stated he'd be doing the fecal strep test sometime at the end of this month.



## **OLD BUSINESS:**

## **NEW BUSINESS:**

Jim Dorr stated the proposed 2005 Budget was on the agenda and we are proposing assessments go up \$20.00 per lot. Jim compared 2005 Income with 2004 for each item and noted the differences. Cheryl Stine noted the differences for expenditures. John Schwandner questioned if miscellaneous expense should be more because we are already over budget now. Kyla noted this was due to the additional help we hired this summer. John said he did not have a problem with hiring the help but we should budget for it. John noted this is nothing in here for the dam. John mentioned Bill said something earlier about a tree that needs to be taken out and there may need to be work done on the apron. Allan said we roughly have \$13,000 left from that special assessment we took for dam repairs a few years ago. Jim said yes, some of that surplus we had left last year was from the special dam assessment and also from the insurance on that old shed. Jim said with the general assessments up by \$20.00 most of that is for the road fund. Allan questioned if this extra \$20.00 would be permanent and if so, suggested raising the assessments by \$25.00 but doing away with boat sticker fees. Ernie said we would soon be getting hit with a major expense whether it's the tractor, mower, truck and felt they needed to leave it at that. After much discussion, the proposed 2005 Budget was approved upon motion by Ernie Neumann and seconded by Bob Sons. The Board agreed unanimously.

Ernie Neumann stated he's talked to a few members that were interested in putting together a lake party; there are a lot of new people that's moved to the lake. Ernie said our conversation is at the preliminary stage but wondered if they'd get this together could something be put in the Lake Newsletter. Ernie also questioned if the Association could provide the meat; something like hot dogs and brats. Jim Dorr stated he would be for this and yes we have a lot of new people moving here so this is needed. Ernie said they've talked about having this sometime in October and thought ideally after the newsletter but before the annual meeting. Jim stated the annual meeting will be October 21<sup>st</sup> and suggested the 16<sup>th</sup> for the potluck.

George Toepfer stated he heard that sand filters were going to be outlawed. Jim Dorr said according to Mr. Maguire, they're trying to get it where a certified engineer has to take your samples and send them in. Jim said it could cost roughly \$1,500 a year if you have an open-in-tile that drains into the lake or road ditch. Jim said he talked to another person in that type of business and they said this law would never happen.

**TRANSFERS:** The following transfer was approved upon motion by Cheryl Stine and seconded by Bob Sons.

#170,171 Robert & Zelma Ruzic to Steve & Pam Tweed

The Board agreed unanimously.

**ADJOURNMENT:** Upon motion by Bob Sons, seconded by Ernie Neumann, the Board agreed again by consensus to adjourn. The meeting adjourned at 8:59 p.m.

**SUNSET LAKE ASSOCIATION  
MINUTES OF THE MONTHLY MEETING  
SEPTEMBER 7, 2004**

**CALL TO ORDER:** President Jim Dorr called the meeting to order at 7:02 p.m. Also present for the meeting were Ernie Neumann, Bob Sons, John Schwandner, Allan Sharp, George Toepfer, and Cheryl Stine. Rick Whitehead was absent. Jim Dorr noted that Joe Dinora resigned from the Board.

**VISITORS:** Clarke & Kate Steigerwald #7, Jeff Rhodes #36, George Madiar #66, Ed Burg #101,A, Bill Harris #105,106, Roxine Burch #117, Sharon Vest #138,139, George and Patty Robson #154,A, Mike and Debbie King #165, Ray Reardon #256A,257, and Ed Snell #286

Roxine Burch, #117 stated she had previously filed a complaint against her neighbor, Richard Mauk, Lot #118. Roxine said since then her husband has talked to Richard and they've come to an agreement. Roxine noted Mr. Mauk has agreed to keep things cleaned up, keep his dog in his own yard and take care of the different siding that's on his shed. Roxine stated Richard agreed to keep his place picked up but asked in return that she come to the Board and ask that the complaint form be removed from his file. Roxine said she registered the complaint and felt she had the right to ask that it be removed. Roxine stated she was asking for the Board to consider removing the complaint from his file. Jim stated the Board would take this under consideration.

**SUPERINTENDENT'S REPORT:** Bill Hohimer stated the work on Magnolia Drive has been done and he was pleased with that. Bill said he thought we could get away with not replacing the culvert at John Mayes but it needs to be replaced. Bill said last month he asked each board member to look at the dam to see if they saw a problem. Bill said at the apron there was a 4" wide hole, 5 or 6 feet long. Bill said his concern was water running over the spillway, getting behind that and digging it out. Bill stated that Bob Sons went with him to look at it and by that afternoon Bob had concrete ordered and the hole filled in. Bill said he was real pleased with the immediate response and the work that was done.

Bill stated he would like to bring the diesel tank down level with the other one and put a pump on it. Bill stated it would be about \$300.00 and he could get a pump at either Rural King or Big 'R'. The Board approved the pump. Bill said he re-rocked Mel Lomelino's driveway and now his neighbor wants his done too. Bill noted yesterday there were 3 guys in a paddleboat out on the lake, he told them they were not to be out there. Bill said the 3<sup>rd</sup> time he told them to leave the lake and he thinks it's family of the Mitchell & Mary Ann Smith, Lot #160.

**OFFICE MANAGER'S REPORT:** Kyla Tanner stated she had 3 orientations and worked on paperwork for 5 properties that have sold. Kyla said she's working with the bank regarding Sam Drake's property. Kyla noted she started working on the Annual Meeting items and sent out interest invoices.



**APPROVAL OF MINUTES OF AUGUST 3, 2004:** A motion to approve the minutes of the August 3, 2004 meeting was made by John Schwandner and seconded by Bob Sons. Motion passed unanimously.

Jim Dorr stated Allan did some checking on Ron Bormida, Lot #85 that had filed bankruptcy. Jim said Allan called the bank that had a lien on the property and they agreed with us that we should not have been listed in the bankruptcy. Jim noted the total amount owed was \$287.57 with \$250.00 being the 2004 Assessment and the remainder was fines and interest. Jim said over the phone we agreed to take the \$250.00 from the bank and we have received it. Jim said we have now been taken off the bankruptcy.

Jim stated we received a letter today regarding Chris and Kristin McCaskey. Jim noted the deposition is set for September 10<sup>th</sup> at 3:00 in Mr. Bloomer's office. Allan and Jim said they would attend.

