

# LAKE OGEMAW SUMMER RESORT ASSOCIATION

## BOARD OF TRUSTEES MEETING

Date: September 16, 2023

Rick Sinclair opened the meeting with the Pledge of Allegiance.

**ROLL CALL:** Rick Sinclair (present); Frank Barretta (present); George Buhler (present); Jaime Ibarra (present); Brent Gilbert (present); Greg Quigley (present); Susan Kiwak (present). There is a quorum.

A motion was made by Rick Sinclair to approve the minutes of the August 19, 2023, Board of Trustees meeting. Frank Barretta seconded the motion only if the following statement was put back into the minutes. (Frank wants this statement left in to be upfront and honest, short-term rentals already operating may be grandfathered in, but we are not certain at present time). The motion was carried unanimously.

A motion was made by Rick Sinclair to approve minutes of August 26, 2023, special Board of Trustees meeting. Frank Barretta seconded the motion, and it was unanimously carried.

Treasurer's Report - Frank Barretta did a power point presentation to explain the budget. The fiscal year is from July 1 - June 30, 2024, while the calendar year must be started January 1st, 2023. To change the budget and treasurer's report to a calendar year we must have a vote of the membership and change in our by-laws.

The dues sub-total collected from Jan. - July 2023 are \$220,218.20. Misc. sub-total for the same period is \$34,356.40, and total income is \$269,874.60. In the month of August, we have collected \$10,690.67 in dues, misc. Sub-total is \$2,108.96, and the total income for the month of August is \$12,799.63. Continuing with the month of August the general expenses sub-total is \$3,303.50; the lake main sub-total is \$37,467.25; property management sub-total is \$3,831.48; dock expenses maintenance is \$729.81; and total expenses were \$45,332.04. General Savings CD total is \$159,525.91 and the Dam & Spillway CD's total \$107,527.22. In April of this year the delinquent accounts were at \$53,502.80, the account is now down by \$12,000. Frank explained that in November and December, January and February, the association's expenses are down, and he would like to move some funds into higher interest checking accounts. He has made calls to banks and likes "Live Oak" as everything can be completed online with two signatures. They are very flexible, and as much as 250K can be moved daily. We cannot move money around as easily at Mercantile, and we were charged \$5. /Month for an account they considered dormant. Mercantile is giving us credit for the \$5.00 past charges. The next page is for Mrs. Adamski with all the activities, expenses and profits broken down. Cable for events will be moved to utilities next month. George stated that the \$12,000. collected for this current year in the delinquent account is a little misleading. Frank stated that he was asked to give a little more detail, something more extensive, and we haven't changed from a fiscal year, so he picked the date of January 1st, 2023. The board has made a motion to change it to a calendar year but, this must be put to a vote by the membership before changing by laws. There is \$188,853.95 left in the 2023-2024 budget that Frank would like to move into an interest-bearing account. Frank has had very positive recommendations from other associations using Live Oak and both our president and the treasurer would be on this account.

Frank Barretta made a motion to create an account with Live Oak. Jaime Ibarra seconded the motion, and it was unanimously carried.

**OLD BUSINESS:** Rick Sinclair explained that we need a very specific program for the company working to make our two Lk. Ogemaw signs. Frank is working on changing the graphics from a PDF to another format for the two entrance signs.

The electronic gate is totally operational and swipe cards for the card reader are being corrected. We will switch out the fisheye camera to Ring so we can narrow the field of vision much better and Ring has better storage and records longer.

Dredging on Raven Park - we have the permit to do the work, but Swanson's has declined as they do no dredging. Jeff Miller hasn't answered as of now, and we will call Lynch Excavating before the ice comes. We would also like the docks removed at the time of dredging.

Past Due Accounts - Rick Sinclair sent a letter out to all members that are over 1 year past due and have over \$1,000. overdue. He sent all letters on August 17, 2023, registered mail and all members have just 30 days to respond. We had 3 bad addresses, and they will be turned over to an attorney. LOSRA by laws state that the person being sued for past dues is responsible for all attorney fees.

Rick Sinclair made a motion to send out a letter to all members asking if they want us to work with our attorney to limit short term rentals. George Buhler seconded the motion and it passed. Frank Barretta was the only dissenting vote.

