

**Holiday Lake
Board of Directors Meeting
Thursday, November 8, 2007**

Members in Attendance:

Charlie Aiels, Audrey Brickman, Jim Clayton Jr. Larry Ehrig, Dale Howe, Amy Morrow, and Duane Selken were present.

President Jim Clayton Jr. called the meeting to order at 6:33 P.M.

Dale Howe read the Secretary's report from October 11, 2007.

Larry Ehrig read the Treasurer's report as of October 31, 2007.

Larry Ehrig read the current bills.

Jim Clayton Jr. asked that all sign a sign-in sheet as present at this meeting. This will be done at all meetings from now on.

Additions to the Agenda: Under Communications Received by the Board add: "Dennis Jones, fish quality and quantity."

Agenda: Larry Ehrig made a motion to accept the agenda with additions, Charlie Aiels, seconded, motion carried by unanimous vote.

Hearings: None

Secretary Report from October 11, 2007 Meeting. Under Old Business, I, change "4-wheel vehicle" to "motorized vehicle"; and B, add "per month assessment" in place of "added to their accounts." Under New Business, L, change the word "expect" to "except." Amy Morrow made a motion to accept the report with the changes. Duane Selken seconded, motion carried by unanimous vote.

Treasurer's Report Charlie Aiels made a motion to accept the report as read, Amy Morrow seconded, motion carried by unanimous vote.

Bills presented for payment: Audrey Brickman made a motion to pay the bills, Duane Selken seconded, motion carried by unanimous vote.

Maintenance Report: Kris Kempf reported that he's been working on a couple of culverts, some standpipes, ditches, and roads in general. His ankle is better.

Community Building Report: Steve Link reported that the rafters are up. (Applause) Herb Richards and John Kupka have been there giving help where needed. The septic and water will be put in next week. He is meeting with Tom Dvorsky at JeldWen about the doors next week. He intends to buy it, if necessary; JeldWen has already donated all the windows. Harden will put in the LP tank as soon as the grading is done. If anyone knows someone who can spearhead putting in the electrical 200-amp service, please let Steve know. The "Thank you" letters will be sent to the donors of the major materials in building the Center, but not to every single donor to the Fund. There is about \$49,778 left in the fund. Contractor, septic and electrical still has to be paid. More money is needed. The Board presented Steve with a check for \$7500 that has been in escrow from last year's budget collected from sticker fees.

Website Report: None

Security Report: Mark Baugh reported that an owner on Franklin had a hose stolen; a shed on Franklin had been broken into. There had been reports of Jehovah's Witnesses in the Lake area and they were asked to leave. Some campers and RVs were noted to have been left in place after the October 31st deadline. A golf cart has been reported riding around on Anglers Court Park.

Thursday November 8, 2007 Board meeting minutes continued:

Fish Report: Dick Osborne reported on prices for purchasing various fish. The best prices are from Bremer's: Grass carp \$6; (Another vendor would give them to us for \$10 a piece.) Blue gills \$0.30, \$0.40, and \$0.50 depending on size; Perch \$0.50. The fish people recommended putting in 10 grass carp/acre. He talked to the DNR and they concurred. Last year we put in 6/acre. Blue gills are reported to be a good size in the Lake at the present time. He needs to place an order right away. There is \$100 for delivery. It was decided that the Board would make a decision after the meeting on what should be purchased.

Water Quality Report: None, but Wendy Schwab had put out copies with facts about Conservation from NRCS.

Silt/Dredge Report: Duane Selken reported that there needed to be a decision made about the dredge. It appeared that there was too much work needed for repairs. It was decided to put the dredge away for the time being.

Rural Improvement Zone Report: Wendy Schwab reported that Robert Josten recommends waiting for a new Board of County Supervisors before the Board approaches it again. He thinks we should get a Holiday Lake person on the County Board of Supervisors.

Bath house/camping Report: It was closed November 5, 2007, finished for the season. Applause was given to Kathy Bennett for all of her work of this past season.

Old Business:

A: ATV Trail - Tabled until January meeting.

B: Newsletter - It is being sent out this week.

C: Age Limit - The attorney is working on the wording for this.

