

## April 19, 2025 Ponderosa Association Annual Meeting Minutes at St. Helena Hall

Quorum Verified: Quorum approved. 86% of lot owners present or provided proxy. Missing representation of Lots 18, 19, 21, 24.

Meeting Called to Order: 10:00 a.m. Robyn Tweedy recording notes for Lana Jueden.

### 2024 Meeting Minutes: (Reviewed by Anne Tweedy)

- 1) Minutes need to be updated to reflect correct names. John Goetz should be Tom Goetz and Rick Kmiecik should be Brett Kmiecik. ACTION: These updates will be made by Lana Jueden. Once those updates are made, the corrected minutes will be published on the website. Motion to approve the minutes after the stated names are corrected was made by Judy Stratman and second by Scott Green. VOTE: All in favor of minutes approved was received.

### Treasurer Report: (Reviewed by Leah Noecker)

- 1) Review of 2024 Financials: The annual 2024 financials were posted on the website and Robyn Tweedy had a couple of questions. 1) There is a line item for utilities showing \$2236/year and a water bill for \$1243. What is the utility bill for? It was determined that the full water bill was listed under utilities and water bill, which totaled \$3,479. ACTION: Marnie Kleinschmidt will make a change to the line item for utility and include the wording of water so the website report reflects the updated title. 2) There is a line item listed for \$250 for Repair and Maintenance. What was this for? There was a repair on water that was paid out. 3) There is a line item listed for \$280 for Tax Return. This is for the preparation of tax return and will have another one in 2025 for a similar reason. Motion to approve the 2024 financials was made by Scott Green and second by Robyn Tweedy. VOTE: All in favor of approving the 2024 financials was received.
- 2) Total amount in the account as 4/19/25 is \$10,111.62.
- 3) Water bills are listed on the website per month for detailed review. Payment to Mark and Leah Noecker per year for \$120 to reimburse the use of the electrical power for the gate will continue.
- 4) Website creation and maintenance has been completed by Marnie Kleinschmidt. Great tool and communication to the association. Gratitude for creating and maintaining it shared. It does cost \$25/year to maintain. Lesa Boeckman made a motion to pay Marnie \$25/year annually for the website support, which was second by Leah Noecker. VOTE – All in favor of approval received.
- 5) Current LLC payment due to Cedar View Deer Lodge:  $\$6,681 \times 1.4$  per the license agreement = \$9,353.65. Last year, the amount due was \$13,814. Calculation per lot is \$471.51. Why the reduction year over year? The difference is that the State of Nebraska made a change to the real estate taxes due to school district credits so taxes were reduced. As long as Governor Pillen is in place, it is assumed those tax credits will be in place. Request was made to NOT pay the Ponderosa dues yearly until the annual meeting as they may change year to year based on expenses so request is wait until annual meeting to make payment. Randy Noecker made a motion to have yearly fees rounded up to \$500 and to not make annual association payments until the day of the meeting, which was second by Leah Noecker. VOTE: All in favor of the

changes listed was received. Please note...this was updated later in the meeting to \$600 per lot. See #6 below.

- 6) During the Road Committee meeting, ongoing maintenance of the road will be required both in gravel maintenance and possibly snow removal in the future. Kevin is not sure how much longer he will be able to do it so a longer term solution is needed. Motion was made by Mark Neuhalten to increase the annual dues by \$100 to help pay for road maintenance, which will now be the association's expense (\$600 in total, which is the current fee amount due). Motion was second by Randy Noecker. VOTE: All in favor of keeping the annual fees at \$600 was received. ACTION: Leah Noecker to have a special account created for the road maintenance where \$100 per lot will be transferred into the account per year for road maintenance. See Road Committee update below for additional actions and notes.