John Schwandner asked Kyla if we received an extension for the Muskrat Permit. Kyla stated yes and it's good until the end of October. Kyla noted November 10<sup>th</sup> is regular trapping season and we would not need a permit. Jim questioned if anyone had any luck trapping; George Toepfer stated he got 2.

**APPROVAL OF BILLS PAID FOR AUGUST 2004:** Cheryl Stine called attention to a few bills paid in August. Cheryl noted Maguire Backhoe \$2,116.00 was for the work done on Magnolia and we paid the 2<sup>nd</sup> half of Property Taxes \$1,690.91. Cheryl stated Greene & Bradford \$445.97 was the final bill for the survey at the dam.

Upon a motion by Ernie Neumann and seconded by John Schwandner, the Board voted unanimously to approve the bills paid for August.

#### **COMMITTEE REPORTS:**

**AQUATIC CONTROL AND WATER SAFETY:** Jim Dorr stated Joe Dinora resigned. Bob Sons stated he wanted to mention he'd talked to John Munchalfen and John would be willing to finish out Joe's term.

**BUILDING AND CONTRUCTION COMMITTEE:** George Toepfer stated in August he received 2 permits; Turnbull #217 to put a window in his basement incase there's a fire they could get out and Hare #219 for siding, windows, and roof. George said he received a call Saturday from Joe Dinora about Lot #129 Robert Gomora building a stockade fence. George said he went to look at it and he is using fencing material to hide railroad ties but it is not a fence. George said he's got a barricade around a shed down there to keep things from blowing away. George stated this year or the first part of next year Mr. Gomora is going to request to build a storage shed and this will be removed. George said he also has a religious statue with a back drop behind it. George stated he thought it looked nice but told him he'd bring it up to the Board to see what they thought. George said Mr. Gomora agreed to take it down if he has to. Cheryl Stine questioned if he would still need to fill out a permit and go thru the normal channels even if it's acceptable to the Board. Jim Dorr suggested all the board members take a look at it in the next 3 or 4 days and if anyone has an objection, file it at the office.



Jim said he happened to be in the office when Mr. Gomora was out looking at this property. Jim noted he asked about having a pole shed and Jim explained he could have a garage or small storage shed but not a pole barn. George said Mr. Gomora told him he wanted to build a garage and have metal siding on it; George told him absolutely not.

**DAM & GROUNDS COMMITTEE:** John Schwandner stated he spoke with Steve Kolsto regarding engineering firms. John said Steve told him Peter Berrini with Cochran & Wilken was out here when they did the dredging. John questioned if the Board wanted to check with another firm and pursue this any further. Allan Sharp said we've had 2 or 3 firms now and anytime they come out it's about \$1,000. Bob Sons said he had talked to Bill about the movement of the wall on the East side. Bob stated depending on what we decide about the engineer but he got a bid on building a wall to support the retaining wall that's there and rebar into the existing support it would be \$6,750. Bob said to patch the two main cracks down at the end of spillway, they were patched before, it would be \$850.00 and \$250.00; and any cracks in the dam would be \$2.00 a foot. Allan suggested taking plans to an engineer to see what they think. Bill stated we've had two engineers and this crack that Bob just fixed definitely needed some attention. Bill said he was not recommending another engineer but he felt this was a problem and neither one said anything about it. Bill suggested talking to Peter Berrini. Ray Reardon stated with all the regulations that we've been through over the years that apply to the dam and our responsibilities to the Lake Association with properly maintaining representation; if we're contemplating some type of repair based on movement that we think we see, we are probably obligated to get it fixed but also approved and stamped by an engineer who is registered professionally in the State of Illinois. Ray stated otherwise we could have a significant liability and/or money wasted; we need to cover ourselves and that's why they get those stamps and take the responsibility for going through those types of things and certifying them. After much discussion, Jim Dorr suggesting Bob and John getting with Peter Berrini as soon as possible and go over this with him to get his recommendations.

John Schwandner stated he was surprised with the member's response on riprap; the ones that have not complied by September 30<sup>th</sup> will be fined. Bob Sons asked if Lot #121 and #121A was on the list for needing riprap and John said no.

Jim Dorr asked George and Patty Robson how they were doing with their riprap and Patty said it was good.

**FINANCE COMMITTEE:** Cheryl Stine stated income this month was \$3,130.30 and expenses paid were \$9,319.16. Cheryl stated for the year, total income is at 93.3% and total expense is at 69.4%. Cheryl noted Accounts Receivable for the month totaled \$3,273.53.

Jim Dorr stated Lot #111 on the Accounts Receivable is at \$1,270.13. Jim said there is an inquiry on this property but it's a corporation not an individual. Jim noted he did not believe a lease has ever been made out to a corporation. Jim stated the corporation is White Lightning Janitorial Inc. out of Franklin, Illinois and is roughly 4 years old. Jim said the president is Diane Colwell and plans to buy the place, fix up and then resale. Jim said he'd done some checking with the president of a bank in New Berlin, he has a few employees that know Diane Colwell; nobody has a problem with her or anything bad to say.

Jim questioned the board if they want to put this in a corporation's name; if something would go wrong not sure what kind of problems we would have but his suggestion would be no. Mike King said according to state and nation law a corporation is an entity itself; referred to as a person. Mike noted they are probably doing this for tax reasons and the same laws that apply to an individual, apply to a corporation. John Schwandner questioned how this would affect the Association. Jim stated if we put the lease in the corporation's name and the business went under we would not have anyone to go back to. John stated we would get the \$1,270.13 before the lease is transferred and our only risk here is that they may not pay their assessments. John stated we meet with the attorney on Friday for McCaskey's deposition, lets ask him what he thinks. Jim said we'd talk with the attorney and whatever he suggested; we'll go along with. Ernie Neumann noted in the ByLaws it discusses Class A members and in the definitions it defines members as a person. Jim noted on the lease item 14 states "The custodian names below, is the true owner of such lease and is not taking title to same on behalf of, for the convenience of, or for the benefit of any other person or organization." Jim said his recommendations were to tell them it needed to be in an individual's name.

**LEGAL & INSURANCE COMMITTEE:** Allan Sharp stated what he had to report has already been discussed.

**ROADS COMMITTEE:** Bob Sons stated he took care of the work at the dam and also worked with Bill some on Magnolia Drive.

