

Holiday Shores
Board of Directors Meeting Minutes

Date: September 22, 2021

Board of Director Attendance: Present: John Crotty, Tony Harris, Jerry Allen, Shaun Diltz, Ty Van Ryswyk, Anthony Harrell & Robert Wittkamp

Others Present: Rob Clarkson and Karla Suttles from the Holishor Office

Holishor Members Present: 19

Proceedings Meeting called to order at 7:30pm

Pledge of Allegiance recited

Meeting Minutes – Minutes of September 8, 2021

Jerry Allen Motions to approve the minutes as amended.

Tony Harris Seconds

All in favor

Motion carries

Transfers of Property We had 7 transfers of property, 6 of which triggered initiation fees.

Old Business

Code Enforcement Officer/Public Safety Discussion

John Crotty There is a proposal out there to bring in a code enforcement officer which would be a full-time position that would focus on what was public safety's role along with Rob Frey's roll. We would move public safety to focus on lake patrol and this person would handle building permits and training and scheduling and be a part of lake patrol and enforce the bylaws and codes. We will take feedback though the rest of the month and discuss next steps on the proposal at the next board meeting.

Tennis Courts/Pickleball

John Crotty Resurfacing and potential change, looking to add four pickleball courts and just leave one tennis court. **Shaun Diltz** I forwarded an email to you from a member Chris Williams, I think he's here today. Essentially, there's room for four pickleball courts on one side of the tennis courts, so keeping one tennis court adding four pickleball courts, separating them by a fence and then putting up a windscreen around the whole thing. We still have to resurface and fix the cracks. **Tony Harris** It looks like the estimates just under \$9000 to do the changes. **Shaun Diltz** That's just the material and he pulled those estimates off of Pickleball Central and Fence Material. So they're very generic estimates but very in depth. Karla posted it on our Holiday Shores Facebook page and received general positive feedback, with quite a bit of comments. I think it's a good thing. **Ty Van Ryswyk** That number was without the resurfacing, though right? **Shaun Diltz** That's just the material for the posts, fencing and the windscreen. **John Crotty** I think last we talked the money in reserves was even enough to cover the resurfacing, **Tony Harris** Right, do we have a final updated number? I don't believe we do. But we're a little bit short but I would suggest if we want to do this, which I think it might be a good thing for the membership, we could allocate some of the overage we have, or potentially that we're going to have the end of the year to go towards finish funding the resurfacing, and then covering these costs. **Ty Van Ryswyk** I would agree that the interest shown so far shows that it would be okay to put the two numbers together for the pickleball and the resurfacing. You would obviously want to do them at the same time if you're doing it, I would think, but I would think it's definitely worth entertaining. **Shaun Diltz** Our reserve for the tennis courts is \$11,000. That was quite a bit under from what our bids were. I think. **Tony Harris** But we're going to get some new bids and we're working on that to have some better estimates for next year. **Shaun Diltz** So we probably want to focus on that next. **Tony Harris** Thanks for putting information together was very helpful to have. That's great information. Let's keep this in mind as we're coming up with our costs and what we potentially going to do with any overages at the end of the year.

487 & Outlot 11– Tree/Fence

John Crotty For the tree removal/fence obstruction. Rob did get us a bid from Arbor Masters to remove the tree, it was identified as a hedge tree and the cost to remove that tree would be \$3,400. **Tony Harris** If those costs, given that it's a mature tree, I would rather just have the homeowner move his fence in a little bit to go around the tree then spend that kind of money to take down a mature tree. **Shaun Diltz** I agree. **Ty Van Ryswyk** I would agree. **Jerry Allen** I would concur with that. **Richard Bywater (487)** So you're telling me I need to move my fence because a tree on the outlot is growing into it. So it's my responsibility to move the fence. Is that what I'm hearing? **Tony Harris** That's what we're saying because we don't know exactly where the property line is. I don't know if it's over the property line, on the property line. **Richard Bywater (487)** I didn't get it surveyed. I went to the Madison County website and got the dimensions of my property and it's 50' wide down by the lake, and I measured from fence the fence and it's 50'. I don't know what that's going to prove but do you have the dimensions for the lot as where the lot supposed to be? So outlot 11, do you have the dimensions where outlot 11 to where it ends? **Tony Harris** I would have to look, I don't know which one that is. But we would have to see if there's anything in the files. **Rob Clarkson** You would have to get a survey? **Tony Harris** I mean do we have a survey in the past, an old survey that would have the dimensions on it. **Rob Clarkson** It's doubtful, there are fences on both sides on his side, that box that outlot in. **Richard Bywater (487)** I understand that, you know, it's my money we're talking about spending too, right. I'm a part owner of that. But we have a tree on the outlot that's about 25% into my fence. So the answer is move my fence, that just doesn't make a whole lot of sense. It's grown under the fence and into the fence. So it's, you know, I mean, eventually, if it's not done now, it's going to have to be done in the future. Because it's just going to get worse. So I don't know how much longer I got. But you know,

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whoever lives in my house after me, well might have the same issue. If that's the that's the answer. So my only alternative is to move my fence from around the tree. **John Crotty** Yes, the feedback I think we're getting with the cost and it being a mature tree the Association board would like to see the tree remain. **Richard Bywater (487)** Okay. So what are my options? **Tony Harris** I'm not sure what you're asking? **Richard Bywater (487)** Well, I mean, what are my options, I have a tree that's growing into my fence. So eventually, in a few years, my fence I'll probably have to replace it. Right? So are those my options, that's just what I'm asking. **Tony Harris** I would initially think if it was me, I would move the fence in six or eight inches or a foot, around the tree, and leave the rest of it. I don't know if you moved it over, even say six inches, would that solve the problem indefinitely. I don't know, we could look into that and see. And we can look and see, if we've got fences on both sides we might have in the files a survey that would include that middle lot, for when those fences got permits originally to say what the dimensions of that lot are, we could check and measure and see where it falls. If it's on the edge of the property line, I would probably say I would leave it and you know, until it's over into your property, if it's already over in your property to me, that's a little bit different story. But if it's on the line, and you just have to move the fence a little bit, I'd say move the fence. Just for discussion purposes, a foot or something into your property, and then we've got another issue we probably need to discuss. And that's just my perspective on that, obviously. And with the rest of the board feels. **Jerry Allen** That's about the only option other than getting it surveyed to find out truly where that tree lands. Is it in your property or is it on the outlot? **Richard Bywater (487)** So if it's on the outlot, what does that mean? So if I spend the money to get my land surveyed, and the tree is not on my property then what's next? You just said you don't want to get it cut down. You don't want to cut it down, it's a mature tree. **Tony Harris** Well, if it's not on your property, we wouldn't do anything with it. Obviously, if it's not on your property, we wouldn't cut a tree down even if it's on the association's property because of a fence that's right on the property line. At least I wouldn't think so. If we find the tree is growing into your property, that's the only thing to me. That makes it a different story. **Richard Bywater (487)** Just the root at the base is grown under my fence. So alright, well, thank you for your time.

