

Christmas Lake Village
Board of Directors
03/08/2012

The meeting was called to order by President Amy Busler at 6:00 PM. She noted that a quorum was present and that the meeting was being recorded.

Directors present were Amy Busler, Jodey Reisz, Susan Loucka, Mack Seed, Lee Powell, Dave Walters, Susan Murray and Betty Clayton. Greg Robinson was absent.

There were approximately 12 Association Members in attendance.

President Busler recognized Dennis Drake. Mr. Drake introduced Kristi Risk, a candidate for the 8th Congressional district of Indiana (Santa Claus is now in the 8th district).

Ms. Risk stated that she wanted to stop by and say “hello” and meet everyone present. She felt Congress was out of touch with its constituents and needed to get spending under control. Even though she was narrowly defeated in the last election, she believed she was still a viable candidate and truly wanted the position.

President Busler thanked her for coming and Ms. Risk excused herself from the meeting as she had another commitment in Rockport. (applause from those in attendance)

READING OF MINUTES

Susan Loucka made a motion to approve the minutes of the following minutes 02/09/12 Regular Monthly Board Meeting. Jodey Reisz seconded the motion.

Jodey Reisz-Aye	Betty Clayton-Aye
Amy Busler-Aye	Susan Murray-Aye
Susan Loucka-Aye	Mack Seed-Aye
Lee Powell-Aye	Dave Walters-Aye

Vote in Favor 8 to 0

TREASURER’S REPORT-Mack Seed

Treasurer Mack Seed reported that for the month ending February 29, 2012:

Current Income was :	\$ 626,770.00
Expenses to date:	\$ 88,145.00
Monies on Hand were:	\$ 950,776.80

Treasurer Seed went on to explain that CLV has collected 78% of the anticipated 2012 assessment.

Property Manager Bauer explained that \$250,000 that was in the Spencer County Bank CLV Money Market account were placed in higher interest bearing instruments with Banterra Bank and United Fidelity Bank, but that due to continued 2012 assessment collections, \$144,470 remained in the Spencer County Money Market account.

Lee Powell asked that we check in to Freedom Bank, a local lender.

Manager Bauer stated that they were not paying any more interest than Spencer County Bank.

Susan Murray made a motion to accept as the Treasurer's Report. Susan Loucka seconded.

Jodey Reisz-Aye
Amy Busler-Aye
Susan Loucka-Aye
Lee Powell-Aye

Mack Seed-Aye
Susan Murray-Aye
Betty Clayton-Aye
Dave Walters-Aye

Vote In Favor 8 to 0

MANAGER'S REPORT-AI Bauer

1. Amy Busler is signed up as our Christmas Lake Board representative at the Santa Claus town meeting for March and Mack Seed is on for April.
2. Update on Rec Center is that in addition to waterproofing the basement walls and installing a basement footing perimeter drain, we have finished the foundation for the expansion. We have disconnected the electricity inside the building and set up temporary power from the adjacent transformer to the south of the building. We have winterized the downstairs plumbing. I would like to mention that all the materials of the old Rec Center are being recycled. This includes the metal roof, the windows and doors as well as some metal that is being stored at the old Maintenance barn.

I would like to ask you to consider awarding the Heating and Air Conditioning bid this evening. Bettag Heating and Air (from Ferdinand). They are the low bidder The other 2 bids are also included in your packet.

Jodey Reisz asked if we laid out specific "things" that we wanted included in the sub contractor's bid?

Property Manager Bauer stated that he inspected the construction site with each sub-contractor and talked about what was needed to be accomplished. From there, each sub-contractor was able to offer variations that they believed might improve the job from the "basic" initial specifications. Each bidder did choose to include

in their bids those items that they recommended. An example of this which I believe makes a difference in your decision is that the recommended bidder included two separate sets of ductwork in his bid, so that if one of the two heating or cooling units failed, then the second one was available to attempt to make up some of the heating or cooling air that was not being “conditioned” by the failed unit. All bidders did factor in the same tonnage (i.e. 10 tons) for the air conditioning, as each had their own access to software programs designed to determine the air conditioning requirements rated for the maximum number of occupants at an event.

Lee Powell indicated that the Tim Taylor bid looked more detailed and included demolition and removal.

Manager Bauer indicated that in his attempt to consolidate the information for the Board members, he did not include the “highly” detailed bid from Bettag. Manager Bauer then distributed the entire bid proposal submitted by Bettag to the Board for analysis.

Dave Walters made a motion to accept Bettag’s bid under the condition that it included demolition and removal of the old equipment. Susan Murray seconded.

