

MINUTES OF THE OJIBWA PROPERTY OWNERS ASSOCIATION BOARD MEETING FROM SATURDAY, 8 JUNE 2013 AT 10:00 AM

Those in attendance: Robert Barker; Steven Dietz; Bruce Eldridge; Janet Hanner; Phil Schrock; Dave VandenBussche; Dave Washburn; Chuck Whitfield

The meeting was called to order by the acting President, Dave Washburn.

I. The first order of business was the election of officers.

- A. It was moved by Dave Washburn and seconded by Phil Schrock that Steve Dietz be the President. This motion was passed by a voice vote.
- B. It was moved by Dave Washburn and seconded by Steve Dietz that he, Chuck Whitfield and Bruce Eldridge continue in the office of vice-president. This was passed by a voice vote.
- C. Dave Washburn made the motion and seconded by Steve Dietz that Robert Barker be the recording secretary which was passed by a voice vote.
- D. The motion was made by Dave Washburn and seconded by Steve Dietz that Janet Hanner is made the treasurer which was passed by a voice vote.
- E. Dave Washburn moved and it was seconded by Steve Dietz that Robert Barker, Dave VandenBussche, and Bruce Eldridge be Trustees which was passed by a voice vote.

II. The second order of business was the assignment of committee chairs.

- A. Steve Dietz moved and it was seconded by Bruce Eldridge that Dave VandenBussche be the chair of the Lakes and Dams Committee. This was passed by a voice vote.
- B. It was moved by Dave Washburn and seconded by Janet Hanner that Perry Stewart and Bob Wheeler continue on as the Airport Manager(s). This was passed by a voice vote.
- C. Dave Washburn made the motion that was seconded by Bruce Eldridge that Steve Dietz is the chair of the Legal Committee which was passed by a voice vote.
- D. The motion was made by Dave Washburn and seconded by Steve Dietz that Robert Barker be the chair of the Parks and Beach Committee which was passed by a voice vote.

- E. It was moved by Dave Washburn and seconded by Bruce Eldridge that Steve Dietz be the chair of the Nominations and Elections Committee and this was passed by a voice vote.
- F. Steve Dietz made the motion that Dave Washburn heads both the By-Laws and the Building and Use Committees which was seconded by Janet Hanner and was passed by voice vote. Jessica Manley and Robert Barker volunteered to serve on this committee.
- G. Bruce Eldridge moved that Dave Washburn head up the Public Act 188 Committee which was seconded by Steve Deitz and was passed by a voice vote.
- H. Steve Deitz made the motion that Robert Barker be the chair of the Architectural Committee which was supported by Janet Hanner and was passed by a voice vote. Dave Washburn, Bruce Eldridge and Fred Hartway shall serve as members of this committee.
- I. Dave Washburn moved that Steve Deitz continue as the Maintenance Manager, seconded by Phil Schrock and was passed by a voice vote.

III. Treasurer's Report.

A. Steve Deitz reported the following:

- a. The checking account balance is \$41,327.31;
- b. The Dam fund balance is \$67,314.50;
- c. The savings account balance is \$7,158.44.

B. Robert Barker moved that the report be received which was seconded by Dave Washburn and passed by a voice vote.

IV. Dave Washburn moved that the board accept the Annual Association meeting of 18 May 2013 that was seconded by Bruce Eldridge and passed by a voice vote.

