



**October 11, 2018 6:00 p.m.**

## **LNNLRCD Meeting**

- I. **Call to Order and Roll Call and Pledge of Allegiance** – Bill called the meeting to order at 6:05 p.m.  
**Board Members Present:** Bill Winebaugh – President, Andy Warcaba – VP, Joan Bonnamy – Secretary  
Anthony O'Brien – Member at Large (Arrived at 6:29 p.m. during Old Business)  
**Board Members Absent:** Ernie Richards – Member at Large
- II. **Motion to Approve Agenda** – Joan motioned to approve the agenda with the addition of item 2. Andy Warcaba Shoreline Improvement Request under Andy's report. Andy seconded the motion and the board approved the motion unanimously by roll-call vote. [10-18-01]
- III. **Motion to Approve 9/13/2018 Minutes** – Andy motioned to approve the 9/13 minutes and Joan seconded the motion. The board approved the motion unanimously by roll call vote. [10-18-02]
- IV. **Motion to Approve Treasurer's Report** – Andy motioned to approve the treasurer's report and Joan seconded the motion. The board approved the motion unanimously by roll-call vote. [10-18-03]
- V. **Board Member Reports**
  - A. **Bill Winebaugh**
    1. **Joint Board Meeting Re: Security** – Bill said that Wes emailed him stating that since security seemed to be a big issue at the last joint board meeting, he would like to have another joint board meeting at the LCC this year focusing only on security. Wes would like the RCD to send a representative again because he feels that it pertains to the RCD too. Bill said that he doesn't see the harm in it but he doesn't think it will affect them (the RCD) one way or another but asked for input from the other board members. Joan asked if there had been any new issues and Bill said not really. He added that they would have Sue Hill and the security officers on-hand to answer questions from an open-forum. Andy asked if Bill was looking for a yes or no answer from them and/or whether they would attend and Bill said he was sure that Anthony would attend if he is available since he volunteered the last time. Joan said that it would be a good-neighbor thing to do. Andy suggested that they let the community know when they'll be out there and Becky asked Andy to let her know when they come out and she'll notify the public.
  - B. **Andy Warcaba**
    1. **Mapping Network Update** – Andy confirmed with Joe Rush that the Mapping Network would be doing the bathymetric survey this year, probably starting around October 20<sup>th</sup>. The RCD plans on lowering the lake the first week of November and the Mapping Network feels that that is sufficient time for them to do their mapping using GPS coordinates.
    2. **Warcaba Shoreline Improvement Request** – Andy said that in 2005, when he purchased his house, the shoreline was a sandy beach and he feels that it's been a plus; however, it has also significantly eroded over the years and so Andy wants to stabilize it and plant grass behind the stabilization. He plans on following the SOP regarding installing filter fabric, the proper rip-rap stone, and sloping the land and has a contractor lined up to start after the lake is lowered. Andy motioned to approve the Warcaba shoreline improvement request and Joan seconded the motion. The board approved the motion unanimously by roll-call vote. [10-18-04]
  - C. **Joan Bonnamy – No Report**
  - D. **Anthony O'Brien – No Report**
- VI. **New Business**
  - A. **Consideration and action to authorize the RCD Board President to cast a ballot on behalf of the Lost Lake RCD, as a member of the Property Owners Association, on the Proposed 2018 ULLPOA Budget is as follows:**

The Lost Lake RCD Board authorizes a vote to approve the Proposed 2018 ULLPOA Budget.

**B. Date to Lower Lake (Around 1<sup>st</sup> Week of November)** – Ken Oltmanns will be taking the boards out again this year to lower the lake. Depending on the weather, he will do it between Nov. 1-3. Andy said that putting the boards in is a little more difficult than taking them out. Bill said that he watched them put the boards in this year and the u-shaped brackets, nuts, and washers that are were on there this year were not stainless and the threads on the nuts did not match the pipe threads so it made it difficult for them to work with them.