Infrastructure Committee: No update. (Reviewed by Anne Tweedy)

Hunting Committee: (Reviewed by Randy Noecker)

- 1) Meeting held on 3/21/2025: Went through new and updated items. Karl Bender's stands were added to the map and link to google maps sent to all hunters. No other changes made to the map. You can print the map but changes occur often enough that the map will get outdated quickly so encourage people to use electronic version. No rule changes recommended at the meeting except for stands. NOTE: Hunters can move satellite stands closer to their permanent stands but they must talk to their hunting neighbors for approval first before movement. Permission must be given before a satellite stand is moved.
- 2) Food plots: There is meeting that will follow the annual meeting on 4/19/25 to discuss food plots. Recommendation will be to try corn this summer followed by rye in the fall. However, this will be reviewed after the meeting today.
- 3) Deer population: During the hunting season, there was a soft request in place of 1 deer per lot to see if we could increase the population. Nine (9) deer total were taken, which included 8 bucks and 1 doe. Overall, it wasn't as bad as what they thought it would be but was not great either. The committee will discuss if there is a soft request for 1 deer this year too. Question asked: What is normal population of deer harvested per year? Around 20-30 per year. Why is the deer population overall decreasing? Nobody really knows but suspect it is related to disease and predators. Down by Brooky Bottom (by Wynot, NE), they found a lot of dead deer due to disease, which is not far away. What about coyote bounty hunting to reduce the predators? Committee will review this.
- 4) Bow Hunting: If you are going to hunt and do not want traffic in your area, you are asked to put a note on the What's App to notify people of your hunt and location so they can avoid the area.

Recreation Committee: No report. (Reviewed by Leah Noecker)

Road Committee: (Reviewed by Kevin Becker)

- 1) Road Grating: The entrance road has been grated and gravel put on it. The roads do need an additional coating, which will be completed. Per the license agreement, LLC must take care of the roads until they are established and then turn over to Association. This is coming due. Local place in Hartington where gravel was purchased is no longer available so will have to get from other places, which are further away and cost more. Estimate will be \$500/load and several

loads are needed for maintenance. Per the license agreement, this expense does get turned over to the Association. Question: What is long term plan for this and estimate of expense so association can have a plan on how to pay and support this in the future? This should also include snow removal because emergency services would need to get in should there be a situation requiring them. ACTION: Road Committee to outline a long-term plan for the road including maintenance plan, proposed budget, frequency, and who is doing the work. This information will be brought back to the Association for review and voting. Motion made by Mark Neuhalphen to increase annual dues by \$100 to pay for road maintenance fund short term and was second by Randy Noecker. VOTE: All in favor of raising fees by \$100 was approved, which keeps the current \$600 annual fees in place. See note above under financial section.

- 2) Government Easement Markers: All new markers for easements have been put up. They are along the road and will go down to the slew. Survey was completed and the Cedar View Deer Lodge lost 38 acres of land to the river. Kevin Becker plans to go back to the county and have the taxes reduced to reflect the loss of the land. This will reduce the long-term taxes paid. Question: Is there anything we can do to stop this from happening? No, since the Missouri River is classified as a scenic river, no maintenance can be completed.

Election of Board of Directors: Current members are Anne Tweedy (President), Robyn Tweedy (Vice President), Leah Noecker (Treasure), Lana Jueden (Secretary). Question: Anyone interested in joining the Board? Nobody is interested. Are all members good with staying on the Board. Yes. Karl Bender made the motion to keep the Board as is, which was second by Scott Green. VOTE: All in favor of keeping the Board in place approved. All members agreed to retain their current positions.

