

## LAKWOOD VILLAGES LAKE LOT OWNERS ASSOCIATION MEETING

Holiday Inn Express, 10804 South 15<sup>th</sup> Street

November 4, 2015

President Welch called the meeting to order at 7:00 p.m. Roll call was taken, and 7 of the 9 Board members were present (absent were Frill and Hussman). Approximately 15 homeowners were also in attendance.

### OLD BUSINESS:

1. The April election, in which the wrong listing of Board members with expiring terms was voted on, was discussed. After explaining that this was the result of (1) existing Board members resigning, with their replacements not specifically identified for shorter terms, and (2) a mis-reading of the past minutes, the association membership in attendance was asked if anyone wanted to suggest an approach different than what was sent out via e-mail earlier. Hearing no nominations or issues from the floor, the Board membership was deemed duly elected. The only change in the Board composition from the beginning of 2015 was that Schreier replaced Smith.
2. President Welch asked Board members in attendance if anyone would volunteer to be Secretary. Schreier volunteered, and no further discussion was held.
3. Mr. Doolittle was asked about the issues he has raised with the Board. First, he mentioned covenant violations that weren't addressed in a timely fashion by the Board after he brought them to the attention of the Board. After some discussion of the procedures for handling such violations, in which the Board defended its actions, the Board agreed to continue to try to effectively enforce the Association's covenants.
4. The second issue Mr. Doolittle raised dealt with the dock built on Association property behind his property. When this dock was built, the Lake Area rules were modified to allow adjoining members access through Association property to this dock. Mr. Doolittle objected to this at the time, asserting that the change was to his detriment and improperly benefited Board members at the Association's expense. Thereafter, legal action was initiated by Mr. Doolittle to overturn this Lake Area rule change. The legal action was concluded with Mr. Doolittle's request being denied in the Nebraska judicial system. Mr. Doolittle asked the Board to revisit the rule change, and revert to the rules prior to the change. After much discussion of the details and history of this rule change, Schreier made a motion to keep the existing rule. The motion was seconded by Hermansky, and approved by the Board.
5. Stangl reported on the annual water study performed on August 18<sup>th</sup>. The results were comparable from past years and overall very favorable. There was some choliform present from the geese, but it was reported to not be an issue.

### NEW BUSINESS

1. President Welch next raised the seawall repair issue. She noted that the Board has tentatively approved the use of Association funds to repair 3 lake lot seawalls on the lower lake. The tentative plan was for a 50/50 split of the cost with the lake lot owner. Per an earlier

examination of the lower lake seawalls by Hardebeck, Hoy, and Schreier, the seawalls on the lower lake that were in most need of repair were (in order of worst to not as bad) were 178, 172, 173, 174, 167, 168, and 165). Additionally, member Terry Franks went over his investigation as to different solutions, costs, and the inevitable conclusion that there isn't a good, clear-cut path out there. The ensuing discussion was freewheeling, and included many topics including:

- History of the seawall problems
  - Reasons for the build-up of the Association funds (dredging, not seawalls)
  - Possible need for engineering study
  - Different possible methods of repair (vinyl, steel, rip-rap, other)
  - Possibility of returning the seawall side to a natural state
  - Desirability (and methods) of getting responsibility of seawall repair away from the Association and to the specific homeowner
  - The need to ensure that any trial fix was consistent with a long-term fix for consistency's sake
  - The need to ensure that a 50/50 split, if ultimately adopted, was implemented in a way that fit within our bylaws, and was reasonably affordable by the affected homeowners
  - The appropriateness of "natural side" homeowners helping to fund the "seawall side" fix
2. Based on all the discussion above, Hermansky moved to hire an attorney to guide us as we pursued fixing 3 lots on a 50/50 cost split with the homeowner, and studying a possible change to the covenants if needed for long term resolution to the problem. Welch seconded, and after approval by the Board, President Welch will pursue finding an appropriate attorney.
  3. President Welch mentioned that she and Schreier would get the Association's funds transferred from Wells Fargo to a local bank by working with the previous Treasurer (Linda Foxall) who has moved out-of-state.
  4. President Welch then discussed the request for a letter, from the prospective purchaser of Foxall's property, guaranteeing that the Association will repair Foxall's seawall within 3 years. After discussion, it was agreed that no such letter would be generated, and Welch would let such purchaser know of the Association's responsibility under the bylaws.

At 9:00 p.m. President Welch asked for a motion for adjournment. Schreier so moved, and Ehrnst seconded with the motion passing unanimously.

Respectfully submitted,

Mark Schreier, Secretary