Road Resurfacing 2021

John Crotty The road surfacing has been completed, oil and trap rock was applied to approximately 24,000' of roadway. Pothole repair will continue on an as needed basis for the remainder of the roads. Rob, there was still quite a bit of rock over by the Su Twan dam. **Rob Clarkson** It will be utilized next year with the patch machine. **John Crotty** So it's just going to stay there, I guess. **Rob Clarkson** No, we're going to move on. **Shaun Diltz** That translates to about four and a half miles of road. So that was about 25% of the roads that we have in the community.

Dock Bumper Update

John Crotty The bumper for the docks at the clubhouse have arrived and maintenance will start installing them in the next week or two, completion by mid-October. By mid-October, there won't be as much boat traffic, but with the restaurant opening up, can we shoot to have it done by time the restaurant would be completed. **Rob Clarkson** Trying. **John Crotty** We won't have as much boat traffic, but it would be nice to have those installed for that.

Restaurant Update

John Crotty Everybody on the board should probably have seen the post. Everything has gone through as expected. They're finalizing the last bit of paperwork and they do expect to open on October 15. And that was posted on Facebook so it should be a very busy weekend. A lot of people excited for him. **Tony Harris** Now that's good news. **John Crotty** I guess the question would be we had last discussed pushing rent out till October 1 when they thought they could open September 15. Do we look as a board to allow them another variance till November 1? Or do we start collecting on October 1? **Jerry Allen** Would this extend our contract with them. As far as our term. Didn't we sign a five-year agreement with them. So it'll start on the day they start paying their rent so it would be five years from that day or five years from when we first signed it? **Shaun Diltz** These variances or just pushing the rent out not the contract. **John Crotty** It started on the date signed but we weren't going to collect rent until August 1 originally, but then we've allowed it twice, the pushback. **Robert Wittkamp** Are they asking you for another one? **John Crotty** They have not asked for one? **Shaun Diltz** I think we're good then.

Dredge Sale Update

John Crotty Rob, it looks like you've had some people show interest? **Rob Clarkson** Yes. We had a call from a lake community in southern Missouri. They expressed an interest in coming up and taking a look at, they haven't set a time with me yet to do so. It's hopeful. **Anthony Harrell** Did they talk any numbers yet? **Rob Clarkson** They'd have to see it first. **Jerry Allen** Have we got any value on it yet. As far as what we could expect. **Rob Clarkson** They the actual manufacturer hit me with the news of it being a prototype. **John Crotty** Okay, so we'll keep trying to push that to get that out of here.

Excess Funds Allocation

John Crotty I know we just discussed the excess might need to go towards the tennis courts, also at one of the other previous meetings they talked about rocking the road leading to the north property pond. So I don't know if we're at a point to discuss some of this. **Anthony Harrell** Where do we stand on the fish, we rolled that over, right. **Shaun Diltz** We rolled over \$2,500 because we couldn't find stripers last year. We found stripers this year. So that'll be going to that. And then the original \$6,500 budgeted will be

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going to catfish and largemouth bass. I haven't heard back on how many stripers he has, because he hasn't touched that pond of his, he's waiting till it cools down. He said by our next board meeting, they'll have an idea of size and numbers, which will tell us how many we can get. We kind of have a baseline of how many we want to throw in the lake and if we don't hit that based on the size and numbers, I was going to see about any allocation just for the stripers. The reason we're getting them in here is because we have excess baitfish and those will do nothing to eat them, shad, crappie, yellow bass. **Anthony Harrell** So we're okay, on fish, then. We don't need any additional allocated funds. **Shaun Diltz** That's what I'm saying. It depends on this. I don't know how many we're going to get because he doesn't have the size and the number yet so we may end up asking for some to get to the number that we want to do. **Anthony Harrell** Are those by the pound or by the fish **Shaun Diltz** There by the fish. Other people were selling it by the pound and that's why the numbers were astronomical. So we found a small fish farm in Arkansas that looks to be a great partner moving forward. **Tony Harris** The other thing I was going to say on excess funds is you know, we're looking at the finance committee's, we look at our estimates and stuff is you know, we needed extra money for the carpet in here and tennis courts. As we get the new investments let's use excess to fully fund those so we can do those projects next year. We got those two, the pickleball court, potentially the rock, and then we can look at other things as they come up. I know at times we've had issues with culverts that needed money, so it's a good time to see if we have any other culverts that we need to replace and set some money aside for that. **John Crotty** Rob is working to get us a bid to see what it's going to cost us to do the road on the north end.

Elevator Update

Rob Clarkson I met with a member who worked for one of the leading elevator companies. He was going to pass along our info to his company estimator to get us a bid to compare what was brought forward by our current vendor. No word yet on his proposal, it was noted that our add a phase is not working correctly. And we're currently seeking an electrical contractor to bid to repair this unit, which should extend the timeframe on the replacement of the elevator. **Shaun Diltz** What's an add a phase? **Rob Clarkson** We don't have three phase here. So they work it somehow to make an extra leg. I don't understand it 100%. Southwest will not bring us three phase so we make our own.