#### Election of Committee Members:

- 1) Infrastructure Committee: All current members want to stay on, which includes Anne Tweedy, Brett Kmiecik, Rich Tweedy, and Lana Jueden. Leah Noecker requested to be added to the Committee. Motion made by Lesa Boeckman to add Leah Noecker and keep the rest of the committee as is, which was second by Scott Green. VOTE: All in favor of requested vote.
- 2) Hunting Committee: All current members want to stay on, which includes Brad Green, Randy Noecker, Larry Tweedy, Mark Neuhalphen, Tom Goetz, and Chris Stratman. All want to stay on the Board. No additional lot owners want to be added. Motion made by Scott Green to leave committee as is, which was second by Mark Neuhalphen. VOTE: All in favor of requested vote.
- 3) Recreation Committee: All current members want to stay on, which includes Lesa Boeckman, Judy Stratman, Leah Noecker, Teri Green, Lana Jueden, Lois Wieseler. All want to stay on. Robyn Tweedy requested to be added to the committee. Motion made by Leah Noecker to add Robyn Tweedy to committee and leave all remaining members on, which was second by Rich Tweedy. VOTE: All in favor of requested vote.
- 4) Road Committee: All current members want to stay on, which includes Kevin Becker, Shane Kleinschmidt, Lary Schulte, Randy Noecker, Brett Kmiecik, and Leah Noecker. All want to stay on. Motion made by Mark Neuhalphen to leave committee as is, which was second by Mark Neuhalphen. VOTE: All in favor of requested vote.

#### Old business:

- 1) Boat dock: Anything we put in will get swept away from the river levels. At public dock in St. Helena, they added a bunch of rock. Recommend that everyone use the public boat dock and

remove this from the agenda going forward. Motion made Randy Noecker and second by Karl Bender. VOTE: All approved removing this from the agenda going forward.

- 2) LLC plans / updates: Where do lot owners put trees when they are clearing lots? In the slew by the gate where the pile is currently.
- 3) Burn ban update: Sign on the gate. Who is taking care of this? Kevin Becker is primary and recommend a second person to help. Dean Venard was nominated as secondary. They listen to radio and updates accordingly. Also, if a lot owner knows there is a red flag warning, high winds, or warnings for burn bans and the sign is not listed correctly, please update the sign and notify Kevin Becker. Embers from fire pits will cause significant damage as dry as the property is. There has been a fire down there before and it will go fast. If you want to have a fire pit, consider having a gas or propene pit until conditions change. Motion to have Kevin Becker as primary and Dean Venard as secondary for sign ownership was made by Leah Noecker and second by Lesa Boeckman. VOTE: All approved the motion.

#### New business:

- 1) Bee hives: Shane Kleinschmidt would like to put a single bee hive in next year to help pollinate the grounds. This is an LLC decision but the LLC would like to have feedback from the Association. Where would it be? In the big garden area where Kevin Becker plants crops on the way to the beach. Some do not know a lot about bees so questions followed. Are they aggressive? Normally no, but if you go up to their hive and kick them, they will be. If you bring big machinery around them, they might be. They need to be in direct sunlight and will not hurt you if you do not mess with them. A couple of people are allergic to bees. Possibly have signage on where they are to alert people. ACTION: Randy Noecker and Shane Kleinschmidt will work with the executive committee to discuss further. If something comes forward, it will come with a vote.
- 2) Allowing mini-bikes under 100cc in the association and on the Cedar View property: Lary Schulte requested to allow the people who will lease his 2<sup>nd</sup> lot to run mini-bikes on the paths throughout the grounds. It is one of the main reasons they want to lease the lot. They have younger kids who want to run mini-bikes. He requested that parents would need to be 75 feet behind them at all times. Question: who is liable if they get injured? Umbrella policy would cover, but if fees go up, the association dues help pay for it so could impact annual dues long term if injury occurred. State guideline is age 16 for motor vehicles. Can there be a requirement that they must wear helmets? Yes. Concern on noise running through lots and disruption to neighbors. Lots of concern on having people on the Ponderosa and Cedar View Deer Lodge that are not permanent lot owners and not responsible for the long-term impact of the property/rules of the grounds. There is trust with the current lot owners but not lessors and we will lose control of the property quickly. Question: Does the permanent lot owner need to be with visitors on the property? Yes. So how would the mini-bike work with a lessor? What if there was a place where the lessor could run the mini-bikes (sister shack was mentioned since the lessor being discussed is the nephew of the Schulte family). This will not work according to Lary Schulte. Question: thought lot owners could not make money so unsure how this works with leasing a lot? In the license agreement, it does have a section of leasing where a lot can be leased for >6 months but it also states that you cannot profit (business) from the lot. Karl Bender stated that he leases one of his lots to his parents for \$0 so they can ride and use the lot when they are down there (they live local), which was approved by the LLC (and agreement by those in the room that his setup was acceptable). Very contentious conversation and more time is needed to work through the details of what a lessor can/can't do. Scott Green made a motion to table the conversation until next year when Lary Schulte can be in the room to discuss with