**NEW BUSINESS:** Sheriff Brian Gilbert stated that the Ogemaw County marine patrol worked 168 hrs. Between May 26 and September 3, 2023. They had 84 contacts, 26 were for navigational rules; 31 registration violations; 5 careless driving; and 11 personal flotation device violations. There were 4 citations for boater safety cards. Sharon Simas asked if there were any citations for 'no wake' within 100 ft. of shore. Mary Buyze stated that her swim raft to the shore is exactly 100 ft., and that 100 ft. is from shore, dock, swimmer, or boat. He asked if the association wants more tickets written and the board members started to use the officer's discretion, but please do stop jet skis being totally stupid. Sheriff Gilbert stated that all warnings are logged in and after 1 warning individuals are given a ticket.

Final wording on membership letter/vote for short term rentals - rough draft number 2 should the trustees of LOSRA work with our attorney to prohibit short term rentals both new and existing? Rick Sinclair stated the issue is if we prohibit existing ones, we have to prohibit all. George Buhler said Sommer Dorf was formed in 1968. George has called Joan Bischoff, but she is not responding. He is trying to find recorded documents saying that Sommer Dorf is incorporated, and no other resorts are allowed in corporate jurisdiction. Mary Buyze stated that Ron Atkinson has done research on the deed restrictions currently in existence, and various sub- divisions within Lake Ogemaw. Brian Gilbert suggests the str are making the lake grow too fast. Rick Sinclair stated that when we send out ballots, we send over 750 to the members. This means that we can receive up to 1500 votes. Rick Sinclair says it is very important to get the input of the members to tell the board what direction to go. This is expensive and he suggested that we table this until we get information on Sommer Dorf and work with Ron Atkinson on what information he has already obtained. George stated that section 2:20 of the by-laws states that a renter is not a member; **28 days or less is a short-term rental.** You can log on to VRBO and find advertisements for str on this lake, advertising as a commercial business, advertising great fishing, swimming, and boating all on a private

lake. Brent Gilbert suggests that 2 people from the board work with the attorney asking questions. Rick Sinclair sends a written question and gets a written answer back to the board all on the lawyer's letterhead.

Frank Barretta made a motion to table the issue about working with the attorney until we have more information from Sommer Dorf and Ron Atkinson. Rick Sinclair seconded the motion, and it was defeated 4-3. Bob Nagle made an observation about the strs, he stated there are relatively few complainers, and wants to know if this is a critical issue. He noted that it doesn't sink in until it affects you. Data shows that current trends of buying residential properties are approaching 30% from corporations buying up the properties. This number is going to continue going up and he is trusting the board to protect his investment as this can become a long-term issue. Bob also wants to know why the board needs membership approval to speak with an attorney. Dan Fokle stated that there are 23 rentals advertising commercially, and most of the complaints are about boat activity on the lake. Years ago, all boats were registered and given a sticker so we knew who was supposed to be on lake Ogemaw, and who might be a guest.

Rick Sinclair made a motion to send a letter of the second draft with this wording to the membership explaining some of the issues that have been brought to the board concerning short term rentals. George Buhler seconded the motion and it passed 6-1. Frank Barretta was the only no vote.

Rick Sinclair reiterated the fact that we have the potential to spend lots of money on attorney fees. We must ask members their opinion and do they want us to change LOSRA bylaws to restrict short term rentals. Can we stop the present strs? Every question cost approximately \$1200. And before we take on this expense, we must know what the members want us to do. In this mailing we want to include the question of changing from a fiscal year to a calendar year, and to do this we must change the bylaws in 3 different areas. This must be voted on by the membership. The motion to do this passed in August 2023.

### **Committee Reports:**

**Lake Coordinator/Maintenance** - Mike Seabolt stated the lake is quiet, there is no more major spraying to be done. On September 25th the lily pads will be sprayed. This cost \$150. for a 10 x 40 area of your property. The surveyors will be out for the dam inspection in the spring. We must put drain tubes in by the dam for the wet spots at the base of dam, our dam is 36'.

**Fish Committee** - Jaime Ibarra stated he has 10 men on the fishing committee, nine are active fishermen. He contacted both Imlay City and Harriet Hills for fish and prices. He chose Harriet Hills because they will give him two weeks notice of when the fish plant will be. He has money left for spring and plans to put in 1 species each year and minnows. The DNR and fisheries say it is better to plant only 1 species at a time. He doesn't plan to put in any walleye the next few years and will wait to see how the population is doing. This fall they will put in crappies and flathead minnow. Next year they hope to put in perch if the fisheries can provide the right size. The following year they hope to put in bass. The fish plant this fall will cost \$3,246.78. George Buhler made a motion to approve Harriet Hills fish plant at a cost of \$3,246.78. Rick Sinclair seconded the motion, and it was carried unanimously.