New Business

Variance (1359)

Mark Dowdy (1359) I'll try to make this short. I took out a permit to build my dock where it exists today. Originally, there's what Rob and I discussed is considered a boardwalk the entire length of my property meeting up to my neighbor, which is on the south side it does not meet up to any neighbor on the north side. So I built the dock, took out the permit to build the dock. The permit was taken out in July of 2018. And I received a letter approximately three weeks ago that indicated that potentially that I need to ask for a variance according to where my dock sits today. Now to get us from 2018, almost three years later, where we are today. I'm a contractor out here in the area and I try to do everything in my powers to what is asked of me by the Association. And the majority of this work that I did was my sole responsibility. There's only one person that ever came to my home at any given time, during the entire project. And that was Rob Fry. Rob Fry was there multiple times. And everything, according to our conversations was approved through Rob. So to be honest with you, I've only lived here five years, I had no knowledge of a variance other than three weeks ago, when I walked in and got the variance permit. So I guess that's part of the communication breakdown is why we're here today, when I took out the permit three years ago, and I get a letter, almost three years to the day from the Association, saying I need to take out a variance. So there's several things involved here. But I guess what myself and Rob Fry met about five weeks ago on my dock, we thought we had resolution. But then two weeks later, I got the letter said I needed a variance. And I think where the misunderstanding is my neighbor to the north, who is no longer living there, he moved, he and I didn't see eye to eye. So I guess he potentially has taken out. You know, he's maybe asked the Association that he wants to build a dock, just like I built. And if he does that, that's where the variance comes in. So if you go out there today, on site, you'll see that my boathouse sets just inside, probably two to three feet inside the property line that he had surveyed recently. And I'm saying he had it done within the last couple months. So I always took it from the street all the way back, I just used imaginary line back to this big tree that was there is where I thought the property line was. So I'm within the property line. However, I did put on a set of steps to the north, that would actually put me a little over, probably two and a half feet over my property line. So the resolution that I put on paper, and I talked with Rob, is that knowing now where the property line is per the survey that was done, I think I need to remove the steps. If I remove the steps, then in my opinion, I'm only solely on my property. However, I don't meet the five-foot variance. So that's why I'm asking for the variance. **John Crotty** So the permit was taken out in 2018. But when was the work actually done? **Anthony Harrell** So the work was done drawdown? **John Crotty** So 2020, 2021. **Tony Harris** Two years. **Anthony Harrell** So Mark, we pulled the permit from 2018. And the drawing that's on there shows that your dock ends like kind of at the middle of the shed on the building application. **Mark Dowdy (1359)** The dock actually ends almost dead in line with the shed. **Anthony Harrell** That's what I'm saying, the original permit application shows it giving that five foot from the property line, it looks like it's like almost to the middle of that. You call it boathouse I guess. So what was built was different than what was in the actual permit application, it went farther over, like you said it goes even with the shed. **Mark Dowdy (1359)** So when the permit was taken out, and I even told this to Rob. You walk out to my property, I staked it off with lines. Once the drawdown happened, I put stakes from my boathouse straight out exactly where they were at. And I asked Rob Fry to come out and look before I started. Rob Fry personally came out and approved exactly where I had it staked off, I did not move anything, I put everything exactly where it was, per the string lines per the stakes. However, there was no stakes up there with the little pink ribbons that you would see today, simply because my