the association (Lary was on speaker phone and very difficult to hear him and for him to hear the response in the room). Motion was second by Randy Noecker. Lary Schulte stated that his nephew needs to have the information now. The association was not willing to vote any further on the mini-bike issue until further conversation could be held. Based on the motion made, VOTE was taken and all voted in favor (excluding Lary Schulte) of tabling the conversation until Lary was physically present in the room. Please note that this was also connected to the below action of Lease Agreements.

- 3) Request was made to change the date of the annual meeting off of Easter weekend. Currently, the annual meeting is the 3<sup>rd</sup> weekend in April, which occasionally falls on Easter weekend. Robyn Tweedy made a motion to leave the annual meeting on the 3<sup>rd</sup> week of April except for when it falls on Easter weekend, at which time, it would move to the 4<sup>th</sup> weekend in April. Scott Green second the motion. VOTE: All voted in favor of making this change.
- 4) Website use/additions: Marnie Kleinschmidt added Committee sections to keep up with notes from those committees. Request was made that if you are going to have a big group of people on your lot, please submit a note to the calendar on the website so others know that there will be heavier traffic. If it is known that a large group is going to be there, others may avoid the area to reduce congestion. All agreed. ACTION: Leah Noecker will send Marnie K. the waiver release form so it can be posted on the website for all to print/use. There is a desire to have an electronic way to sign and store the waiver in the future. Informational only at this point.
- 5) Game cameras on the property: There are a lot of cameras around and there is concern that they are taking pictures of people coming/going to the beach. All the cameras are hunter cameras watching the herd, which there are no restrictions in place on where a camera can be placed. Leah Noecker was concerned that there are cameras on the main path coming off the beach snapping pictures of those coming off the beach. Lots of discussion but no motion made to change the current setup. All need to be aware that there are game cameras throughout the property so all must be aware.
- 6) Lease Lots: Continued from mini-bike section = one lot owner has been leasing lot to parents since 2021 for \$0. Another lot owner wants to lease a lot. On the lease lot information in the agreement section 6.04, Anne Tweedy read the notation. You cannot lease less than 6 months in a row. Back in 2021, Keelan Holloway (lawyer) was consulted and it was affirmed that you can. The person who leases the lot becomes a member of the association and can use Cedar View Deer Lodge. Board delegated to committees the authority for the rules. Therefore, the hunting committee denied allowing the leasing entities the ability to hunt. The understanding is that you cannot make money on the property. It states that you cannot run a business on this, which accepting money for a lease is profit and making money so they contradict each other. Many in the room were told you cannot do this. ACTION: Leah Noecker (on behalf of LLC) will reach out to Keelan Holloway to figure out if you can charge money for the lease of a lot? Specifically, we need a legal opinion on wording of whether you can charge rent or financial gain (pg 11 – paragraph 6.03 item F – engaging business or occupation upon lots). Consensus of the association members present in the meeting was negative in relation to leasing lots for money and delegating rights to other non-permanent tenants.
- 7) When selling a lot, how does that work? All lot owners can sell their lot for whatever price they want. Before they sell the lot to someone (anyone), they must first consult the LLC to give them the option to purchase at the price the owner is asking. If the LLC declines, the lot owner can sell to whoever they want for a price no less than offered to the LLC. If the lot owner drops the price below what was offered to the LLC, the lot owner must go back to the LLC and offer the new price. There is no waiting list. However, for all lot owners, all should be aware that there is

a list of people who would like to purchase a lot so if interested in selling, reach out to other lot owners and/or LLC for a faster sale.

Motion to adjourn the meeting was made by Scott Green and second by Mark Neuhalphen. VOTE: All agreed to adjourn the meeting at 12:12 p.m.