**SANITATION, SHORELINE & BOAT DOCKS COMMITTEE:** Rick Whitehead was absent.

**WATER QUALITY & CONSERVATION:** Ernie Neumann stated he and Bill would be taking fecal strep test this month.

#### **OLD BUSINESS:**

Mike King, #165 stated he was at the meeting for two things; to clarify what was discussed at last month's meeting about his boat and also ask the Board to reconsider their decision. Mr. King said he never applied for a boat permit with an 80HP motor because he knew it was too much for this lake. Mike noted he talked to Bill about using the trolling motor but the problem was he couldn't get his boat on and off the trailer. Mike said this was not something he tried to hide when he applied for the sticker; he thought he made this clear. Mike said he bought the boat to fish and does not ski or pull water skiers. Mike said he could not use the trolling motor to get the boat on and off the trailer because it's located in the front of the boat so he purchased an 8HP motor. Mike stated he bought this 8HP motor so he could fish the lake he lives on. Mike noted nowhere in the rules does it say he has to take the motor off his boat or does it say he can't have a bigger motor; it says he can't use it. Mike said according to the letter, his lake sticker was revoked and therefore his lake privileges for boating too without letting him represent himself. Mike stated according to the Rules under Section 32 Fines it states 1<sup>st</sup> Offense – written or oral warning and/or a \$25.00 fine, 2<sup>nd</sup> Offense - \$50.00 fine, 3<sup>rd</sup> Offense - \$100.00 fine and with Board approval, suspension of all lake privileges for next 12 months. Mike said basically his lake privileges of boating and fishing have been suspended for 12 months.



Mike stated the rules already protect you against him using the 80HP motor; it states very specifically that you can't propel a boat on this water with anything more than a 50HP. Jim Dorr said this was discussed last month and we've had complaints before about members thinking there were motors out here larger than 50HP. Jim noted there are 9 board members, the President does not vote unless there is a tie; one member was absent so there were 7 people left to vote. Jim said the vote to send this letter out and deny the use of the boat on this lake with an 80HP motor on the boat, it didn't saying you were going to use it, was 5 to 2. Mike said the rule says you cannot propel a boat with a great than 50HP motor, it doesn't say you can't have a bigger motor. Ray Reardon stated in the past we have allowed members with a motor larger than 50HP to use the boat on the lake if they tilt the bigger motor up out of the water, take the propeller off and use the trolling motor to just fish. Mike said his point is that there are already rules in place to take care of it so if he uses it fine him or revoke his privileges. After much discussion, Jim asked the Board if they wanted to reconsider. George said he didn't have a problem with it if the prop is off; Bob said he didn't either. Ernie said he voted to let it go last time and he's not changing his vote but the rules states "No permit will be issued to any boat propelled by a motor exceeding a total of 50 H.P." John Schwandner made a motion to amend the rules to state, "Any motor in excess of 50HP must be up and out of the water with prop off. Additionally 1<sup>st</sup> offense will be \$100.00 and loss of lake privileges, no warning." Bob Sons seconded the motion. John also stated he wanted this published in the newsletter so the membership would know. Jim stated the President does not vote unless there is a tie; he will express his opinion but won't vote. Jim said he thinks this will open a big can of worms because there are too many people that try to bend the rules or get around them. Jim stated once some of the members see a boat with an 80HP motor whether it's up and out of the water, we are going to get all kinds of complaints. John said that's why he said the \$100.00 fine because that would sting. The Board voted unanimously. Mike King thanked the Board for their reconsideration.

Jim Dorr questioned if anything has been done with the SLA potluck. Ernie Neumann said he was the one that brought that up and with the change that will be taking place in his residency he was not inclined to continue with the potluck. Jim asked if anyone else wanted to take on the responsibility to set this up but nobody offered. Jim stated we'd drop it.

Jim Dorr stated we are having a 50/50 Drawing at the annual meeting this year and the 50% the Association gets will be added to the money for restocking fish.

Jim Dorr questioned if the Board wanted to take Roxine Burch's complaint form completely out of Mauk's file or make a notation that this matter has been settled to both parties satisfaction and leave it there in case it comes up again. Bob Sons said we could take it out but still leave a notation that it was resolved. Cheryl Stine suggested having her sign the form stating it was resolved between the two of them; let her sign off on it. Jim Dorr told Kyla to send her a letter stating she will need to sign off on the form.

#### **NEW BUSINESS:**

Jim Dorr stated there would be 3 positions to fill on the Board of Directors, George and Cheryl have agreed to rerun for 3-year terms. Jim noted Joe Dinora has resigned so we will need someone to fulfill a 1-year term and Ernie's position is a 2-year term. Jim also said his term was up and he would not be rerunning; he would be leaving for Arizona the



10<sup>th</sup> of November and not coming back until April sometime. Jim said we would need at least 3 members to run for a 3-year, 2-year and 1-year term. Cheryl suggested Steve Kolsto who works for EPA for the Aquatic Control or Water Quality, John said he would talk to him. Jim stated we have 1½ month until the annual meeting and questioned if the board wanted to appoint someone for Joe's position now. Jim said we have someone that has indicated their desire to fill that position, John Munchalfen who had been on the Board before. Jim stated when directors are elected they then go into the office and at that time elect their President, Vice-President and Treasurer for the coming year. Jim noted the President then makes his assignments to the committees so even if we put someone on to fill that vacancy; the next president may want to put someone else as chairperson over that committee. Jim said he'd rather wait to fill that position until after the new board is elected, the Board agreed.

John Schwandner questioned what the rules were on dog runs, Bob said they are allowed but within reason. Cheryl said a member should have to fill out a no-cost permit. John said the only place he could find dog run was in the definitions. Bob said he thought it fell under fences but was very vague where it says, "No fencing of any type may be constructed without prior approval of the Board". Ernie stated Section 18 states "Dogs should be penned or restrained to the owners property at all time" so we know pens are allowed. Cheryl asked under permit fees could we put dog runs no fee but needs board approval. Bob said maybe put it under #5 No fencing without prior Board approval but he'd like the opportunity to look into this a little more. John stated his neighbor has constructed a 20x30 dog run without a permit; Bob said that is a little excessive. Cheryl said shouldn't we decide on this so we can get it in the newsletter. Bob suggested looking into this a little more and not make a quick decision. Bob said let's see what we have out here now, what is permissible and what isn't. Jim said send them a letter stating this was not approved and should be taken down until it's been approved.