D: Bid on the Ditch at Unit 4 Lot 298, no motion made.

E: Bid on the Culvert for Tracy Drive is \$2477 by Faas. Charlie Aiels made a motion to accept that bid, Duane Selken seconded, motion carried by unanimous vote.

F: The change in the Nuisance resolution was read by Audrey Brickman. Audrey Brickman made a motion to accept the changes in the Nuisance Resolution, Charlie Aiels seconded, motion carried by unanimous vote.

RESOLUTION RE: NUISANCES

WHEREAS, the Board of Directors of Holiday Lake Lot Owners' Association is empowered by its bylaws, and by a decree of the Iowa District Court for Poweshiek County in cause of action Z26-149-153 styled Ted Stevens, et al., Plaintiff v. Wayne Whitmer, et al., for the broad and general government of Holiday Lake and,

WHEREAS, the Board has determined that it is in the best interest of Holiday Lake, its lot owners, members, and others to define and regulate the presence of nuisances anywhere and everywhere on Holiday property whether on the common areas or property privately owned and whereas there has proven to be no effective mechanism undertaken to date which provides for the proper definition and elimination of nuisances on Holiday Lake.

It is therefore unanimously RESOLVED as follows

1. A nuisance is whatever is injurious to health, indecent, or offensive to the senses, and obstructive to the free use of private property on Holiday Lake provided such free use is consistent with the restrictive covenant, bylaws, or rules lawfully adopted by this Association through its Board of Directors, or any object on or use of land or activity on the land which is violative of any of the restrictive covenants, the bylaws of this Association or any rule lawfully adopted pursuant to such bylaws.

Thursday November 8, 2007 Board meeting minutes continued:

2. The following are per se nuisances:
 - a Anything deemed a nuisance by Section 657.2 of the 2007 Code of Iowa or similar provision of Iowa law as these may, from time to time, be amended but only to the extent that anything defined as a nuisance therein may be present on Holiday Lake.
 - b Any recreational vehicle or camper, which is parked for more than five (5) days in violation of Holiday Lake Subdivision Covenant Change four (4), adopted, effective as of April 1, 1992.
 - c Any object which obstructs or encumbers any roadway or the free use of any common property on Holiday Lake.
 - d The dense growth of weeds, vine, brush or other vegetation in violation of any applicable restrictive covenant, bylaw or rule adopted pursuant to resolution of this Board of Directors.
 - e Any junk, debris, garbage or unusable appliances kept outside a residence.
 - f The collection or storage of offal, filth or noisome substance in any place on Holiday Lake in violation of any restrictive covenant, provision of the bylaws or rule adopted pursuant to resolution of the Board of Directors of this Association.
 - g Any junk vehicle. The Poweshiek County Nuisance Vehicle Ordinance shall be enforced on Holiday Lake with the enforcement procedures provided therein in addition to any enforcement rights afforded to Holiday Lake under applicable Federal, State or Local Law, Holiday Lake covenants and restrictions, corporate bylaws, or this or and other resolution.
 - h Any building or other structure which is dilapidated.
 - i An unleashed pet. Animals/Pets (Dogs, cats, etc.) running loose and or unrestrained will be : reported to Poweshiek County Sheriff Department.

RESOLUTION RE: NUISANCES

3. When the Board learns from any source to its satisfaction of the existence of a nuisance, the following procedure shall be implemented immediately.
 - a. The due process set forth in Article XII of the bylaws of the Holiday Lake Owners' Association, Inc. shall be utilized to notify the offender of the existence of the nuisance and to allow the offender an opportunity to eliminate the nuisance within the time frames set for the in the first sentence of Article XII (G) of the bylaws of the Corporation.
 - b. In the event that the remedial action is not taken as agreed by the parties or as directed by the Board of Directors, the Board of Directors shall, without further notice to the offender, cause the nuisance to be abated.
 - c. Cost of effectuating the abatement shall be borne by the offender who shall be sent a notice of the cost incurred by the corporation in effecting the abatement.
 - d. If the costs incurred by the corporation are not paid within thirty days after the notice is sent to the offender the corporation shall proceed, as appropriate, by small claims procedure or by regular procedure to obtain a money judgement for the cost of the abatement to include any judgement for reasonable attorney's fees incurred in reducing the offender's obligation to judgment. Such a judgement shall constitute a lien for labor and materials furnished to such lot, all as authorized in Section 572.1 of the Code of Iowa and by decree of the Iowa District Court for Poweshiek County and dated March 31, 1981 in cause of action Z26-149-153.
 - e. Cost of abatement shall include cost incurred by the corporation in storing any items or items of personal property, which constitute a nuisance under this resolution.