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neighbor on the north decided to have it surveyed. So as Rob and I stood there five weeks ago, we stand there and we say that property line comes down and it curves pretty hard towards my boathouse. Now, I find it hard to believe that that's really the way it does. But you know, what, if that's the survey, that's the survey, I haven't had it surveyed. I'm taken based on who put the survey stakes there. But the bottom line is, I mean, from the street straight back. The only thing that I'm over is actually those steps. **Anthony Harrell** But what I'm saying is the code for a dock is five foot from the property line. And when your original permit shows that five feet from the property line, because your dock ends on that permit application? **Mark Dowdy (1359)** Sure it does, because the reason it shows it is because I had 10 feet all the way to the big tree, that 10 feet wasn't there. And no, we hadn't had it surveyed. So we went strictly off the boathouse. **John Crotty** We have that drawing from the permit that shows that the dock was going to end in the middle of the shed. The one from 2018. **Anthony Harrell** I'm not aware of that. **Tony Harris** That is the application, does it actually match what was approved two years before it was actually built. **Mark Dowdy (1359)** Show me what you're talking referring to this. **John Crotty** Was this part of your packet that was submitted. And you see there, there's your shed, it shows the dock stopping somewhere in about the middle of the shed and you're actually past the shed now. **Mark Dowdy (1359)** Well, this is I mean, you'd have to look at this.. that you know, you're going by, I don't know who did this drawing. **John Crotty** I assumed it was you, didn't you submit this. **Anthony Harrell** That was submitted by the board. I didn't do this. **John Crotty** No, this is part of your permit package. So this is what was signed off on. **Mark Dowdy (1359)** I'm just telling you, I didn't do this. This is something that's from Google Maps. **Tony Harris** What drawing did you submit because the drawing is required for the permit application? What drawing did you submit? **Shaun Diltz** It does show five foot. **John Crotty** That drawing does say you'll be five foot off your property line. **Mark Dowdy (1359)** Yeah, I'm not disputing that. I'm disputing that's not my drawing, what I submitted there was exactly what Rob Fry and I discussed, you know. And my point being is, Rob was out there with me at least twice, if not three times. Well, I know it was three times, the five weeks ago was the third time. You know, the first time here, I only went to building and zoning a couple times. And I built it exactly where it was staked off. **Tony Harris** The problem is you didn't have it staked in the right location. So it's not Rob Fry's job to get it surveyed for you. It's your responsibility to survey and to know where your property lines are and then build it within the five foot setbacks. That's your responsibility. **Mark Dowdy (1359)** After the fact I should have probably had it surveyed. But, you know, that was three years ago. So my neighbor took it on himself to survey it. I don't know that that's correct. **Tony Harris** So then it would just need to be moved to comply with the building rules. Be five feet off the property line. **Mark Dowdy (1359)** It's on my property line. **John Crotty** It has to be five feet off the property line. **Tony Harris** The rules are five feet off the property line. You just need to move it over five feet. **Mark Dowdy (1359)** So I got to move the boathouse to? **Tony Harris** If it's closer than five feet to the property line. **Mark Dowdy (1359)** Sure it is. It's been that way. **John Crotty** The boat house was already there. **Anthony Harrell** Boathouse was there, we passed a rule, so that's grandfather in. No changes need to be made to the boathouse because we passed a rule a couple years ago that anything that was done is done. We're not going to go back and make people change things that were not done properly back in the past. **Mark Dowdy (1359)** Was that the ruling or is it you're just not chasing permits that were taken out. **Anthony Harrell** A lot of the permits were gone, build permits, we couldn't research them and things like that because of the fire that happened in the old clubhouse, so it was really the only resolution we could come up with in order to be fair. **Mark Dowdy (1359)** I'm just telling you, there was a board member that I dealt with every step of the way. His name is Rob Fry. **Tony Harris** He's not a board member. He's an employee of the Association. **Mark Dowdy (1359)** He was in building zoning when I went to the meeting, and he followed that project the entire way. **Tony Harris** It's not building and zoning or Rob Fry's responsibility to survey your property. **Mark Dowdy (1359)** Sure it is. They didn't have to survey. It was approved, it was approved by him. **Tony Harris** Yes to be five feet off the property line. So you're done. With a new permit it needs to be five feet off the property line. **Shaun Diltz** It was never closed out. If it was closed out, then if the permit was closed, I think we would have some different but he's asking for a variance on this to essentially close that out. The permit was null and void after a year after anyways. **Mark Dowdy (1359)** Well, I mean, you know, and in April 2021, I got a call, said do you have an open ticket on your dock? In April of 21, the board and the Association didn't have anything, I guess they didn't have anything on record. So you know that, again, when I started building it, they knew I was going to do it during drawdown, I couldn't build that dock without drawdown. I mean, this was taken out three years ago, **Tony Harris** Well number 1, that's the first error. It shouldn't have been, you can't take a permit out and have it last that long, it expires. **Mark Dowdy (1359)** Whose fault is that? Verbally, there was extensions given, there was all the way through this. It was all verbal, all verbal. **Tony Harris** We don't do verbal, everything has to be in writing. **Mark Dowdy (1359)** I'm just telling you, what am I making it up? **Tony Harris** I don't know. I have no proof of that without something in writing, it's like it didn't happen. If there's no proof of it, it didn't happen. It's just the way everything is. We have a permit. And we have to go back to the rules but I'm pretty sure even when you look at the guidelines and the rules for permit, it tells you when they expire. So to take one out in 18 and to build it in 20, that was completely wrong. **Mark Dowdy (1359)** Well, if you recall when I took this out, I remember very clearly that the Association was telling everybody, get your permits in early because of the Covid and because of their drawdown they were having so many people turning in and they were telling them get it in early. **Tony Harris** There was no Covid in 18. **Mark Dowdy (1359)** No in 19. **John Crotty** And it does say right here, I am aware building permits expire six months from the date of issuance. So you signed on this thing, you knew that this was not going to be good after six months. So I think what I'm summarizing is whether this permit being too old or not. You built it based on where you thought the property line was. And you felt you were five feet off. But now it's been surveyed and you're not five feet off the property line and you're asking us to provide you a variance to allow it to stay on the property line. And you'll remove everything else that's on the other side of the property line. **Mark Dowdy (1359)** That is correct. **Tony Harris** Now are you requesting the dock or just the boardwalk to stay on the property line. **Mark Dowdy (1359)** The boardwalk and the dock are one of the same basically, it ties in, it's

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one of the same. **Tony Harris** So we come at just the part, however many two, three feet, four feet wide, that's right by the shoreline, or anything that sticks out in the water. So this one shows a drawing along the shoreline, coming up to the boathouse. I don't know from the drawing, does anything else extend out to the boathouse, does the dock that's out in the water extend over that far? **John Crotty** The picture with the stake with a little ribbon on it, that's your property line now? **Mark Dowdy (1359)** Yeah, the original boardwalk per se extended exactly where the boathouse is now, I mean, that never changed, other than I just put new lumber on it. **Anthony Harrell** So, Mark, this little section in front of the boathouse is the old boardwalk that was there, before this little section here. So that's been there forever. **Mark Dowdy (1359)** Well, just to right here. **Anthony Harrell** So the only thing you did was build out from that. So you built the outside of the dock, just even with the existing boardwalk. This was existing. **Mark Dowdy (1359)** This was all existing. **Tony Harris** You're saying the boardwalk is the piece in front of the boathouse and then it comes down on the side on the north side there. **Anthony Harrell** Correct. **Tony Harris** It looks like that corner that would be out in front of the boathouse is past the property line where the pier is and stuff, looking at that. stake, I'm going to have to see the other one to get the angle. But we can't have anything that was over the property line so that front post, if it's over the property line would have to go because you can't you can't be over the property line. **Shaun Diltz** If you don't approve this variance more than that will have to go. **Tony Harris** Right. We're trying to understand exactly what so we're all on the same page. **John Crotty** Any other questions for Mark? Any more discussion? **John Crotty** Is there a motion for the variance?

Variance fails due to lack of motion

Variance (575)