Bill stated there have been two dogs over on the North side running loose and on Tuesday it's garbage day so they're into everything. Bill said Gene James called about this last week and asked that a letter be sent. Jim asked if we knew the owners. Bill stated one dog is Pat Wilkin, #10 and the other is Jim Wyatt, #1. Jim said we need a formal complaint form filled out and then the Board can take some action.

**TRANSFERS:** John Schwandner questioned the fact the board approves transfers after the people have already closed on the property and moved in; what happens if they weren't approved. Jim Dorr suggested putting them on the Agenda before closing.

The following transfers were approved upon motion by John Schwandner and seconded by Allan Sharp.

#107 Donald & Mary Hoppert to Brian Giacomini  
#121,121A Gregg & Melanie Humphrey to Richard Molaschi  
#128 Charles & Dorothy Jones to Robert Gomora  
#232,233 Floyd Volz to Penny Killen

The Board agreed unanimously.

**ADJOURNMENT:** Upon motion by Bob Sons, seconded by John Schwandner, the Board agreed again by consensus to adjourn. The meeting adjourned at 8:44 p.m.

**SUNSET LAKE ASSOCIATION  
MINUTES OF THE MONTHLY MEETING  
OCTOBER 5, 2004**

**CALL TO ORDER:** President Jim Dorr called the meeting to order at 7:00 p.m. Also present for the meeting were Ernie Neumann, Bob Sons, John Schwandner, Allan Sharp, George Toepfer, Cheryl Stine and Rick Whitehead.

**VISITORS:** Steve Kolsto #31, Tony Rubba #32, Marv Wingo #51, Edith Luddeke #60, Carol Schwandner #62, Ed Dorworth #99,A, Ed Burg #101,A, Bill Harris #105-106, Patty Robson #154,A, Ray Reardon #256A, 257, and Ed Snell #286

**SUPERINTENDENT'S REPORT:** Bill Hohimer stated he picked up a dog from Lot #1 and called the pound. Bill said he cut the diesel tank down to same size as the gas tank, painted it, got pump from Big 'R' and had it hooked up. Bill stated he mowed the dam and also worked on driveways for Ward Walker #152, Rachel Sykes #69 and Ken Boyd #269. Bill said he added 6' of pipe to drain on West Lake between Lots #263 and #264 plus added 3 pickup loads of rip rap. Bill stated they replaced the culvert at John Mayes on Magnolia and here at the office. Bill said he found some tires dumped on the North side, checked at D&D and they will take them for \$3.00 each. Bill said he's getting a lot of things at the burn piles and this is becoming a real problem; cement blocks, furniture, oil containers. Jim Dorr said he'd bring this up at the annual meeting.

**OFFICE MANAGER'S REPORT:** Kyla Tanner stated she had 2 orientations and got paperwork ready for 2 properties that have sold. Kyla noted the County needed a list of member's names and 911 addresses so she had put this together for them. Kyla stated she put together and sent out the annual packet and mailed interest invoices.

**APPROVAL OF MINUTES OF SEPTEMBER 7, 2004:** A motion to approve the minutes of the September 7, 2004 meeting was made by John Schwandner and seconded by Cheryl Stine. Motion passed unanimously.

Jim Dorr asked if Roxine Burch, #117 came in to sign off on the complaint form being removed from Richard Mauk's file. Kyla stated Roxine has decided to leave the complaint in his file.

Jim Dorr asked if a meeting was set up with Peter Berrini about the dam. Bob Sons said he needed the phone number and John Schwandner agreed to get that to him.

Jim Dorr stated last month he made the statement that the President does not vote unless there's a tie. Jim said he went thru the ByLaws and according to "**Article 5, Section 1 Officers** it states "Officers of the Association shall consist of a President, Vice President, Secretary and Treasurer, and may be selected from the Board of Director or otherwise." Jim asked since the Association has been formed had someone other than a Board of Director been elected as an officer and no one thought that had happened.



Jim continued "In the event that any officer who is not a member of the Board of Directors, he/she shall not have a vote at the Board of Directors meetings unless he/she is the presiding officer at such meeting and his/her vote is necessary to break a tie." Jim said his interpretation of that was if someone other than the Board appoints the President they do not have a vote unless a tie and the board agreed. Jim said it does not say anything about the presiding president and the board agreed. Jim said this has not come up the past three years since he'd been president but he wanted to clear that up.

**APPROVAL OF BILLS PAID FOR SEPTEMBER 2004:** Cheryl Stine called attention to a few bills paid in September. Cheryl said M&M Services for \$656.47 was diesel & regular fuel, Bob Sons Construction \$275.00 was for dam repairs and Viriden Recorder \$114.50 was for 50/50 tickets. Cheryl stated total expenses were \$7,068.01 and income was \$2,065.17.

Upon a motion by John Schwandner and seconded by Bob Sons, the Board voted unanimously to approve the bills paid for September.

#### **COMMITTEE REPORTS:**

**AQUATIC CONTROL AND WATER SAFETY:** Jim Dorr stated Allan and Bob could decide who would give the report at the annual meeting. Bob Sons agreed to give the report and order the fish.

**BUILDING AND CONTRUCTION COMMITTEE:** George Toepfer stated he had not heard of any complaints regarding the fencing material for Robert Gomora, #128 so this has been approved. George said he received a permit from Ward Walker, #152 for an extension on his front porch. George noted he and Allan made a final inspection for Nancy Govert, #57; the lights work, water runs and everything looks good. George said Lewis Martin, #227 submitted a permit for a storage shed and has it roped off where he plans to put it.

George stated he would like the whole board to decide on the dog run permit for Edith Luddeke, #60. George said it is a portable dog run, 2' high with 8 sections that hinge together like a door and she plans to put it up in the winter. Cheryl Stine said she thought it was okay but we needed a permit filled out. Edith stated 7 sections are 6' long and 1 section is 5' long, it's collapsible and will be used for her dog to get exercise. Edith said she plans to move it to different spots in the yard so it doesn't tear up the grass. George stated there is nothing in the rules about dog runs and asked what is the Board going to do about it. Bob Sons stated he felt it was the decision for the 3 members on that committee, as long as it is not excessive and does not take up the whole yard. Jim Dorr asked if any of the members had a problem with this permit and nobody objected.

**DAM & GROUNDS COMMITTEE:** John Schwandner stated in June 12 letters were sent regarding riprap and 11 members have complied. John said the one that did not comply will be getting a letter and the fining process will start as of that date. John noted the rules say failure to comply shall result in a fine of \$100.00 per every 90 days until riprap is in compliance.