**Parks Committee** - Chris Craib stated that the maintenance crew did a very good job this year keeping all brush down. Right now, they are looking at the condition of picnic tables and planning to place some of the older tables in parks that could use them. New tables will be put in the pavilion, and they plan to keep rotating to weed out older tables. The parks committee will need approximately \$4,000. to buy new tables and get the supplies for repairing older tables. Chris is working on a contract with Lil Willies to get two more bathrooms in busy parks, maybe Erie or Robyn at a cost of \$85.00 per month/per bathroom. Lil Willies gives us two bathrooms at no cost for June Graf Park and the boat launch during the winter months. Frank Barretta made a motion to spend \$85. /month/per bathroom for two more bathrooms to be placed at Erie and Robyn parks. George Buhler seconded the motion, and it was carried unanimously.

**Activities Committee** -Shu gave a report on Fun Day and all the good things that happened. Dave Galbreath and his team served 800 hotdogs, 30 cases of refreshments, and 400 bags of chips. We used 1 ½ cases of popcorn, we ran out of 700 toy prizes, (first time ever) 80 baskets were donated, 31 different people made bake goods, 51 local and corporate donations, and 91 volunteers. Thank you to Bob Gollehur and all the people who showed up to help clean, do trimming, and prepare the pavilion for Fun Day. The Pruzinski family did an excellent job on field games, and even brought a few new games. Elaine Lademan made cotton candy all day without getting it all over herself and her hair, so she was quite happy. Jim Whitbread sold for \$722. of lake Ogemaw apparel. We had 400 pop cans for donation and many water bottles to recycle, but the Ogemaw County humane society took them due to where they were sitting. At present, Shu has \$8,651. But there is 1 more receipt out. We had cash donations of \$1,000. and \$2,300. in gift cards donated. Shu will tell us the total sales and profit at the next meeting. Shu stated that 4 baskets were left unclaimed so they will be placed in the clubhouse to be raffled off. Rick Sinclair thanked Shu for the fine job she did and stated how nice it was that everything was cleaned up and put away all in 1 ½ hours. A great job was done by everyone, and lots of fun was had. The car and boat show is today from 10-2 p.m. On September 30th at 7 p.m. we will play trivia. On Friday, October 6th there is a River Boat Tour on the Ausable River starting at 6 p.m. to see the fall colors. Watch for Winter Fest as some plans are in the making by Ross and Brian Sekrenes.

**Health & Safety** - Mary Buyze stated that a long-time resident, Bonnie Fenwick passed away recently. Mary, Sharon & Ron Wilgus, and Cathy & Rick Adamski all helped her family have an estate sale with all the proceeds going to purchase more AED's. \$2,412. was made and Bonnie's daughter Denise donated another \$1,258. so we could purchase 2 AED's. A check for \$3,670.53 was given to LOSRA to purchase the 2 AED units. Thank you very much Bonnie Fenwick and family. The batteries for the AED units last approximately 4-5 years, but the pads must be replaced yearly. The law requires that if AEDs are available, they must be updated and ready for use. The health & safety committee will continue to do fund raisers to keep up all maintenance on AEDs around the lake. George Buhler made a motion to purchase two more AED units for the amount of \$3,670.53, the amount donated by Bonnie Fenwick's family. Jaime Ibarra seconded the motion, and it was carried unanimously.

**Men's Committee** - Bob Gollehur thanked all the people who volunteered and helped to clean up the pavilion and surrounding area of branches and twigs. He thanked Pete Dou, an electrician who replaced plugs in the pavilion. He stated that Pete did the work immediately when asked and did the work free of charge. We thank you Pete. Bob bought some new flags and ropes to replace the older, tattered flags. Tom the painter will start cleaning and power washing the pavilion soon and will stain the post.

**Member Comments:** Rich White asked if delinquent members lose their right to vote, and the answer is yes. Only members in good standing get to vote, and we need to look at this before sending out the letter for voting. Shu stated the Pickle Ball court will stay open and all equipment will be put away when necessary. Shu also stated that we should change a few words on the letter to be sent out about the str, and also prioritize the main points of concern. Frank Barretta made a motion to adjourn the meeting. Rick Sinclair seconded the motion and it was carried unanimously. The meeting ended at 11:05 am.

Respectfully Submitted,

*Susan Kiwak*, secretary