

BIG COUNTRY ACRES SUBDIVISION  
ANNUAL MEETING  
September 21, 2008

The Big Country Acres subdivision homeowner's annual meeting was held at the lake common ground on Sunday, 09/21/08. The following were present: Tim & Reneta Roe, Nick & Kelley Fargo, Mark & Jill Lord, Brett & Patty Counter, Fulvio & Colleen Franzi, Doug & Robin Barton, and Paul Stern. No voting proxies were submitted.

The meeting was called to order at 4:03 PM by Nick Fargo. Tracey Henry, secretary, was absent due to illness, so Reneta Roe took the minutes for this meeting. Fulvio Franzi made a motion to approve the minutes from the 2007 annual meeting, was seconded by Jill Lord, and this was approved by all.

**Financial Report** - The financial report was given by Tim Roe. There is approximately \$2,700 in delinquent assessments that have yet to be paid. One property owner owes assessments from 2006, 2007, and 2008. Wheaton & Associates is currently processing a lien for annual assessments due from 2006 & 2007.

As for water payments, over \$2,000 is still due from 5 different property owners (one property owner did pay for both water and assessment before the meeting). Another property owner owes for water bills for part of 2006, all of 2007, and all of 2008.

**Water Upgrade** - The water system upgrade was given by Tim Roe. In 2007, almost \$5,000 was spent on engineering. In 2008, so far the cost has been \$32,194. There is still approximately \$15,000 left to pay on the project. The total cost for the project is estimated at \$52,528, including payments already made and future expenses. The cost has gone up on the project due to overall higher prices, engineering costs have gone up, and we have a bigger tank than originally planned.

However, some costs have been held down by volunteers. We received 2 bids for construction of the pump house for labor only. One bid was about \$4,800 and another bid was about \$4,200. Since the project was over budget and our cash flow was questionable, individuals who had already volunteered for the project and a couple of new recruits took the project on for free. The following property owners donated their time and talent to save the subdivision at least \$4,200: Mark Lord, Fulvio Franzi, Ron Buchheit, Red Coleman, Don Brown, and Tim Roe. A big thank you goes to the volunteers, who saved each property owner \$120-\$150 per lot because they volunteered to pour the concrete floor and build the pump house.

**Flood** - The dam was breached by the flood over Memorial Day weekend. A large stump caught on top of the drain grate of the dam, partially blocking the flow of the drain. In addition, trees and logs caught in the spillway and hampered the flow of water from the lake. Chunks of sod from in front of the leaks on the east side washed away. Almost \$2,000 was spent on bobcat work and replacing gravel and rock along the roads.

When the dam was repaired in 1999, the spillway was supposed to be lower, but there was solid rock. Part of the reason for the flooding this year was because the spillway should have been lower, plus the spillway went uphill, then down, causing the water to take longer to go through. A jackhammer/bobcat was used this summer to bust the rock and lower the spillway by 6"-12"

and the plan is to have another 6" removed in the future. The lake can go up about 4 feet before going over the dam, and by lowering the spillway, we have gained almost another foot of relief. The water also now moves quicker since it does not have to travel uphill through the spillway.

On Sunday, September 14, the lake level was high once again, this time to within a foot of the top of the dam. This time, a work crew prepared for the heavy rains by pulling logs and large limbs out of the lake in advance. The spillway ran more efficiently and unobstructed and the drain remained mostly clear. Once the rain ceased, the lake appeared to empty at the rate of about 10 inches per hour.

Two engineers have come out to meet with members of the Lake Committee to discuss possible remedies for future breaching of the dam. It is abundantly clear that if the dam breaks, it will be extremely expensive to rebuild this time. The company we were most comfortable with gave us an estimate of \$4230 just to survey and develop a drainage area map, then an analysis and report. This cost does not include actual work or engineering for any potential remedies. It was generally agreed that this problem needs to be taken seriously for a variety of reasons, including but not limited to subdivision liability, safety, and property values. For these reasons, Robin Barton will invite two more companies to give us estimates on analysis of our situation.

All property owners in BCA can help maintain the integrity of our dam and future of our lake.