**FINANCE COMMITTEE:** Cheryl Stine stated total income for the year is at 95.4% and total expense is at 76.5% of Budget. Jim noted on the list of Accounts Receivable, #111 is the property that Diane Colwell, President of White Lightning Janitorial Inc. is interested in. Jim stated Diane is willing to sign a personal guarantee that states, "The undersigned agrees to personally guarantee each and every obligation of White Lightning Janitorial, Inc. contained in the Sunset Lake Association's ByLaws, Rules & Regulations and Lake Shore Lease." Jim noted our attorney said all we needed was a personal guarantee and we now have this from the president of this corporation.

**LEGAL & INSURANCE COMMITTEE:** Allan Sharp stated the deposition set for Chris & Kristin McCaskey was cancelled. Allan said the attorney had called and stated McCaskey's position was the public had acquired prescriptive rights onto Beachview Drive; meaning we haven't complained in the last 15 years. Allan said he explained to our attorney we were not trying to keep them from using the road but we were objecting to them using the road to enter and exit their property. Allan stated he also pointed out McCaskey's had access on and off his property from Emmerson Airline. Allan said he explained to our attorney the Association owns 3' right of way between our road and his property; Mr. Bloomer could understand a court going either way. Allan noted McCaskey's counsel feels they have a right to cross the 3' off the road and into the ditch. Allan stated he feels our attorney does not think we have a chance. Ernie Neumann questioned if they can prove the fact that it's been used for 15 years because the only one that has used that road for 15 years is also a member here and pays his dues. Ernie asked how will this affect our other roads; does that mean anyone adjacent to our property can build and use our roads while we maintain them. Ernie stated he felt we need better clarification from our attorney; he's using only one court case from the opposing attorney to base his opinion on. Bob Sons stated Steve Devantier is using that road but that's because he has no other access to Emmerson so it's a different situation. Allan said he asked our attorney if we could charge a yearly maintenance fee for the use of our roads; but the attorney said no. Jim Dorr stated he disagreed with the letter from McCaskey's attorney that states his client advises that he actually does need this particular access to park his motor home in the back on a driveway. Jim said he's been able to get in and out of his property for years without this drive but it's a matter of if we want to pursue this. Rick Whitehead said the fact is that McCaskey put a culvert in without permission and doesn't believe you can go anywhere in the city or township and put a culvert in without some type of permission. Rick noted Steve Devantier has an aeration system and since that culvert was put in, he's had problems with the system backing up. Rick stated the culvert was not put in correctly; it needs to be deeper. Jim said we need to get back with our attorney and state facts face to face; it would also help if we got a letter from Devantier regarding his septic system. Allan said he'd like Devantier to go with him to talk to the attorney, maybe that would help but not sure what other information to give Mr. Bloomer that we haven't given him before. Jim also agreed to go.

**ROADS COMMITTEE:** Bob Sons stated he donated guardrail for Bill to use for his rock piles. Bob said he also helped Bill clean up the junk behind the dam and haul that off. Bill stated this is the 1<sup>st</sup> time in 17 years that behind the dam has been cleaned up.

**SANITATION, SHORELINE & BOAT DOCKS COMMITTEE:** Rick Whitehead stated inspections are coming along good and there are only a few members that need letters.

**WATER QUALITY & CONSERVATION:** Ernie Neumann stated he and Bill collected water samples on September 15<sup>th</sup> for the fecal strep test and the test came back good with no significant change.

**OLD BUSINESS:**

Jim Dorr stated type and size of dog runs would depend on each individual case; can't set a standard for everyone on that. Jim said each permit would need to be submitted and approved by the board case by case.

**NEW BUSINESS:**

Jim Dorr said the Annual Meeting is Thursday, October 21<sup>st</sup> and the packets were mailed today. Jim said there would be a 50/50 Drawing held that night at the meeting. Jim noted Carol Schwandner would be taking care of the coffee and cookies. Jim also stated 5 positions are open so if you know of someone that wants to run and would make a good member, talk to him or her.

Jim said we sent each member a copy of Ed Dorworth's proposal and asked that you get over to take a look at it. Jim stated also you have a copy of Dorworth's survey and Stan Lomelino's lot that Ed Burg bought. Jim said Dorworth wants to dredge out an area between Lot #98 and #100A so he can get at least 4' of water in there. Jim noted he had been over there a few times and has talked to Clarks at Lot #100A and Ed Burg, Lot #98 and everyone seem to be in agreement. Jim noted he has explained to Mr. Dorworth the steep slope will need to be covered with fabric then riprapped, 3 trees will need to be taken out, and Ed stated he wants some of the dirt. Mr. Dorworth stated the amount to be dug out of the existing lake is 15x30 and about 5 or 6 yards of dirt that he would like to put in the deep valley he has. Bob Sons questioned how big is the hole they're digging out. Mr. Dorworth stated a 30X40' about 3' deep. Bob said the only concern he has would be the maintenance Chuck Clark and Ed Burg would have for the next few year; he realizes riprap will be put down but that's virgin ground and it may not stay. Bob asked who would be responsible for that in 5 years and Mr. Dorworth stated he would or the owner of Lot #99. Jim stated this should not affect Clarks at all if they stay 3' from the line and pull it back; it shouldn't go on their property at all. Cheryl stated Mr. Dorworth has volunteered to always take care of the riprap; what type of agreement can we legally enter into his file that states anyone buying that property is responsible for the riprap. Jim stated something needs to be drawn up and all three parties need to sign off on it. Jim said we couldn't deny him because his lease states in Item 13. Special rights of the Custodian. "The Custodian has the right to construct a boat dock on lake frontage in front of his leasehold subject to the Association Rules & Regulations and consider it his private property". After much discussion, Jim stated Mr. Dorworth will get the surveyor here to find Clark's point and the area he plans to buy from Burg and this will all be resurveyed.



Ernie Neumann made a motion to approve this providing the riprap and survey are done. Ernie also noted the three members, Clark, Burg and Dorworth have to be in agreement; something documented in writing that is binding and put in each file. Bob Sons seconded the motion and the board agreed unanimously. Jim explained to Mr. Dorworth he needed to put together an agreement stating what he's responsible for and all three members need to sign it; we will need a copy for our file. Jim also stated once he has a date and time when the surveying will be done to notify the Clarks and Association so we can be there, Mr. Dorworth agreed.