## VII. Old Business

**A. Tree Located Between Lake & Harris Property** – Andy said he stopped over to see John last night and showed him the map and also told him what the insurance carrier said in that if the tree falls it is an act of God(so. John found the pins and put an orange ribbon up from the lot line pins. John said that it was mentioned that the lake was on his property and if you look at the lot lines that are staked out with pins (they borrowed a metal detector from the POA to find them), the lake is not on his property. Andy asked Bill if they could inform him of what the attorney had to say. When Bill called the RCD's attorney, Mr. Zollinger last month, he provided Bill with a verbal opinion and Bill asked him to provide it in writing. The RCD provided the attorney pictures of the inlet and tree and the RCD's shoreline improvement resolution. The attorney's response was as follows:

“The property boundaries of the lake fluctuate as noted in the Resolution, between normal pool elevation of 689.10 and high water elevation of 692.50. The tree, as you described and as appears in the photographs, is possibly within the high water line. This distinction is critical as, if the tree is within the property boundary of the lake, any removal would be the responsibility of the RCD. It is important to clarify this with possible measurement, given the depiction in the photographs and that the tree appears to be close to that mark. If the tree is within the property boundaries of the lake (i.e., the water line descriptions), any obligation to remove the tree would become that of the RCD. If the tree is locate outside of that boundary description, any removal responsibility would become that of the property owner. The property owner is responsible for items outside of that boundary description. Keep in mind, of course, that if it is ultimately the RCD's obligation to remove the tree (due to ownership/property line) this does not compel action until the Board believes it appropriate.”

Bill said that verbally, Mr. Zollinger told him that the RCD has the authority to remove trees that are in the RCD property line but they are not required to. John doesn't think that the plat map that was drawn up is relevant (*in comparison to the area that he has staked out*). He told Bill that he could have a look at it if he wanted. Bill said that he glanced at it when he drove in but he didn't really look at it and he asked where the tree is at. John said that the tree is right on the edge of the lot line if you want to call it that. Lynn said that you can see where part of the trunk came off. Bill asked Mark how he arrived at the plat and Mark said that their GIS system, with regard to the photography, mapped out the lot lines that made sense (*in relation*) to the lake so you may not be able to get the lot dimensions, but when you do, they can be random. So what he did was took a permanent scale photo of the lots out here and overlaid Lost Nation Section #9, Lot #409 plat (*on it*). Mark said that when it was platted in 1967, the lake was over here somewhere and they brought in all this fill – so that was based on the 1967 plat, unless there was an exchange of property at some point that would have changed those boundaries – that's how he came up with that. John said that when they bought the house, that is the lot they were given – 90409 and the 70', 68.9', and 152.1' measurements are correct, and that was the lot information they were given by the county when they bought it 11 years ago. Joan asked if the tree was partially on John's lot and the RCD's lake property and would they share the cost? Bill said that going by the tape that John put up it could be but going by the map, it's not. John said that if you look at the lot lines that are staked out from the pins, the tree is right next to it (on his property) but he's saying that, as the attorney said, the RCD owns the high water mark, which takes it up 6 feet and Becky said no, there's about a foot or two difference (*note: there is actually a 3.4 feet difference between the high water level of 692.5' and the normal pool level of 689.1'. Depending on the degree of the slope, if it is steeper; for example, the high water line may be measured more vertically rather than horizontally so the high water level may be closer to the lake horizontally than the 3.4 feet*). Andy said that what we don't know is where that high water mark is – it's the number of feet above sea level but they are not sure how to determine it. John asked if he could respectfully request a copy of the attorney's opinion because that spells it out. Andy said that it spells out ownership, but it doesn't identify (*which property the tree lies on*). Bill said it (the attorney's

opinion) doesn't identify the lot line, it just makes a distinction between the high water mark and the low water mark.

Anthony O'Brien arrived at 6:29 p.m.