John Crotty We have another variance from 575 for a shed. **Jeremy Nichols (575)** Good evening, gentlemen. I've got an existing shed right now and I'm wanting to relocate it. Where I'm wanting to relocate it would be, it's gonna be the southeast corner of my lot. And I'm wanting to get it within about three to four feet of the property line, versus the 10 feet of setback. It will not be on any utilities. I've had that marked when I put the fence up and directly behind me there's no home, it's an open lot. **Jerry Allen** Do you know for sure if your fence line is right on the property line? **Jeremy Nichols (575)** Yeah, I had it surveyed. **Shaun Diltz** What street is that again? **Jeremy Nichols (575)** Clover. I'm on the east side of Clover. **Anthony Harrell** So I don't like the 10' personally, I think it's excessive and I don't know how it got written that way. The 5' I understand because if a utility truck wanted to come through and you give 5' behind your yard, your neighbor behind you gives 5' behind their yard, there's 10' there for a utility truck to drive through if they need to. Would you be willing to do a 5' given that information? **Jeremy Nichols (575)** I mean, if that's what I get yes. I'd like to be able to be a little bit closer, but I do understand also. I just don't want it way in the yard. **Anthony Harrell** I understand. But if you did less than 5', so your fences probably on the property line, the utilities can tear that fence down if they ever wanted to drive through that and you would have to fix that. **Jeremy Nichols (575)** I totally understand that they'd still be able to do what they wanted with it. I understand that. **Anthony Harrell** I would be willing to go 5'. **Shaun Diltz** If they tear it up, that's on him, I'm fine with 3'. There's nothing behind the house. **Jeremy Nichols (575)** No, and the lot behind me is actually tied to another a lot so nothing can be built. Well, I mean, I say nothing. A detached garage, that's about all that can be built there. **Tony Harris** Jerry, you know why in current building rules where the 10' comes from? If you happen to know or have any history on that, I don't know, either. I know it's written in there. I just don't know where. **Jerry Theodore (1346)** It's part of the original covenants. If not, if it was not part of the original covenant, it would have been done when the building permit or when the building rules were developed and that goes back probably in the late 70s. **Tony Harris** I was just trying to see if there was a reason or a logic behind the original 10' if anybody knew. **Jerry Theodore (1346)** The reason I say it's in the covenants, if I recall the covenants, say all buildings, they don't use a word building but basically all buildings have a 10' setback on side property line. And a shed is one of the buildings and I'm pretty sure that's part of the covenants. But one thing you guys have never asked him in here. Why does he want to place it there? **Anthony Harrell** He explained that in his request. **Jerry Theodore (1346)** Okay because you know, I have said this before, you're probably tired of hearing it. But variances should be given for environmental reasons. You call for a 12" culvert and there's no ditch. Well, why would you put in a culvert, so you give them a variance for that, everything else is a personal preference. So the reason, to me is one of the most important things on why a person wants a variance. Did you find it in the covenants? **Tony Harris** I found part of it, it says Holishor for itself, its successors, assigns and licensees reserves the 15' wide easement along both sides of all road roadways and 10' wide easements along the side and rear lines of each and every lot except for that portion of any lot which abuts the shore of Holiday Lake. With the right of ingress and egress they're on for the purpose of installing and maintaining utility lines, gas and water main, sewer lines, drainage ditches and apertures there. So really to have the easement is for the different various utility lines. **John Crotty** Other questions for Jeremy? Any more discussion? **Shaun Diltz** Well you're obviously moving it from one area to another. So it's somewhat portable. **Jeremy Nichols (575)** It's gonna turn portable. **Shaun Diltz** If there was an issue with the electric or something, maybe it gets portable again. **Jeremy Nichols (575)** Oh, yeah, it could. It could become portable very quickly if need be. **Shaun Diltz** Makes a motion to accept the 3' to the back and 3' to the side.

Ty Van Ryswyk Seconds

Tony Harris I would like 5' better than 3' personally, I agree with Anthony on that one. **Robert Wittkamp** I like 5'. **Jerry Allen** I like 5' as well. **Anthony Harrell** With the understanding if you do 3' that, potentially you may have to move it. **Jeremy Nichols (575)** Oh, I understand and it's probably going to be more closer to 4' than 3'. I mean, I am aware where all the utilities are. That's why I was keeping it further away. I totally understand about the utilities and that it would be my responsibility if something were to happen, or if they show up and have to do something. It is what it is.

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**All in Favor
Motion Carries**

Variance (625)

Dennis Schell (675) I'm putting in a new shed. I want 3' off my fence. It's been surveyed and the shed is gonna be on skids, so it can be moved. **John Crotty** What's the reason for wanted it 3'? **Dennis Schell (675)** If I went with a 10' that puts it 18' out of my yard. Well, from the fence to my deck is only 44'. So it's in the middle of my yard. It's a very odd, shaped yard. **John Crotty** See, it looks like you're going to do 3' from the back and 8' from the other side. **Dennis Schell (675)** No, it's at least 20 something. Because there's a transformer there. So I'm gonna be way away from that, plus I have a garden there. **John Crotty** So all you're asking for is a 3' off the back. **Dennis Schell (675)** That's all I want, and I'm saying it's probably 30' off that corner. **John Crotty** Are there neighbors behind you? **Dennis Schell (675)** That lots vacant where the sheds gonna go. And then off to the right side, there is a house. And he has a fence. But it's about 4' off my fence. **John Crotty** More questions for Dennis? **Anthony Harrell** No, as long as you understand about the utilities. **Dennis Schell (675)** Well I work for a utility, so I already know how it works. If we come in and we have to take your fence down to make a repair, we have to put it up just like it was. I worked for MSD in St. Louis. I'm a senior inspector. I've been there for 25 years. Even though a utility has an easement when they come on your property, they have to repair everything they tear up. At least in Missouri. **John Crotty** Any more discussion?

Tony Harris Makes a motion to approve a 3' setback off the rear property line.