George Toepfer said Allan Sharp, #3,4 has submitted a permit for a portable carport but is asking for a variance; he can't get it back 15' off the road. Allan noted the variance is about 3' so he can get a carport for his conversion van. Allan stated the carport would be 22'x26' and will completely go over his concrete apron. Allan noted this would not affect the snowplowing. A motion to approve this permit was made by John Schwandner and seconded by Bob Sons. Motion passed unanimously.

**TRANSFERS:** The following transfers were approved upon motion by Ernie Neumann and seconded by John Schwandner.

#44 John & Ann Pintar to William & Barbara Hanney  
#98 Stanley R. Lomelino Trust to Ed & Bernadine Burg  
#183 John & Vicki Watts to Lea Larson  
#194 Robert & Carole Foster to George & Nancy White

The Board agreed unanimously.

**ADJOURNMENT:** Upon motion by John Schwandner, seconded by Bob Sons, the Board agreed again by consensus to adjourn. The meeting adjourned at 8:37 p.m.



**SUNSET LAKE ASSOCIATION  
MINUTES OF THE MONTHLY MEETING  
NOVEMBER 9, 2004**

**CALL TO ORDER:** President John Schwandner called the meeting to order at 7:00 p.m. Also present for the meeting were Bob Sons, John Munchalfen, Cheryl Stine, Steve Kolsto, John Earley and George Toepfer. Rick Whitehead and Kate Steigerwald were absent.

**VISITORS:** Ed Burg #101,A, Bill Harris #105-6, Ray Reardon #256A,257 and Ed Snell #286

Cheryl Stine asked Ed Burg how the dredging was going between his property and Ed Dorworth's. Ed stated this was not going to be done until spring; the man that will do the work is real busy now and does not have the extra time.

**SUPERINTENDENT'S REPORT:** Bill Hohimer stated he has been working on leaves and in a couple of days he'd have them under control. Bill said Saturday there was a black lab at the corner that had been hit, called the vet and discovered it had a broken hip. Bill stated the dog's owner was notified.

Bill stated it might be a good idea to start on leaf inspections. John Earley noted at the Annual Meeting it was announced inspections would not be done until the weekend after Thanksgiving. John Schwandner stated he has asked Cheryl to be in charge of leaf letters this year. John said we should do a preliminary check; Bill could take Cheryl around now and show her those who normally don't do anything with their leaves but not send letters until after Thanksgiving.

**OFFICE MANAGER'S REPORT:** Kyla Tanner stated she had 2 orientations, prepared paperwork for 3 properties that have transferred and also prepared quarterly taxes. Kyla said she also worked on the minutes from the Annual Meeting and sent out interest invoices.

**APPROVAL OF MINUTES OF OCTOBER 5, 2004:** A motion to approve the minutes of the October 5, 2004 meeting was made by Steve Kolsto and seconded by Bob Sons. Motion passed unanimously.

**APPROVAL OF BILLS PAID FOR OCTOBER 2004:** Cheryl Stine called attention to a few bills paid in October. Cheryl said Maguire Backhoe for \$474.07 was the culvert work, Bloomer for \$180.00 was for McCaskey's culvert, Madison County Environment for the testing of the water was \$198.00, Sonneborn Brothers was a total of \$115.08 for rock and Tom Day Business for \$91.38 was toner. Cheryl stated the remainder is the usual bills.

Upon a motion by John Earley and seconded by George Toepfer, the Board voted unanimously to approve the bills paid for October.

## **COMMITTEE REPORTS:**

**AQUATIC CONTROL AND WATER SAFETY:** John Munchalfen stated the fish have been ordered and we will be getting an additional \$150.00 worth with the money collected from the 50/50 Drawing. John said he didn't know when they'd deliver the fish but anyone wanting to be there let him know and he'd contact them. John said he'd also contact the office and let Kyla know. John said we'd be getting walleye and red ear.

**BUILDING AND CONTRUCTION COMMITTEE:** George Toepfer stated he received a permit from Jim Power, #256 for a 10 X 12 Shed. George noted he wasn't sure how Dunham's house at Lot 39&40 was going since we've had all this rain. John said he's had a sump pump in there trying to keep the water out. Ed Burg said it's dry right now and he does have the footings poured.

**DAM & GROUNDS COMMITTEE:** John Earley stated he went with Bill on a tree inspection for Larry Harter, #157. John said it looks like a solid tree but there are a few limbs that may need to be trimmed. Bill noted the tree he wants down is a red oak but he's not really saying why he wants it down. John said this is a fairly new rule saying a member has to get permission to cut a tree down. John questioned if a member asks to take a tree down because they're afraid it will fall on the house, we say no and the tree then in fact falls on the house have we assumed liability and responsibility because we told them no. John said this might be a question for our attorney. Bob Sons agreed to check with Mr. Bloomer regarding this.

John Schwandner stated Bob would also be contacting Peter Berrini regarding the dam. John Earley said he knew Mr. Berrini from when the dredging of the lake was done 10 years ago. Bob noted we had our engineers here from Greene & Bradford to give us their assessment. Bob stated the surveyors noted there had been some movement on the East wall but nothing to be concerned with; Bill was a little bothered about the wall moving. Bob said he came up with a possible quick fix for extra support and Ray Reardon suggested getting an opinion from a professional engineer so they could put their stamp on it if they think it would work. John Earley said we had some movement on the west wall a number of years ago and that's where the support wall now is. John Earley said he'd contact Peter Berrini regarding this matter.

**FINANCE COMMITTEE:** Cheryl Stine stated as of October 31<sup>st</sup> our Total Assets are \$128,669.86 and Total Liabilities are \$75,950.00. Cheryl noted total income is at 99.1% and expenses are 83.5%. Cheryl said Accounts Receivable is at \$3,436.59. John Munchalfen questioned if we'd receive our attorney's fees of \$1,058.06 back from Rick and Patty Robson. Cheryl stated not in this particular case; this was settled in small claims court. Bob Sons said for some reason the attorney put this in small claims and a deal was already worked out. Bob noted they still owe the Association \$1,600.00 and are on a payment program.

**LEGAL & INSURANCE COMMITTEE:** John said he talked to Allan Sharp regarding Kate Steigerwald and he said the doctor thought her progress was remarkable. John stated they are going to move her to Memorial Hospital because they have better facilities for physical therapy.