Lynn asked to respectfully say that they are out a dock because part of the tree trunk fell on it and they paid the cost of having the trunk removed and it totally took out the dock. John added that he wants to put another dock in. Bill said that he is at a loss because they have the map but you (John) found pin markers that you say show something else. Andy said that at the last meeting there was a suggestion made about sharing the cost and wondered if that was something still worth discussing. John said that he would possibly agree to that. Andy asked Frank Durkin if he knew of any precedent on this since he's lived on the lake for a long time and Frank said he wasn't here in 1967, but when he came here in 1974, everything was as it is now. Andy asked if the subject of the pool level had ever come up, been measured, or what it means. Frank said as it pertains to this he *(didn't know of any precedent.)* Andy asked what the cost to remove the tree was and John said \$600. Lynn said that there was also the cost to replace the dock and Becky asked the board if she could make a comment and Andy said yes. Becky said that last month the board asked her to talk to their insurance company to find out who would be culpable if something happened *(like a tree falling on a neighboring property, causing damage)*. The insurance company said that it would be on the owner of the property that was damaged to file a claim with their own liability insurance as the tree falling is considered an act of God. Andy said that the attorney said that if it is in the pool area (owned by the RCD) the RCD doesn't have to remove it – being a good neighbor organization, as we are all neighbors out here, how can we resolve this without setting a precedent? Bill said that he didn't know if they would be setting a precedent because they are not responsible. Andy said that it does detract from the overall *(aesthetics)* of the property when you pull up and see that tree and ivy growing up and probably is a distraction. Bill asked Anthony if he had any input and Anthony said he is just trying to catch up. Bill asked the board what they wanted to do and Andy said that he would suggest sharing the cost of removing the tree and Joan agreed, saying that she doesn't think that they are going to be able to determine finitely where that tree is. John asked if they could put something in writing and send a copy of the attorney's opinion to him so that he could respectfully consider it. Bill said that he got a little bit better deal on removing the tree (\$100 cheaper). Anthony asked where the tree is and Bill said that looking at the plat map, the tree is on the Harris' property, but based on John finding the lot pins and running a ribbon from pin to pin, John says that the tree is right on the lot line. Andy asked if the tree is within the high and low water mark it is considered on RCD property and it would be on the RCD to remove the tree and Bill said they are not compelled to remove the tree; however, they have the authority *(to remove it)*. Anthony asked if the string line shows that the property line splits the tree and John said that he wouldn't say that it splits it but it's right on the edge (on his side of the property line). Anthony asked if his vote matters (since the rest of the board voted to approve drawing up the contract and Bill said that of course it matters, all votes matter. Becky added that *(his vote matters)*, it just wouldn't change the outcome of the vote. Bill said that he wants Anthony to vote how he *(Anthony)* wants to vote. Anthony asked if the vote was to talk about splitting the cost and Bill said that the vote is to draft a proposal to share the cost of cutting down and removing the tree *(this doesn't include removal of the stump)*. Anthony asked if he could get his eyes on the property line and John said that the tape is there for him to look at. Andy said that if they get this resolved they would probably like to get the tree down this year and if they wait to vote on the proposal, it'll have to be next month. Anthony said that the tree service probably doesn't stop just because it is winter and Bill said that the tree service is very busy right now so he *(the tree service contractor)* said no rush. Dan Perry said to avoid setting a precedent *(of the RCD removing trees that lie on the shoreline of the lake and private property)*, that the RCD should have the property owner engage with the contractor and that if the RCD was able to get a better price, then John *(the property owner)* should refer to the better price when he engages with the contractor. Andy and Joan agreed. Bill said he wasn't sure how that would work with his better deal. John and Lynn said that they would see if he would honor the better deal. Andy motioned to draw up a letter for the Harris' and for the RCD to consider at their November meeting that would offer to pay ½ the cost of the removal of the tree located on the Harris' lot adjacent to the lake. Joan seconded the motion and the board approved the motion unanimously by roll-call vote. [10-18-05]