- Vehicles should NOT be on the dam unless being used specifically for maintenance tasks.
- If you are called to help a work party with clearing the lake of logs, please assist if you are able. If you would like to offer your help in advance, please call the Barton's at 332-9960.
- Lakeside owners should please keep logs and debris above the high water mark and out of known drainage areas on your property. Secure boats, tables and other equipment below the high water mark.

**Dam Recommendations** - Research has been done regarding other ways we as a subdivision can maintain the integrity of the dam. In general, the dam embankment should be free of trees and woody vegetation because the root systems go too deep and will leave voids when the trees/plants die. Furthermore, they will create too much shade for short perennial grasses that are recommended and make it difficult to make inspections of the dam. Therefore, the Bartons recommended that we mow the top and back of the dam more frequently and seed with grass in the fall while there is still time for seed germination. Hopefully, this will naturally allow the grasses to better compete with the tall perennials that are taking over.

In addition, there are some low spots on top the south end of the dam which collect and hold water when the ground is saturated. These areas should be graded such that water will runoff to either side, and then the ground should be seeded with grass.

Due to the wet weather we've had this year, the back of the dam has only been mowed once, so weather permitting, it will be mowed 2-3 times each year. Robin Barton will pre-cut and spray the woody vegetation before the dam is mowed to help prevent the vegetation from growing back. Grass seed will be put down in mid-October after the next mowing.

To help the overflow drain, it was discussed instead of having one flat grate, to have a box with a grate on all sides, which will be less likely to clog. Mark Lord offered to construct a new grate.

Patty Counter questioned if moles are damaging the dam. We do have problems with muskrats and beavers and property owners are encouraged to eradicate either of those. Robin Barton mentioned about the possibility of live trapping and relocation.

Fulvio Franzi questioned our insurance coverage for the flood damage along the roads. We're thinking we have just liability coverage, but a trustee will check into that.

**Road Sealing** – The sealing was originally in the budget for fall '08. However, due to the extra costs for the water tank upgrade, the flood damage expenses, and the fact that several owe assessments and water bills, if we did do the sealing as planned, there will only be approximately \$967 left in our account. The trustees are not comfortable with that low of an amount in case another emergency were to occur, therefore the sealing will not be done this year and will hopefully be done in 2009. Last year we received a bid of approximately \$17,000, but the cost is probably higher now. If there is not enough money next year, there may be a special assessment proposed to complete the job.

Expenses are expected to increase in areas where volunteers have normally provided free labor. On August 23, trustees were working on the flood damaged road shoulders and doing some cleanup activities where gravel was being cleaned off the road. The primary purpose of the clean up was to clear the gravel from the areas where shoulder work had been done the week prior. Incidentally, the cleanup also included the road areas near several gravel driveways where gravel had crept out onto the road. It is important to note that this clean up effort was strictly confined to the road and no clean up work was done on anyone's property. Unfortunately, one homeowner was very upset that gravel was moved from the road back onto his gravel driveway. No complaints were received from the other four homeowners where gravel was also moved from the road back onto their gravel driveways.

Direct aggressive verbal assaults and threats on anyone are not acceptable. So, in light of all this, the board is planning to hire out work normally done by the trustees and other volunteers, such as road crack filling and salt spreading. However, if someone would like to volunteer for this work, such as crack filling and salt spreading, please contact a trustee.

**Increase/Decrease** – The current assessment is \$320 per year. The trustees presented raising it to \$400 per year to cover the cost of living increases and to help cover other unplanned expenses, such as the flood damage repairs and improvements to the lake dam. It has been at least 6 years since the last increase. Plus, if the subdivision will be hiring out jobs such as salt spreading and road crack fill, the account needs more money to pay for these jobs.

However, the trustees also presented lowering the water payments from \$90 quarterly to \$70 quarterly. Since the upgrade will be finished this year, and the raise was put into effect to help pay for the upgrade, they felt the water payment could be lowered. The water account is kept separate from the general account, and while money can be “transferred” from one account to the other, it seems more logical to keep those monies separated.

A motion to approve amending the by-laws to increase the annual assessment to \$400 was made by Fulvio Franzi, seconded by Jill Lord, and was approved by all with one vote abstained. This will go into effect with the 2009 assessment.