Thursday November 8, 2007 Board meeting minutes continued:

- f. The corporation may, in addition to any other remedy available to it, proceed by an action in equity to seek injunction relief restraining and prohibiting the offender from resuming, continuing or perpetuation a nuisance under pain of contempt of court. Holiday Lake Lot Owners' Association, Inc. is not obligated to choose among several remedies available to it under this resolution or under the laws of the United States or the State of Iowa or of any subdivision thereof but may proceed simultaneously to use multiple remedies to eliminate the nuisance.

657.2 WHAT DEEMED NUISANCES.

The following are nuisances:

1. The erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture, which, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health comfort, or property of individuals or the public.
2. The causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
3. The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
4. The corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
6. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, places resorted to by persons participating in criminal gang activity prohibited by chapter 723A, or places resorted to by persons using controlled substances, as defined in section 124.101, subsection 5, in violation of law, or houses where drunkenness, quarreling, fighting, or breaches of the peace are carried on or permitted to the disturbance of others.
7. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard, or alley or of a railroad or street railway track as to render dangerous the use thereof.
8. Any object or structure hereafter erected within one thousand feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
9. The depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by dealers in such articles within the fire limits of a city, unless in a building of fireproof construction, is a public nuisance.
10. The emission of dense smoke, noxious fumes, or fly ash in cities is a nuisance and cities may provide the necessary rules for inspection, regulation and control.
11. Dense growth of all weeds, vines, brush, or other vegetation in any city so as to constitute a health, safety, or fire hazard is a public nuisance.
12. Trees infected with Dutch elm disease in cities.

[C51, § 2759, 2761; R60, § 4409, 4411; C73, § 4089, 4091; C97, § 5078, 5080; S13, § 713-a, -b, 1056-a19; C24, 27, 31, 35, 39, § 5740, 5741, 6567, 6743, 12396; C46, 50, § 368.3, 368.4, 416.92, 420.54, 657.2; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 657.2]
92 Acts, ch 1163, § 116; 92 Acts, ch 1231, § 56; 95 Acts, ch 195, §35; 98 Acts, ch 1072, § 1

G: Powell Shelter Usage Regulations was changed to show the new fees assessed.

Powell Shelter

Objective:

Thursday November 8, 2007 Board meeting minutes continued:

Establishes the requirements and classification of use of Powell Park Shelter owned by Holiday Lake Maintenance Company.

Applicability:
Powell Park Shelter

Revision Summary

Date	Revision	Comments
January 12, 2006	-	Initial Procedure
Revised: October 11, 2007	A	Add usage charge and deposit

Definition

- 1.1 Use of Powell Park Shelter located in Unit Five in the Holiday Lake Subdivision.
- 1.2 Use of Powell Park Shelter is for Holiday Lake Lot Owners who are in good standing with all fees paid to current date and their guests.

General

- 2.1 Powell Park Shelter is to be reserved in advance at the Holiday Lake Maintenance Office during normal business hours.
- 2.2 Powell Park Shelter will be reserved on a first come basis.
- 2.3 Powell Park shelter is open from 8:00 a.m. to 10:00 p.m. from Memorial Day to Labor Day and may be opened earlier or later in the season depending on the weather.
- 2.4 Vehicles are not allowed in the Park except to load and unload supplies and provide transportation for those unable to walk to and from the Powell Park Shelter. Vehicles must be removed in-between times.
- 2.5 No fires are allowed in Powell Park.
- 2.6 Person reserving the Powell Park Shelter shall provide trash receptacles and removal of the trash receptacles.
- 2.7 Person(s) reserving the Powell Park Shelter he/she is responsible for clean up afterwards. ~~A corporate assessment will be assessed to the lot owner if Holiday Lake Maintenance personnel determines that additional cleaning is required~~
- 2.8 Holiday Lake personnel will lock the restroom and turn off the electricity at 10:00 P.M. unless other arrangements have been made in advance.
- 2.9 \$50.00 non-refundable charge for use of Powell Shelter that is due when shelter is reserved.
- 2.10 A \$50.00 deposit is due when Powell Shelter is reserved. It will be refunded after the event has taken place and cleaned to the Holiday Lake Maintenance personnel specifications.