Cheryl Stine questioned what else had been done with McCaskey's culvert. John Schwandner said we've contacted Carl Nail to resurvey this area but this has not been done yet; if the survey does not get beyond three feet of that ditch there is probably nothing we can do. John stated his understanding was McCaskey has repaired the culvert and fixed the septic problem to

Devantier's satisfaction. Bob Sons stated he'd get a hold of Allan Sharp to see what was discussed at the meeting with our attorney.

Bob Sons questioned if there was a final inspection done on Robson's riprap. John Schwandner stated he did a final inspection and felt they had an adequate amount of riprap put down but not sure Bill agrees. Cheryl said the court order stated they had until September 30<sup>th</sup> to get this riprapped to our satisfaction and if they don't we will take recourse. John suggested the Shoreline Committee revisit this since the water is back up to normal water levels. John Earley stated we need to be careful about making sure the riprap is doing what it is suppose to do and not be concerned that it doesn't look the way we want it to look. John said in all fairness to Robson's, the amount of erosion from waterside, way up into that cove, is going to be minimal. John said we need to have just cause, deficiency is causing erosion and not the fact that it doesn't look pretty. Bob stated either way we need something in writing so a letter needs to be sent. John suggested Bill taking pictures also might help. Cheryl suggested doing this now while water levels are high and take pictures either way; then send a letter saying congratulation you've done a good job or additional riprap is needed.

**ROADS COMMITTEE:** Bob Sons stated he had nothing to report.

**SANITATION, SHORELINE & BOAT DOCKS COMMITTEE:** Rick Whitehead was absent.

**WATER QUALITY & CONSERVATION:** Steve Kolsto stated he'd been given a lot of information from Ernie; also talked with Bill and he's going to help educate him. Steve said the water testing had already been done for the year. Steve noted he handed out some literature regarding burning leaves for informational purposes. Steve said ashes from the burned leaves still have nutrients and would help fertilize the lake.

#### **OLD BUSINESS:**

John Schwandner stated everyone should have received a copy of the agreement between Ed Dorworth, Ed Burg and Chuck Clark. John asked if the agreement was satisfactory to the Board, everyone agreed.

John Schwandner said it's trapping season for Muskrats and asked if we want to hire someone. Steve Kolsto said he knew someone from Greenville who does trapping and will trap for free. It was a consensus to have Steve contact this gentleman to do the trapping.

#### **NEW BUSINESS:**

John Schwandner said everyone should have received a copy of a few proposed rule changes. John stated we received a complaint that a member was intentionally blowing leaves into the lake. John said he'd like to put a little bite into Section 15. Item C. and add "Anyone observed intentionally raking or blowing leaves into the lake will be fined \$25.00 for each offense". Bob questioned if observed by the Board or just any person; if it's just anyone on the lake we may have some legal problems. John said this would be handled like a regular complaint and they'd have to sign the form. Bob said we may need to reword it a little and stated he'd work on this with Ray Reardon and anyone else that would like to help.



John Schwandner stated the burn pile on the north side has been a problem so he's reworded Section 22. Item B. to include "Anyone observed violating this rule will be fined \$100.00 for each offense and prosecuted in accordance with any applicable federal, state and local laws." Bill suggested adding green grass to the items prohibited. Bob said they'd look at this rule change too.

John Munchalfen questioned if the board would like him to do some research on weed growth and artificial structures. John said his experience with scuba diving in other lakes and seeing what other lakes have he feels this lake needs some plant life. John said he'd been in the lake this summer and where he dove there was no plant life at all. John stated there are weeds along the shoreline but what he means by plant life is below 4'. John Earley said we'd have to be very careful because some species/plant life is very aggressive and would suggest discussing this with Hank Sutton. Steve Kolsto said we would not have to spend as much money on fish stocking later down the road if we had some plant life. John Schwandner said it was well worth the effort to do some research. John Munchalfen said he'd do some research, talk to some individuals and present this to the board before anything is put into the water. John said he'd also do some research on artificial structures and see what he could find.

**TRANSFERS:** The following transfers were approved upon motion by Bob Sons and seconded by George Toepfer.

- #149 Ernie & Rachel Neumann to Dr. Raymelle Schoos
- #158 Fred & Charlene Gates to Pamela VanAlstine & Marilyn Meisenheimer (Name Change)
- #227 Stephen & Marsha Humphrey to Lewis & Nancy Martin
- #245 Thomas & Patsy Berry to Paul B. & Kay A. Kinsel
- #256 James B. & Patricia Ann Power to James B. & Patricia Power,  
Revocable Living Trust (Name Change)

The Board agreed unanimously.

**ADJOURNMENT:** Upon motion by Cheryl Stine, seconded by John Earley, the Board agreed again by consensus to adjourn. The meeting adjourned at 7:48 p.m.

**SUNSET LAKE ASSOCIATION  
MINUTES OF THE MONTHLY MEETING  
DECEMBER 7, 2004**

**CALL TO ORDER:** President John Schwandner called the meeting to order at 7:00 p.m. Also present for the meeting were Cheryl Stine, Steve Kolsto, George Toepfer and Rick Whitehead. John Munchalfen arrived late. Bob Sons, John Earley and Kate Steigerwald were absent.

**VISITORS:** Ed Burg #101,A, Larry Harter #157, and Ed Snell #286

**SUPERINTENDENT'S REPORT:** Bill Hohimer stated he worked on the leaves and also put together a list of members who needed a leaf letter. Bill noted he's been taking the tin from the old building and lining the inside of the new building. Bill said he wants to get a dog pen so he's lining the shed to protect the sprayed on insulation; the south side is 1/3 done.

**OFFICE MANAGER'S REPORT:** Kyla Tanner stated she prepared paperwork for 2 properties that have transferred and sent out 22 leaf letters. Kyla said she spoke with Todd Lohman from Greenville who wants to do the beaver and muskrat trapping. Kyla noted he came by for a map and they pointed out areas to him that would be best. Kyla said Mr. Lohman wouldn't get started until it stopped raining.

**APPROVAL OF MINUTES OF NOVEMBER 9, 2004:** A motion to approve the minutes of the November 9, 2004 meeting was made by Cheryl Stine and seconded by Steve Kolsto. Motion passed unanimously.

**APPROVAL OF BILLS PAID FOR NOVEMBER 2004:** Cheryl Stine stated it was the normal bills paid in November other than the Yearly Internet Fee for \$200.00.