**B. Basketball Hoops** – John saw Shawn pouring the concrete for the basketball hoops at the tennis court and he came to the last meeting and discovered that at a prior meeting the board had decided to turn the tennis court into a basketball court instead of having the basketball hoop in the parking lot. John asked if they install one could they put it in at the far end rather than closer to the house. Bill said that the current basketball hoop is at the edge of the parking lot and is basically unplayable because the parking lot is in disrepair, there is a hill right behind the hoop that causes whatever gets away from the kids to roll into the parking lot, which becomes another hazard w/ vehicles. They've had a lot of comments about the (*disrepair*) of the tennis court was brought up at the August meeting an idea to possibly put in basketball hoops up on the court. The board's intent was to utilize the tennis court as best they could for the most reasonable cost and to give everyone out here, especially the kids, an opportunity for something to do. They've had notices about kids hanging around the LCC, throwing rocks in the water (*as kids all over the world are apt to do*), and not having anything to do. Maybe if they put up some basketball hoops, they will play basketball. John asked if the court would be a full court and Bill said that the thoughts were that they would put up a basketball hoop at each end – nobody's going to (*likely*) play full court but it will give more kids the opportunity to play, for example, the big kids could play on one end while the littler kids play at the other end. Joan and Becky also had an idea to paint extra lines on the court for 4-square and hopscotch so that it can be a multi-use court. John said he doesn't want to take anything away from the kids and he's all for it, the only other consideration is from a liability aspect if it is still used as a tennis court it could be dangerous for a tennis player to have a basketball hoop pole at the end of the court to possible run into. Bill said that it was his understanding that the tennis net is coming down – it will no longer be a tennis court. Bill said it was discussed at the August meeting and the minutes were approved at the September meeting. They already purchased the basketball hoops and have also already invested Shawn's time in installing the pole sleeves. John said that if they had only been putting one in he would have asked for them to put it farther away from his house. Bill said that the intent was to try to give the kids and the rest of the community an opportunity to stay out of mischief. He doesn't know if it'll get utilized any more than the tennis court was. Andy asked if they would consider installing just one pole in the interim and Bill said that he had discussed that with Becky already and it's totally the board's decision; however, if they are not going to put up the second basketball hoop then they should send it back because they don't need a \$310 basketball hoop sitting in the basement. Shawn said that as a homeowner with kids, he'd like to see a full court because it makes them run more and gives them something to do. Bill asked the rest of the board what their thoughts were on putting up just one and Joan said she'd like to have them at both ends. Andy said it doesn't matter to him whether there is two or one. He's concerned from a security standpoint of when the kids are there at 9:00 or 10:00 at night because kids do come down at the LCC at that time – about what they should do and who do they call because he doesn't want to be called. Becky said that she has her number on the building to be called and Bill has said that he can be called. Andy talked about an incident that had occurred where Sue had to be called down and Lynn Harris gave an account of what had happened. She has also witnessed them throwing riprap in the lake and has politely asked them to stop. Bill said that he appreciates that. Andy said that he only lives a couple of doors down (*from the LCC*) and he also had his car window shot out with a bb gun (*last summer*) and he knows it was kids. He loves kids and he loves basketball but there is some element of the kids that would take advantage of the situation. Becky said to help address the curfew, she could post the same signs that are on the building that say that the park is closed at dusk. If neighbors see that the kids are abusing the curfew then they can call us and we will handle it. Bill said that they haven't had any problems since the kids went back to school. Bill asked the board if they were in agreement to continue (*with installing the basketball hoops*). The board members all agreed. Frank Durkin asked if lines would be put in for a regulation court so it looks nice and Shawn said yes. Becky said at the August meeting they would fill the cracks in the court, have it sealed, and paint new lines. Bill said that they voted to spend a maximum of \$2,500 on this upgrade. The choices were to spend thousands to restore it as a tennis court, take it out completely, or repurpose it as a basketball court, which was the least expensive option. Frank said that it is an amenity and it should be done right and Bill said that it'll look good – they've got the best man on the job.

#### VIII. Guest Comments

**Laurie Perry – Announcing Redo of Basketball Court** - Laurie asked if the RCD could send out a mass email out when the tennis court is ready to go and Bill said yes. Frank also recommended that it would be a good newsletter article topic and Joan said she was making a note of that.

**Shawn Parish – Installing Signage at Basketball Court** - Shawn suggested that they could have nice signage installed at the basketball court with the curfew rules and other rules such as not hanging off of the rim. Bill said okay as long as they stay under budget.

- IX. Motion to Adjourn** – Anthony motioned to adjourn the meeting at 6:59 p.m. and Joan seconded the motion. The board approved the motion unanimously by roll-call vote. [10-18-06]

#### **October 11, 2018 Motion List**

1. Joan motioned to approve the agenda with the addition of item 2. Andy Warcaba Shoreline Improvement Request under Andy's report. Andy seconded the motion and the board approved the motion unanimously by roll-call vote. [10-18-01]
2. Andy motioned to approve the 9/13 minutes and Joan seconded the motion. The board approved the motion unanimously by roll call vote. [10-18-02]
3. Andy motioned to approve the treasurer's report and Joan seconded the motion. The board approved the motion unanimously by roll-call vote. [10-18-03]
4. Andy motioned to approve the Warcaba's shoreline improvement request and Joan seconded the motion. The board approved the motion unanimously by roll-call vote. [10-18-04]
5. Andy motioned to draw up a contract for the Harris' for the RCD to consider at their November meeting that would offer to pay ½ the cost of the removal of the tree located on the Harris' lot adjacent to the lake. Joan seconded the motion and the board approved the motion unanimously by roll-call vote. [10-18-05]
6. Anthony motioned to adjourn the meeting at 6:59 p.m. and Joan seconded the motion. The board approved the motion unanimously by roll-call vote. [10-18-06]