New Business:

- A:** Vertical Blinds for the office. Wendy Schwab presented an estimate for blinds that would match what is presently on one of the windows. The estimate was \$671. The issue was tabled, pending further bids.
- B:** A new Security system of cameras has been installed in the Office. It is a safety issue, since some of the people who come into the Office have been in trouble with the Law.
- C:** A letter from the McMahan family has been received in response to a letter that was sent Mary McMahan last month. Since it was not signed, it will not be dealt with.
- D:** A warning letter was sent to Gregory Johnson about dogs that were loose and unattended.

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- E:** A letter was sent to Pat Johnson requesting that a dual wall culvert be installed instead of the single wall that is there.
- F:** Brian Nicholas, golf cart violation. Jim Clayton Jr. read a letter sent to Nicholas defining an assessment levied. A warning letter is not being sent first, as it is a clear violation of posted rules.
- G:** A list has been made of the Campers that have been left parked on lots. Letters will be sent that notify the owners of a fine of \$75 now and \$150/month until removed. The amount was decided upon so that it would be higher than the rent the owner would need to pay somewhere else.
- H:** There have been 22 fish structures constructed and placed in the lake. There is a map available that shows approximately where they are located. Pictures of the structures were available. Arlen Faas donated the center part of each structure and the rest was purchased out of the fish fund.
- I:** There is a new form for the 2008 Personal Auto Vehicle stickers. Next year there is a limit of 4 stickers per lot owner. This is to prevent owners from having several they can give to non lot owners.

Communication received by the Board:

- A:** Darryn Abben was present to address the fish committee. He read from the August meeting minutes that indicated approval and thanks for the fish donation made by the Poker Run participants. He didn't feel that the Board was acting fairly in not allowing new fish to be put into the Lake by these people. He quoted other sources that stated that it was a good time to put the fish in. He stated that more people would like to be on the fish committee, rather than having only one person on it. There was a discussion of when fish have been put in and whose advice is acted upon. A sheet showing the history of fish additions to Holiday Lake since 1983 was circulated. ~~There was a discussion of Owners expressing feelings at previous meetings that were critical of how the Board was adding fish~~ It was noted that the Poker Run donors had purchased and put in walleyes, some of which have been caught recently by anglers and are over a foot long now. Jim Clayton Jr. stated that it was good that they were in the Lake, but not good that trouble was caused by the way they were put in. The Board stated that donors can specify what their money will be used for, e.g. the kind of fish. Charlie Aiels requested that the remaining donations of the Poker Run be deposited in the fish fund. A paper was circulated for people to sign if they wished to be considered for the fish committee. Gene Prusha stated that he would like to be on the committee and thanked Dick Osborne for his work, especially with the DNR. ~~Dick Osborne acknowledged being hurt by comments made in August and had offered to resign the position at that time~~ ~~He Dick~~ has donated a lot of time and money to this committee. Jim Clayton Jr. urged people to come to the Office with what they think is needed ~~Darryn Abben apologized if any offense was taken~~. A complaint was raised about the spraying of the shorelines during spawning season.
- B:** Dennis Jones, fish quality and quantity - His concern was taken care of in the previous item.

Our next board meeting will be December 13, 2007, at 6:30 P.M.

Motion to adjourn was made by Amy Morrow, seconded by Audrey Brickman, motion carried by unanimous vote.

Meeting adjourned at 7:45.

Minutes taken and typed by Dale Howe, Board Secretary.

Dale Howe - Holiday Lake Board Secretary

Attest to:

Jim Clayton, Jr. - Holiday Lake Board President