

DLPOA
Minutes of Special Meeting
January 15, 2007

President called the meeting to order at 7:03 p.m.

Roll Call

Present: Gary Arth, Virginia Bryan, Russ Budzileni, Judy Budzileni, Barb Freeland, Sandra Fultz, Faye Nelson, Al Ortvals, Mike Weber, Roy Wehling, Mary Jo Weimer, Marcia Wever, Toni Siler

Absent: Larry Ahrens, Bob Schnietz

Guest: Paul Pizzini, 561 East Lake Drive

Paul explained that he needed to complete 60ft. of shoreline retaining wall and requested that the Board approve lowering the lake by 2ft. for two weeks. He mentioned that Rob Wiemers of 9 North Shore needed additional time as well. Many of the Board members had received a call from Rob asking for support to lower the lake. Roy Wehling has talked to or met with Rob regarding his need for the lake to be lowered in order to complete his wall.

General discussion occurred between Board members concerning the pros and cons of lowering the lake again. Al was opposed and spoke to the difficulty in defending the risks of lowering the lake during the winter months for a minority of owners unable to complete improvements during the already extended period. Many Board members were concerned that other owners were caught in the same dilemma and it was important to support owners willing to make considerable investments improving their shorelines.

Mike Weber made a motion and Sandy Fultz seconded to authorize lowering the lake 2 ft. for 2 weeks. The motion passed with dissenting votes from ?, Faye and Barb.

Lake Dredging Finance Proposals

Al spoke to the proposals from Bank of Edwardsville ("B of E"), First Cloverleaf and Partners Banks. Board members had been provided with copies of these proposals several days prior to this special meeting. There were questions raised about various terms of the B of E proposal and general discussion followed.

Mike made a motion and Roy seconded to accept the B of E proposal for the 10 year term financing structure. Motion approved.

Al explained the special assessment and various options available to home owners to meet this obligation including home equity loans and a special savings program being offered by the B of E. He received proposal from City and Village to manage collection of this assessment for ¾% of assessment amount. This fee was accepted.

Review of Ownership Records

Virginia sent email to Board members of updated homeowner list. She requested that Board members review the list for errors or omissions. General discussion followed regarding definition of 'off lake' vs. 'on lake' members for purpose of determining the special assessment for each member. Virginia thought that owners with docks located on common areas could be considered 'on lake'. No one else agreed with that possible interpretation.

Setting of Special Assessment

Al explained that, as a result of Virginia's work with the membership list, the number/ratio of "on lake/off lake" owners has changed. He suggested rounding up on the maximum assessment amounts presented to the membership to \$900 off lake and \$1,100 on lake to allow for slight changes in the numbers. It was also concluded that the final assessment amount would be determined after completion of the dredging program when all costs are known. The assessments could be lower but never higher than those approved by the membership.

Mike made a motion and Marcia Wever seconded to ask for approval of \$900 for off lake and \$1,100 on lake members. Motion approved.

Additional discussion occurred regarding the establishment of the annual special assessment billing and due dates. According to our current schedule, work should be completed by the end of the year. It was suggested that once work is completed and all costs are known, that the exact assessment amount could then be set and special assessment bills could be determined. It was also suggested that the special assessment should be done as soon after completion of the project as possible to minimize the interest incurred. Barb Freeland made a motion and Mary Jo Weimer seconded to bill for the assessment beginning January 15, 2008 with the due February 15, 2008. Motion approved.

Special Assessment Referendum Requirements

Al reported that he had asked Board attorney, John McCracken, to review Section 35 of the Restrictions for a determination of the requirements of passing a special assessment referendum. McCracken's opinion is that a special assessment requires the approval of a majority of the owners of record—not simply those casting ballots. Al said that this was an extremely high threshold to reach in that non votes would have the same effect as no votes.

Voting Period

There was considerable discussion on the dates for mailing and returning ballots. It was agreed to set the mailing date of Monday, February 5 and that ballots would need to be postmarked by February 28.

There was concern expressed about members vacationing during the voting period. The newsletter will provide information to allow for absentee ballots to be requested.

Newsletter

Al reported that he has drafted the newsletter which is devoted to the dredging project and would send it out as soon as possible after this special meeting.

Managing the Referendum

There was discussion about protecting against fraudulent ballots (water marked paper, special seal, etc.) and possible color coding to determine how different blocks of members vote very much like results available from precinct voting in regular political elections. Concerns were raised about the method of counting the ballots to avoid a challenge. There was a discussion about the possibility of City and Village managing the referendum. Al will discuss these ballot issues with the Board attorney.

Small Group Meetings

Al said that the newsletter contained an offer to meet with small groups in peoples' homes to present the plan and answer questions. He said that he was willing to meet with any group of 10 or more and that he hoped that Board members would host such meetings.

Annual Meeting

It was agreed that the Annual Meeting will be held 2/15/07 at the Moose Lodge. Judy will confirm that large meeting hall in main building is available. Meeting will start at 6:30. No dinner but snack will be available. The meeting will be primarily devoted to the dredging program. Virginia will also give a financial report. Other committee reports will be made if time permits.

Meeting adjourned.