Therefore; ARTICLE VIII: ASSESSMENTS will be amended to read as follows:

A. The initial annual assessment shall be \$400.00 per lot, provided, however, that such assessment may be increased for any assessment year by an amount which is equal to the percentage increase in the Consumer Price Index for All Urban Consumers, All Items Figure as published by the United States Department of Labor Statistics, as indicated by the last available Index published prior to the assessment year over the corresponding last available Index published prior to commencement of the first assessment year hereunder. The Trustees may, after consideration of current costs and anticipated needs of the lots subject hereto, fix the actual assessment for any year at less than the maximum herein authorized.

A question was raised about if a quorum was required for voting. According to the by-laws, it only takes a majority of votes cast.

A motion was also made to lower the water bill from \$90 to \$70 quarterly by Patty Counter, was seconded by Robin Barton, and was approved by all. For those who pay a regular water bill, your total yearly costs will not change. Since the annual assessment is increasing by \$80, the water bill is also decreasing by \$80 per year, resulting in a wash.

**Water Bill Late Fees** – There has been no incentive to pay water bills on time other than not being allowed to vote, so the trustees implemented a pilot program this year to charge late fees on past due water bills. The late fee was developed using DNR guidelines and levying our by-law with respect to ARTICLE XI, section B. Generally, this program has worked and trustees have received more water bill payments than in the past. For those property owners that owed water bills from 2007 and prior, the trustees gave them six months notice, until August, to pay the past due bills with no late fees, which was 10% per month.

Due to the late fee program being generally successful, the trustees suggested to amend the by-laws to have the same wording for the water bills as it is in the assessment section in regards to late fees. This would put the late fee in more detail in the by-laws and make it consistent with the annual assessment. The by-law amendment proposal would require the following two new sections to be added to ARTICLE XI: WATER SERVICE:

C. If any **water service charge** is not paid on the due date, as established by the Trustees, then such **water service charge** shall become delinquent and shall, together with such interest thereon and costs of collection thereof as hereinafter provided, thereupon become a continuing lien on the lot involved, which shall bind such lot in the hands of the then owner, his or her heirs, devisees, personal representatives, successors and assigns. In addition to such lien, the personal obligation of the then owner to pay such **water service charge** shall remain his personal obligation and shall not pass to his successors in title, unless expressly assumed by them.

D. If any **water service charge** is not paid within thirty (30) days after the delinquency date, such **water service charge** shall bear interest from the date of delinquency at the rate of twelve percent (12%) per annum, and the Trustees may bring legal action against the owner personally obligated to pay same, and, in addition, may execute and acknowledge an instrument receipting the levy of the **water service charge** with respect to such lot and cause same to be recorded in the Office of the Recorder of Deeds of St. Charles County, and thereafter institute any appropriate legal action to enforce such lien, including, without limitation, by foreclosure and public sale. Upon payment, the trustees shall execute and record (at the expense of the owner of the affected lot) a release of such lien. All costs, including reasonable attorney's fees, incurred by the Trustees in enforcing the payment of any delinquent **water service charge** shall be paid by the lot owner in default and the amount of such costs, including reasonable attorney's fees, shall be a lien against the lot involved until paid.

There was discussion about changing the by-laws and what is legal. A motion was made to make the above proposed amendment to the by-laws by Mark Lord, was seconded by Robin Barton, and was approved by all with one vote abstained. After review of the by-laws, those who questioned the legality of the amendments were satisfied with the process and outcome.

**Water Testing** – Robin Barton said all water tests have been good, with the exception of the test that she did previous to the annual meeting. Coliform was present in that sample, which she contributes to dropping the cap on the floor. She will be doing various samples within the week to clarify that sample.

A new tester is needed to do the water samples beginning in November. Please contact a trustee if you would be interested in doing so.

**Lake Report** – It was checked into DNR stocking the lake. They suggested that we do creel counts, then they will tell us what fish are needed. Aquatic Control, the company that helped us with the algae problem, has an electrical shocker to count the fish in the lake, so we could possibly get a bid from them on that.

**Water Upgrade Status** – We are waiting for Lincoln Pump to finish the interior. The siding has been delivered. When Lincoln Pump makes the final hookup to our water line, chlorine will be used to sanitize the system. A sign will be put at the subdivision entrance to warn homeowners of the chlorine, mainly for the purpose of people with fish aquariums. We will be going from a 300 gallon tank to a 4,000 gallon tank.