Upon a motion by Rick Whitehead and seconded by George Toepfer, the Board voted unanimously to approve the bills paid for November.

**COMMITTEE REPORTS:**

**AQUATIC CONTROL AND WATER SAFETY:** John Munchalfen stated the walleye and redear were dropped in on November 12<sup>th</sup>. John said his personal opinion was he did not feel we received the number of fish we were supposed to. John said they scooped the fish into a 5-gallon bucket; his best judgment was an average 25 to 35 fish per bucket. John said by the time the overall stocking was done he felt we got half to three quarters of what we ordered. John said he was not sure how to handle this situation, meaning just pay the bill or let the board decided. John said his suggestion was to pay the bill but bring to Gary Opal's attention what our opinion of the stocking was like. John said we have used Opal's for a number of years; we do not want to be offensive and hurt overall business. John Schwandner suggested John putting together a letter with his observations. John agreed to draft a letter and stated this would leave the door open to see what Gary wanted to do.

John stated he went to DNR and got some literature on aquatic plants and he's also talked to Hank Sutton as John Earley suggested. John noted what he's finding is there are nuisance

plants that are more aggressive and will choke out good plants; he's still doing research but stated this will be a long-term project. Cheryl questioned the fact if something should be in the rules stating members should not add plants to the lake. Steve Kolsto suggested maybe we could add something that states a member should check with the board to see what particular plants are acceptable. John said his suggestion was not to change the rules at this time. Steve stated he received some information from the Chicago Botanical Garden about plant vegetation and would give this to John.

John stated he spoke to Bill regarding structures for the fish and Bill said he had different material on hand we could use. John said he wants to make sure where we decide to put these structures will not in the long run hurt us; he'd like to have the different spots marked on the map and let the board decide. John said the water depth needs to be around 12' and suggested around the dam or the east side of the island. After much discussion, it was agreed that John, Steve Kolsto and Ed Burg would form a committee to work together to find different locations that were best for structures. Cheryl Stine made a motion to allow the committee to drop structures into the lake and this would be an on-going project. George Toepfer seconded the motion and the board agreed unanimously.

**BUILDING AND CONTRUCTION COMMITTEE:** George Toepfer stated he received 1 permit from William Hanney, Lot #44 for new siding and roof.

**DAM & GROUNDS COMMITTEE:** John Earley was absent. Kyla stated John had been over to Robson's to re-inspect their riprap and felt there was an adequate amount at the waterside but felt on the hillside additional riprap was needed. Bill noted they originally had railroad ties and water had gotten behind them; now that the ties are up you can see where erosion had started. Kyla said she sent a proposed letter to John and asked for his suggestions but has not heard back from him.

**FINANCE COMMITTEE:** Cheryl Stine stated on the budget we are over on our estimated income by 2.4% and expenses we are at 88.6%. Cheryl stated current assets are \$138,227.56 and total liabilities are \$87,450.00. Cheryl noted the accounts receivable balance is at \$2,136.00.

**LEGAL & INSURANCE COMMITTEE:** Kate Steigerwald was absent.

**ROADS COMMITTEE:** Bob Sons was absent.

**SANITATION, SHORELINE & BOAT DOCKS COMMITTEE:** Rick Whitehead said there was nothing to report.

**WATER QUALITY & CONSERVATION:** Steve Kolsto stated in past years the Association has used Madison County in Edwardsville for the water testing. Steve noted he'd received some information from Cochran and Wilkin, Inc. who has started a lab for testing and would like to check with them to see what they charge. Steve said they were involved with the dredging of the lake also. John Schwandner stated it would be worth checking into this.



## **OLD BUSINESS:**

John Schwandner stated we received a survey for the McCaskey's property and there are stakes in place over there. John said from looking at the drawing and going back over the correspondence from the attorney, he doesn't think we have a case. John said Bob agreed to contact the attorney so we will wait to hear what he found out.

## **NEW BUSINESS:**

John Schwandner stated we received a permit for a tree removal from Larry Harter. John asked Larry when he planned to take the tree down and he said as soon as he had approval. Harter said he plans to get either Campbell or Schramm to do the work. Bill said John Earley went with him to look at the tree because he didn't want to make the call on this one; Bill felt the tree was alive. Larry said whether the tree is alive or dead it's hanging over the house. Cheryl said it should be deferred back to the committee. Larry asked who on the Board was a tree expert to tell him if the tree was alive or dead; he had two experts tell him it was dead. Rick Whitehead questioned why the board did not want to approve this; Larry has come to the Board and stated he was afraid it would fall on his house. Bill said if it were something other than a red oak tree he wouldn't have asked for assistance but didn't want to lose a good oak. Larry said he didn't understand why anyone would complain if it's a tree over his house and a danger to his personal property. Larry said he's come to the board for permission and if in fact it's denied he wants a letter from the board stating it was denied and wants all the members to sign it. Steve Kolsto asked Larry if he could get a letter from one of the experts stating it was dead. Larry said no he was not going to do that because he's fulfilled his obligation already by turning in a permit and coming to the meeting. After much discussion, Cheryl made the motion to defer the decision until we get with John Earley and have Larry an answer within a week. Steve Kolsto seconded the motion and the board unanimously agreed.

Bill stated we received a call from Roy with DNR and there is a sportsman group in Southern Illinois who wants our goose eggs. Bill said they would take the eggs and let them hatch there. Kyla noted they would come here and go around to the nest with Bill. John stated we'd need to make it clear that we have no liability. After much discussion, the motion to allow DNR to take the eggs and file for our yearly egg removal permit was made by Cheryl Stine and seconded by George Toepfer. The Board agreed unanimously.

**TRANSFERS:** The following transfers were approved upon motion by Cheryl Stine and seconded by George Toepfer.

#63 David & Kristine Holmin to Kenneth & Vicki Hancock and Kristine Holmin  
(Name Change)

#85 Town & Country Bank (Ron Bormida) to Karl & Marcia Federer \*

#111 First Midwest (Sam Drake) to White Lightning Janitorial, Inc. – Diane Colwell

#148 Mary E. Crawford to Mary E. Crawford and Linda Wells (Name Change) \*

#166 Joseph & Lillian Killian to Janis M. Boyd (Name Change)

The Board agreed unanimously.

**ADJOURNMENT:** Upon motion by Steve Kolsto, seconded by George Toepfer, the Board agreed by consensus to adjourn. The meeting adjourned at 8:00 p.m.