V. Committee Reports.

- #### A. The **Dams and Lakes Committee** Report was given by Dave Washburn. Dave and other Board members on Tuesday, 4 June 13, and signed the order to proceed with the rebuilding of the Windoga Lake dam control device. The contracts that had been received from Lapham were from one year ago and not complete or current and need to be modified. Dave reported that he might make a trip with Pete VandenBos to the construction company to sign the agreement and have mutual copies and exchange them. Dave has two updated copies of the contract relevant to date and time. A copy of the award of contract has been sent. The actual contract has yet to be signed that can be done up to the time construction begins. Pete's contracting won the bid for the contract at

\$78,281.20 which includes the cleaning of the tube. Pete agrees with Lapham that the Manitonka Lake water control device is in physically worse shape than Windoga that failed because it was made with inferior materials and agrees it is on its last legs and could fail at any time. Pete has sent out for the shop drawings. Beginning of the reconstruction of the Windoga water control device will begin sometime in August and will be completed in four days according to Pete VandenBos. Steve Deitz reported that Savin was able to get OPOA a refund of \$400 from the state for the permit fee for treating Windoga Lake due to it going dry as a result of the failed water control device.

- B. The **Blight Committee** Report was given by Dave Washburn. Dave had a talk with Eric up on the corner that was in the process of building an unauthorized shed on the back of his property. Dave also talked with Tony Colic, the Sherman township representative of the zoning laws and because it is less than 200 square feet it is invisible to the township and the county so he won't act on it but he told Eric he had to stay within the Associations rules and regulations. Dave told Eric that as long as it was finished in new or like new materials it would be OK because he used recycled pallets and pallets, although ugly, are made of very sturdy oak planking.

The situation with Gary Deitz is in its final stages. The clean-up is scheduled for 11 June 13. The contract was given to Daniel Sazik of Mt. Pleasant to remove all trash, garbage and refuse to include all motor vehicles including four motorcycles along with the unlicensed, uninsured motor home as per the court order. Regarding uncut lawns a letter shall be composed and sent asking members to bring their property into compliance with Article 10 of our regulations regarding lawn mowing or the OPOA will mow it and bill them for doing so. Eldridge will have a letter for the next board meeting.

The old Lee property at 7734 Airport Drive is abandoned and has raw sewage leaking and a broken septic tank and we should have the County Health Department condemn the place.

A property in Plat 7 has a hanging deer carcass hanging from a tree.

Dave VandenBussche reported that a double wide trailer three houses down from him is filled with bat guano.

Robert Barker made the motion that Steve Deitz be the chair of the Blight Committee and that all members of the Board serve on that Committee which was seconded by Dave Washburn and was passed by a voice vote.

Dave Washburn moved that the Blight Committee Report was accepted which was seconded by Steven Deitz and was passed by a voice vote.

- C. The **Legal Committee** Report was given by Dave Washburn. Marshall Hooker informed Dave that the court order was unenforceable with no explanation as to why this is so and if Gary doesn't go along with it we must leave the property and get a court order from the judge that is enforceable. We currently have \$2400 in legal fees on Gary Deitz that he is liable for but not yet billed for. The clean-up contractor informed Dave that he wanted \$1500 just to clean the property and addition \$2200 to physically dismantle and throw into dumpsters the motor home away, a two day process, since the company does not want to tow it away since it may fall apart in that process. We are looking into getting rid of the motor home at a lesser rate. Township rules allow one unlicensed and uninsured vehicle on one's property. If such a vehicle sits on Ojibwa's easement we can have the vehicle removed. The gray area is if township or county officials go on a person's property. When it comes a court order in a general sense and blight condition like this the court trusts that the person agrees to this because they haven't fought it. At any time if they decide to fight it with an attorney and say they have found just cause as to why you should not enforce this blight abatement they can stop the process which means we must go back into court and our attorney shows photos of the blight and the judge makes an immediate ruling. We're trying to do this without occurring another six, seven or eight hundred dollars. Legal Committee should make a decision soon about what OPOA is going to do about up to \$3700 to clean up Gary Deitz property and \$2400 legal fees plus he owes over \$1000 in regular and special assessments and deciding to go ahead with a lien on that piece of property to make an example and this will show others that we do mean business about getting people into compliance regarding blight and assessments. Elsie Shanner is on hold until the Deitz situation is resolved.

Dave Washburn made the motion that the Legal Committee Report is accepted which was seconded by Steve Deitz and was passed by a voice vote.