Anthony Harrell Seconds

**All in Favor
Motion Carries**

Open Floor

Roger Rawson (1851) Going back to the pickleball stuff, I heard you guys say you had \$11,000 in reserve for the resurfacing. But the total amount I heard was \$16,000. **Anthony Harrell** With the addition of the \$8000 that we got quoted to redo the second tennis court into pickleball courts. **John Crotty** That was \$9,000 for the actual equipment. **Roger Rawson (1851)** No, but I mean, how much do you actually have in the reserve is what I'm asking. **Anthony Harrell** We have \$11,000 in reserves. **Roger Rawson (1851)** Okay. We had heard \$16,000. **Shaun Diltz** Oh, I might have said that at one time. I just looked it up and I think it matured in 2016, but it's \$11,000. **Rob Clarkson** Roger, I think the bid that we got to resurface it was around \$16,000. I think that's where that number came from. **Tony Harris** So originally the estimate we had was \$11,000. When we had the higher estimate last year, we tried to increase it. So I think right now, we should have \$16,900 in the reserves for resurfacing the tennis court with the latest estimate, I think around \$17,000 or \$19,000. So we've got to get a new estimate to know for certain what's it's going to cost, but we're looking at, let's just call it around \$17,000 in reserves for it. **Roger Rawson (1851)** Ok, I just wanted to get clarified on the numbers. **Shaun Diltz** I read an old number. **John Crotty** Okay. So we'll need a new bid to resurface, and then the extra for the equipment would have to come out of somewhere else. **Roger Rawson (1851)** Okay. All right. But the main focus is just to get it resurfaced. **Tony Harris** If we were going to do it, I'd say we try to do it all at the same time. **Shaun Diltz** Were talking about if we have any overages, pushing it to help with this. Rob, I guess you probably don't know when this has been resurfaced before, I don't know. Maybe someone would know. Are we in charge of putting the nets and posts backup or do they go around it? **Rob Clarkson** It was turnkey when we had it estimated. So they take it down, they fill the cracks, they resurface. **Shaun Diltz** So there would be an opportunity to hand them the pickleball plans to. **Rob Clarkson** Most definitely. They're the same people that built the Plumber stuff. **Shelly Acevedo (906)** We were here, I don't know, probably November to review the drainage that's coming across my property. We showed you the survey and some pictures and videos. And you guys recommended Rob, I believe to talk to an engineer. And we were wanting to know the status. **Rob Clarkson** Engineer basically came back and said that it needs to be put underground. Because putting it to our outlot is not an option. It's uphill from where the natural flow of water goes which, unfortunately is through their property. **Resident (906)** Biggest thing, it literally just washes and it's getting worse. Every time it rains, it's getting harder to mow because of the washout. A bigger pipe was put in obviously that, you know, here or there increases the amount of water which you build another house you put a driveway in that increases the amount of water that's running off that property. And then enlarge the pipe to a wider pipe speeds up the flow of the water coming through that pipe and it's just right through the middle. It's not like it's toward the back it's right through the middle. And when it rains, it doesn't matter. It doesn't have to be a gully washer. Rainfall can be a gully washer. And there's things you can't do about it. But if you just get a nice spring rain, you know where it rains all day. We can't mow for two to three weeks. You can't walk through it, it's that soft. **Anthony Harrell** Rob the engineer recommended underground on their property? **Rob Clarkson** Yes. It has to start on their property. Because that's the collection and then it's to an outlot that is to the west of their property I believe but it's uphill so naturally we can't drain it that way. **Shelly Acevedo (906)** It is a very, very powerful stream when it's raining. And then it's wet for days afterwards. **Anthony Harrell** What size is that, a 2' **Resident (906)** Well, it was a 36" round. And when all the upgrade happened, I don't know what section of that is. They come across and they put a 48" I believe, a 48" elliptical. So basically you just take a round pipe and smash it so it makes the bottom wider. **Shelly Acevedo (906)** When they did it they said they were going to angle it and redirect it towards your parcel. **Anthony Harrell** So all this Rob, where it originally crosses the street is it up hill all the way to our lot. **Rob Clarkson** Yes, they are the low spot there. **Anthony Harrell** So if they did put something underground at an angle towards our lot it's going uphill. **Rob Clarkson** Yes. **Resident (906)** If you put it underground then no it won't be uphill. I mean, it's