**Curfew** – The curfew of 10:00 PM at the common ground appears to be effective. There has not been property damage and/or loud music since the sign was put up and the curfew put into effect. Also, we have not seen the problem with littering that we saw prior to the curfew. A vote was taken to see if we should keep the curfew. The vote was unanimous to keep the curfew. If anyone notices problems with breaking of the curfew, contact the police.

**New Business** – Prior to the meeting, a suggestion was made to line the dam with more big rock. However, this was not a positive feedback from those that have given us recommendations. This work will be deferred.

**Garage Sale** - A number of families have agreed to hold garage sales on the same day, Saturday, October 18, beginning at 7:00 a.m. If you would like to hold a sale that day, or if you don't have many items but would like to "share" a sale with someone, please inform Robin Barton at 332-9960 so that the correct number of homes participating can be listed on Craig's List and in the newspaper. If you have any specific items that you would like to have advertised, email your list to her at [RobinBarton@IntegriTivity.com](mailto:RobinBarton@IntegriTivity.com).

**Trustee Incentive** – Due to the lack of interest in becoming trustees and as a way to reward trustees for all the time they donate to the subdivision, a suggestion was made that the trustees should only have to pay half of their annual assessment. A motion was made by Jill Lord that future trustees may only pay half of their annual assessments during their trustee term. This was seconded by Mark Lord and was approved by all with one vote abstained. This will become an amendment to the by-laws and effective for 2009. ARTICLE VIII: ASSESSMENTS, will be amended as follows:

A. The initial annual assessment shall be \$400.00 per lot, provided, however, that such assessment may be increased for any assessment year by an amount which is equal to the percentage increase in the Consumer Price Index for All Urban Consumers, All Items Figure as published by the United States Department of Labor Statistics, as indicated by the last available Index published prior to the assessment year over the corresponding last available Index published prior to commencement of the first assessment year hereunder. The Trustees may, after consideration of current costs and anticipated needs of the lots subject hereto, fix the actual assessment for any year at less than the maximum herein authorized. **Trustees will only be required to pay half (50%) of the current annual assessment during their trustee term.**

**Volunteers** – Special thanks to the many people who have helped with tasks around our subdivision so that we can avoid hiring expensive contractors that we would all have to pay for. Robin Barton suggested compiling a list of all volunteer activities for the year (2008) to give those who have helped credit, where credit is due.

**New Trustee** – Tim Roe stepped down as treasurer after completing Steve Hyink's term. Nominations were requested, and Mark Lord nominated Henry Miller, with a second by Kelley Fargo. This was approved by all by acclamation. Since Henry was not present at the meeting, he will be contacted to see if he will fill the open position.

**Adjournment** – A motion to adjourn the meeting was made by Colleen Franzi, seconded by Patty Counter, and was approved by all.

## Volunteer Recognition for 2008

Memorial Day Dam/Lake Cleanup – Ron Bucheit, Tim Roe, Nick Fargo, Robin & Doug Barton, Brett Counter, Roger Madry, Paul Ritchie, Mathew Leudecke

Memorial Day Flood Damage Control – Bret Counter, Doug and Robin Barton (and Robin's father), Nick Fargo, and Tim Roe

Dam Spillway Evaluation/Change – Nick Fargo, Tim Roe, Doug and Robin Barton

Sept 14 Lake Cleanup – Robin Barton, Roger Madry, Billy Counter

Grass Mowing (common ground areas and lake dam) & Weed Whacking – Nick Fargo, Mark Lord, Fulvio Franzi, Doug Barton, Jim Neubauer and family, and Russell Littlecreek.

Water Testing – Robin Barton

Snow/Ice Removal and Salt Application – Tim Roe, Tyler Roe, Nick Fargo, Doug Barton

Road Repair – Fulvio Franzi, Nick Fargo, Abby Roe, and Tim Roe

Tree Trimming – Tim Roe, Trevor Roe, and Tyler Roe

Water System Upgrade – Mark Lord, Fulvio Franzi, Ron Buchheit, Red Coleman, Don Brown, Tyler Roe, and Tim Roe

Entrance Sign Repairs – Nick Fargo, Tyler Roe, and Tim Roe

Subdivision BBQ – Darin and Lori Smith

We did our best to mention everyone who has helped out this year. However, if we missed acknowledging anyone, we do apologize.