- D. Dave Washburn gave the **By-Law Committee** Report. At the Annual Meeting the Board received all changes to the By-Laws needed to give substance and teeth. The new 2013 By-Laws are in process of being typed and printed by Linda and make them available to all members before the next annual Association meeting and added to the OPOA website.

Robert Barker moved acceptance of the By-Law Committee report and his motion was seconded by Steve Deitz and passed by a voice vote.

- E. The **Architectural Committee** report was given by Dave Washburn. The only thing to report is that Don Battles has asked for a permit to build a pole barn but he has not returned a drawing back. Such a pole building can only be 60% the size of his house unless he requests a variance which will cost \$350 that he has not followed through with yet for that meeting. He can only legally put up a 24 X 24 foot pole barn.

There are three roads that need to be closed: The Manitonka Dam access road; the road at the end of the airstrip; and Shawn Drive.

Our posted speed signs are unenforceable.

We cannot afford the \$8300 to treat the roads and keep the dust down. Oil brine is not available to the general public and it takes a \$1600 to go to the class to get a permit. Dow Flake at \$15 a bag is an alternative to keep the dust down available at the Johnson Elevator and Brown Milling at the corner of Mission and Weidman Road.

Dave Washburn made the motion to accept the Architectural Committee Report which was seconded by Deitz and was passed by a voice vote.

F. The **Nominations Committee** Report was made by Dave Washburn. Elections were held at the Annual Meeting in May: Dave Washburn, Steve Deitz and Janet Hanner were elected to three year terms; Dave VandenBussche was elected to a two year term; Robert Barker was elected to a one year term. Dove Washburn moved approval which was seconded by Bruce Eldridge and passed by a voice vote.

G. Dave Washburn had no **Building and Usage Committee** Report.

H. Dave Washburn made the **Public Act 188 Committee** Report. He has contacted the lawyer in Grand Rapids to investigate P.A. 188 and is in process. He sent him a copy of what Lake of the Hills did with aquatic weed control and the lawyer sent back suggested changes. We are asking the Association to allow us to put upon the taxes of the members of the OPOA the cost of the aquatic weed control under a P.A.188 resolution and thus free up \$10,000 for something else, like dust control. Ojibwa would be a tax district for only five years and each property owner would have \$20 per lot added to their taxes. A five year contract would be in place with Savin \$9000 and additional money collected would be used for legal fees of \$3500 to \$4500 for lawyers and \$2500 to the township for publication to our 517 members.

The bond for the Manitonka Dam water control device replacement would be for \$100,000.

Both these proposals to pass must have the approval of 51% of OPOA property owners and each owner would have only one vote regardless of how many lots one owned.

Steve Deitz moved the acceptance of the Public Act 188 Committee Report that was seconded by Robert Barker and was passed by a voice vote.

VI. New Business

- A. Dave Washburn moved that at all future meetings of the Board all Committee Reports be written and can be in bullet point form. Robert Barker seconded the motion and it was passed by a voice vote.
- B. The Road Project would require \$1400 to pay to Tri-County Homeworks Electric to move a pole. Steve Deitz made the motion not to move the pole which was seconded by Dave Washburn and the motion passed by a voice vote.

VII. Adjournment was moved by Steve Deitz, seconded by Robert Barker and passed By a voice vote.

On Saturday, 8 June 2013 a Special Meeting of the Board was convened by Steve Deitz. All members were present except Dave Koelher

It was moved by Steve Deitz to sell 2 unbuildable 60 foot lots, 523 and 524, to Wayne Dick adjacent to his two lots 1 and 2 for \$2500 for which he will be accessed as one lot. Wayne Dick will be responsible for all legal and deed fees. The money from the sale will be placed in the Dams Fund. Dave Washburn seconded the motion and it was passed by a voice vote.

The Special Meeting of the Board was adjourned by acclamation of all present.

Respectfully submitted:
Robert Barker
OPOA Board Recording Secretary