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underground, it doesn't matter how high the dirt is on top of it. **Rob Clarkson** I think he's asking if we could pipe it to a section where it flowed across the ground on our lot. **Resident (906)** Yeah, you could, because you could belly out your lot back toward because remember, you got 50' that goes down, and then it turns humongous and goes across the back side. **Rob Clarkson** As my conversation with the engineer, with the size of the pipe that has to go in and the amount of fall, it will not daylight. **Tony Harris** Sounds like you would have to dig down our lot significantly. It sounds like it's always drained here. If that's the natural flow, you might get more flow now. **Resident (906)** Do you guys have elevation of the property? But I mean, it could daylight on your property if would just have to have some dirt work done on there. **Anthony Harrell** Rob, do you have those elevations? **Rob Clarkson** I'm sure Dennis does, he went out and had it shot. **Tony Harris** So it sounds like when they originally built the house, it really should have been raised. **Anthony Harrell** I would say if we can take a look at that elevation chart and see if we can minimize the amount of underground that they have to do to get it over towards where it is still going to run to the lake. What is that, about 120'. **Resident (906)** So that's 150' along the right. I do have another question on the same water topic. As Rob knows, we had a little, nobody's fault, as you know, nobody knew but they had patched alongside of the house and it ended up running down and running all over our driveway and poor guy worked his tail off to get it clean, and he did a good job. appreciate all the effort. But with that being said, they said that they was gonna come out, fix that where it's still basically dug down to dirt to try to keep it from doing it again. Just curious on what the plan is on. **Rob Clarkson** We just sealed all that so it doesn't do it again. And they're going to get asphalt to do some more patching. And you're on the list when we do it, it's basically just the apron. We just finished roads last week. **Anthony Harrell** So my question to you is if we put in the work when you look at the elevations to see if there's a way to shorten the length that you would have to go underground. Would you be willing to put some of that underground? **Resident (906)** Would I be willing to put some of that underground? **Anthony Harrell** On your property. **Resident (906)** We would look at it, I mean, for sure. You're not gonna make it turn on 90 degree I get it. But, you know, if we could minimize the area of what is used for drainage versus what we're using the backyard, you know from the day one that we got the house we was talking about, adding to the deck tearing it down, putting a pool out there, well, obviously, you can't do nothing. **Anthony Harrell** So what I'm saying is, we may by looking at the elevations, there may be a way to minimize the amount of expense that you would have to endure. **Resident (906)** Minimize our expense? **Anthony Harrell** What's on your property is going to have to be yours. **Resident (906)** So you're saying it's gonna be our responsibility to move the water? **Anthony Harrell** So we're going to try to minimize that by looking at elevations and get it over. **Resident (906)** I just don't see how it's our responsibility to move the town's drainage off of the middle of our yard. Well, I get it, there's but 10' easement to the back of the property for drainage or whatever. And then you got 50' plus another 10' on the other side. So you got 70' of property to work with. **Tony Harris** It sounds like your backyard unless I misunderstood the earlier comments, it sounds like it's always drained through there, it may drain more volume because of the increase in the size of the culvert. But when you bought the house, it was already draining through there. **Resident (906)** Yeah, it was, but obviously, it wasn't released us that. But granted there's nothing to release. I mean, it's just water flowing across the property. **Tony Harris** But it still is just water flowing across the property. **Resident (906)** If you guys had an easement to run the water across the property, then that would have had to be, you know, we would have known about that. **Tony Harris** But it just sounds like from talking to the engineer like Rob is saying, it's just the natural flow of where the water flows, **Resident (906)** Well it's not natural, because you put a pipe in. **Tony Harris** Well, on that side of the road going towards the lake it's going to flow where it's flowing because you're the lowest point on that side. **Resident (906)** As soon as you put a pipe in there and you tell it to go somewhere, of course it's got a natural flow out. But you could put a pipe and angle out this way no natural flow out to. So yeah, there's a lot of, I mean, water will go wherever you direct it, just won't go uphill. **Robert Wittkamp** It's going to take the least path of resistance. We could angle that pipe straight to the right of that photo, and it's still going to come right back to the lowest point. **Shelly Acevedo (906)** A lot of that lowest point is because of erosion, right? So if I brought in fill dirt right now, right, and, you know, put it higher than your pipe, then where's all your water gonna go? It's gonna backup to the other side of the road or cause some type of washout. **Tony Harris** Well, you can't do that #1. You can't block the water flowing out of the ditch. **Shelly Acevedo (906)** Right, but you just redid all the ditches above me and redirected it down towards me. **Tony Harris** It may be flowing better now because the ditches have been cleaned out. **Resident (906)** And every house that's built, every driveway that's put in, all that increases runoff. And where does that runoff go? So every time you guys approve a building permit up above us, including, I don't know the address just off behind us. They built the house there two years ago, I guess. There was never that much water coming out of there. I got video of the water coming out. It looked like a waterfall coming off that property and it wasn't like that. Why? They dug a basement. What they do with the dirt when they built the house, they raised the house and put the dirt off so where's all that water go? It's not going back in the ground where it was originally was going, it's running down the hill, down through the culverts right across our property. **Tony Harris** It's flowing to the ditches. **Resident (906)** It's flowing through the ditches, I get it, but what I'm getting at is every time something new is built, or you upgrade pipes and decided to dig the ditches bigger, you know, why was a bigger pipe put in? Can anybody answer that. Why was that pipe replaced going across the road right by us? **Rob Clarkson** It was done way before I was here. **Shaun Diltz** It was either failing and then whatever the 20-year, 50 year rain flow that we get is the culverts are being upgraded according to those rain events. **Resident (906)** So what does that mean? More water across our property, nobody come talk to us and said, Hey, we're gonna increase this pipe. **Shelly Acevedo (906)** Rob Frey actually said the opposite. **Resident (906)** No, he said the same size pipe and are going to turn it up so it dumps on the Association property is what he told us. **Tony Harris** I don't know how it's going to go uphill, I don't know what he was thinking. **Resident (906)** We're not trying to be hard, we're just trying to regain use of a yard without us having to spend a ton of money and so we run an underground a pipe through our backyard, what would that do to our property value? **Robert Wittkamp** I would think it would improve it because you would be able to use the property then. **Resident (906)** Well it

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would as in if you didn't want to do anything else, because you couldn't eventually build a shed back there. If you want to build a shed, you could put a portable one up, but you couldn't build an actual shed, couldn't put in an inground pool, I'd be skeptical about putting an above ground pool because then you know, now you're expensive of putting that kind of pipe in underground to carry the weight of a pool above it. Look at that expense and that's out of our pocket. I don't agree with that. **Anthony Harrell** So if you don't want to redirect it with a pipe over to the other lot, if it's possible, based on elevations, what do you asking us to do? **Resident (906)** Assist in getting the water off our property? **Anthony Harrell** How, I'm trying to work with you and give you some options. **John Crotty** Water is going to the lowest point. **Resident (906)** You have 50' of property there that is 25' away from where you're dumping the water. **Anthony Harrell** Right. So what are you asking? **Resident (906)** Put the water on your property. **Anthony Harrell** So if we put it on something that's higher, it's going to run back. So you want us to dig a ditch? **Resident (906)** I don't care what you do to your property. **Shelly Acevedo (906)** If a trench with some riprap, whatever, if that's what it takes to get it to your side, I'll bring in dirt, I'm happy. I want my backyard, like, I want a garden and a pool and all that stuff. So if that's what it takes, it's fine. But for me to you know, I was told a lot of things before I bought this property by people of your organization and by my real estate agent, and by Bev George, who I know you guys know, so that's fine. And I know that's all verbal, I get it. And I've been fighting this battle, I went and got a survey, y'all were gonna help me get it fixed. Now, I've been here many times. So I just want to know if you guys are going to help or not help. And I won't say no more. **John Crotty** I think what Anthony was saying, it does cost us money to have these engineers come out and look at this stuff and work with it. But it can't all fall on us. We can't control where the water goes, you're in the low point. So it's not the association's responsibility to make sure water doesn't get on your property. We're going to do our best. **Resident (906)** Why does the associations property have to be the high point? **Tony Harris** It just naturally is. **Resident (906)** Oh, naturally is, I doubt that. I doubt they put a nice v on a hill in the middle. Like that's just how it laid out. I mean a house build here, a house built there. **Tony Harris** Were talking about the association property, I don't think we've gone and piled any dirt there to make it any higher than I know of. **Resident (906)** This is hearsay, but according to the neighbor next door said that that hill wasn't on the Association property until they built the house behind us and that's what they did with the basement dirt. She's supposed to have pictures and get them to me. **Shelly Acevedo (906)** You guys right when I first started this didn't even think I owned my property. You thought the drainage was on your property. **Tony Harris** I don't remember that, I don't remember that conversation. **Shelly Acevedo (906)** Anyway that's why I had to pay to get a survey done. Just saying. **John Crotty** I think some is going to be your responsibility. **Shelly Acevedo (906)** And I don't mind having some responsibility. Again, like it's the drainage of the Association. It's not my drainage that's coming onto my property. **John Crotty** It's the drainage of the whole neighborhood. **Resident (906)** It is the drainage of, well not the whole neighborhood but everybody in that area, yes. **Shaun Diltz** That's a pretty big watershed. And that's why it probably got expanded to that 48" elliptical. **Shelly Acevedo (906)** At the same time you guys were redoing the whole ditch and culvert. **Resident (906)** It was helping the guy behind us getting the water off his property that he bought knowing that, because he already built his house and whole nine yards when he bought the property, but now it gets it off his property and just floods it on to ours. Plus all the leaves that he rakes into it when it's raining. I got pictures. I'm like dude, it's coming into our yard. **Anthony Harrell** Our Association lot flows all the way down to the lake? **Shaun Diltz** Yes, there's some parking back there in the back of that cove. **Anthony Harrell** So I guess my question is, if we diverted water over there, how much ditching would we have to do down that lot to where it would start naturally flowing downhill down our lot. **Shaun Diltz** Yeah. And that's the thing, I want to go walk it and see it. But you're looking at 315' from the lake to the road. **Anthony Harrell** Some of that's got to be downhill, you know. **Robert Wittkamp** You could possibly. I'm just throwing things out here, if there could possibly be a ditch between our property and your property. If there was a ditch between our property and your property. Okay. And I don't how it goes about curving that water to the right, towards the association's lot. I'm assuming the sooner that happened, it would be better, then you would have to build up all of your lot to your driveway, I believe. But I think that's a possibility. I think that can happen. I don't know how that happens. As far as it goes, but I think just trying to give out ideas. I think that would be an idea as far as and then further on back, you may not have to do any ditching, depending on what you do with that portion of your yard or whatever, I don't know. You see what I'm saying. **Resident (906)** I mean, regardless, they're gonna have to be dirt work done, it's gonna have to be some kind of swell, some kind of low area. And there's an oak tree back there, if it gets us use to the backyard I don't care about the tree, you know, it's on our property, but it's in that 10' probably roughly off of our property. You know, if it's gotta go, it's got to go. I mean, it's just one of those things where we have no use of the backyard, when you get any kind of, you know, anything above a sprinkle. Because then we're taking everything. So it just, it's, you know, just crazy. And the amount of water is just unbelievable. I mean, I have video, if y'all give me an email, I could email you videos of literally the kids in a big tube, a 3-man tube that you'd get pulled behind a boat going down. That's how much water, how fast it comes down through there. **Jerry Allen** Based on the picture you showed us that's what it looked like to me, it was really flowing. **Resident (906)** Again, you know, it just our whole yard. It just trashes our whole yard. Oh, yeah, the back 15' is good. The first 10' maybe is good, but the whole middle is just nothing and it stays soft forever. **John Crotty** We're not going to settle this tonight. **Ty Van Ryswyk** But I think you also need to take into consideration a light rain or whatever you're saying. If we were able to do something that controlled that, you still got to be careful to the fact that nobody can guarantee when large rains come through that something's not going to flood a pool if you put a pool in or whatever I mean, I get your problem. I understand what you tried saying, you can make water go but water goes where it's going. You don't get to tell water to go without putting it in a closed pipe. That I'd be careful with but I'm willing to work with you. **Resident (906)** I mean, that's why we're here. We're wanting to work together, not against each other. You know, let's solve it together. Whatever. If dirt gets dug out, just dump it across into our property. I'll rent a piece of equipment and level it and build up our property. **Robert Wittkamp** We have dirt. **Resident (906)** So it's just, you know, we want to work together. And that's why

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we're not here at every meeting, stomping our feet, screaming, you know, we're just trying to stay in the loop. And, you know, let's go somewhere, if you want us to get it, you know, get an engineer involved it probably ain't going to get pretty because I know what my engineer already said. So you know, he says it's not my problem. See, cuz you changed the size of a pipe it now is your problem, didn't change the size of the pipe could have had it forever. **Anthony Harrell** Can we take a look at it and see if there's any way that we can divert some way over. **Rob Clarkson** I can ask Dennis to come here and give you his professional opinion. **Shaun Diltz** As far as I know, the Association is only responsible for getting water from one side of the road to the other. So anything that that we are working with you on it's, definitely more than what we have to. So whether the pipe size or not the pipe size was made because of that's what needed to get water from one side of the road to the other. **Resident (906)** So why did the association dig up all along the streets and replace culverts. **Shaun Diltz** To get water from one side of the road to the other. **Resident (906)** Sounds like that's getting water past people's driveway. **Anthony Harrell** It's to protect our roads. The water was standing on the road, causing the alligator effect on the roads and the roads deteriorate. In order to protect the roads, we had to get the water off the roads and into ditches. And then from the ditches, we got to get it out of the ditches and across roads. And since we increased the flow on the ditches, we had to accommodate for that, you know, now we got better water flow. We're hopefully protecting our roads without repairing them as often. But I understand, you know where you guys are coming from, and I think we can take a look at it. I think we can take a look and hopefully, you know, like Rob said, we'll have the engineer come in and talk to us and see if there's a way that maybe divert it over to our lot sooner. **Shaun Diltz** Yeah, and that's the nice thing about it is we do have this giant lot next to it. So there's opportunity to help out with it. **Anthony Harrell** And then maybe to help that take some of that free dirt and you know, maybe raise your sides. Even when you get a sprinkle, maybe you'll be able to mow your yard in three days instead of two weeks. **Resident (906)** That's it, it's just usability. **Tony Harris** Rob, can you look at the elevations and let us know how deep a ditch we'd have to put through there, so that it would drain into the ditch and go down. I'd be curious to know, are we talking a 2' ditch, a 5' ditch? **Rob Clarkson** You've got a 48" pipe, so you start with that.

Tony Harris Makes a motion to adjourn to executive session

Jerry Allen Seconds

All in Favor

Motion Carries

Meeting adjourned at 8:52 p.m.

Meeting Minutes submitted by Karla Suttles