Jodey Reisz-Aye
Amy Busler-Aye
Susan Loucka-Aye
Lee Powell-Aye

Mack Seed-Aye
Susan Murray-Aye
Betty Clayton-Aye
Dave Walters-Aye

Vote In Favor 8 to 0

3. An entrance at the front of the Hanning property for the placement of the new fuel tank has been completed. A plan to provide a landscape barrier along the North Melchoir berm is being obtained. The Board has met at the property on several occasions. There has been a discussion harvesting trees. The latest information I have is that the Village has received a bid to pay Christmas Lake Village \$6,500 for taking out 96 trees. What the bid did not say was that there would still remain over 300 trees that exceeded 20’ height, in which we expect over 225 trees to remain in good shape after a harvested tree falls against an un-harvested tree. We can make the site look like the Mulzer’s corner lot on Cupid Lane. It will take several months, but we have practically no evergreens on the Hanning property that provide year around screening.
4. A property owner has added another attachment to his boat canopy request and is available for review this evening.
I also have an application for a building permit for a new home to be built on Melchoir Drive West.
I also have a request for an application for a boat dock and sea wall to be built on a vacant lot on Christmas Lake on Balthazar.

5. I initiated contact with VECTREN to present the Board a proposal on replacing our current streetlights from LJ Koch Blvd to the gatehouse (basically the entrance to our community). My initial contact was February 14 and my first follow up was March 1.
6. I have begun to update our budget for the new Kaspar gate. I am working with Mid-West Engineering for plans. The plan that I'm moving with includes arms just like the ones at our main entrance gate, operated solely by long or short range proximity cards. The Board does have some say in whether we plan for a small gate shack (I'm passing out pictures of a proposed shack) which would call for an island approximately 10' wide, or a narrow island with just a box designed to hold the internet communication equipment. We would install a pole for cameras to watch for any traffic mistakes that could occur at the gate.

Lee Powell interjected that he had been working with Sonitrol in regards to the Kaspar gate. "Because we've had so many issues with them, they (Sonitrol) is going to put a "stand alone" system on the back gate. So now, in the event that we lose internet connectivity, the gates will still operate and when connectivity is restored, the data that has been missed will be downloaded at that time. In regards to the issue of the batch of "bad" batteries that we have received, Sonitrol has agreed to give us fifty (50) batteries. Sonitrol does offer a system that I would call "airport style" which basically means that there is a small housing used to protect their equipment. This housing heats and cools the unit as necessary. Sonitrol's bid for the equipment, housing and cameras is a 1-time cost of \$6, 520."

President Busler asked Mr. Powell if he had any costs on a "Sonitrol type" gate that could be used in lieu of the back gate. "It has given us a lot of problems over the years."

Susan Loucka stated that part of the problem we had at this time was that our current cameras do not give us the information as to which license plate goes through the gates.

Lee Powell indicated that Sonitrol has agreed to re-locate our cameras so that we can then zoom in on the license plates.

President Busler then addressed the issue regarding vehicles that may head down the new Kaspar Road and realize that they need to turn around, because they have no way to enter the Village through the gates.

Manager Bauer indicated the Town of Santa Claus' plans for Kasper Drive do not include a "turn around."

Ron Smith indicated there were two turnoffs in the town's plans due to the granting of access to property owners who currently have access to that portion of Kaspar Drive. The road is going to be wider than the average Village road, probably 30 feet

in width. Given that kind of width, almost any car can turnaround in that kind of space. A semi-truck would be a problem, but not normal cars. In addition, the guard on duty at the main gate house should be able to control all the gates.

Susan Loucka stated that she (in her capacity as a gate guard) could not currently control the back gate.

Ron Smith added, “if Sonitrol does their job, the gate guard on duty should be able to control every gate.” The technology is there.

Lee Powell stated that since this project is going to be installed in “record time,” we need a sub-committee to make sure all the issues are addressed, such as securing the property around the gates, the gates and the equipment, and steel pylons to keep people from attempting to go around the gates. We don’t have a lot of time, but I think we need a couple of people to sit around and discuss the important issues of this project and then bring back to the Board some suggestions. This way the Board can make some good, clear decisions in regard to this project. It’s going to be here before you know it.

Ron Smith stated that he thought he remembered that the Town plans included some type of signage that stated that this road was an entranceway to Christmas Lake Village. “But, I can’t guarantee it.”

President Busler asked Mr. Smith if he had any Kasper Drive information that he wanted to share with the Board?

Ron Smith stated that there were twelve bid packets picked up and he did not expect twelve bids, they would take the bids under advisement and make a decision at a later date. There are utility issues, which means that there exist utilities buried on the property and the utility companies will have to move them. That’s not the town’s problem. But, once the town selects a contractor, that would be a great time for the Village to begin working with them.

President Busler asked Lee Powell if he would chair the sub-committee that would oversee the Village’s portion of the Kaspar Gate project?

Lee Powell agreed.

President Busler noted that Mack Seed agreed to serve as well as Jerry Cunningham and Susan Loucka.

DELINQUENCY REPORT-AI Bauer

Manager Bauer indicated that the \$183,556 in uncollected 2012 assessment indicated that a significant number of owners did select the 2-paymant plan option, therefore, this number should not be considered a concern at this time. However, the

\$43,556 of owners owing between \$425 - \$828 indicated that it has been over a year since we have heard from these people. We are beginning to review these cases.

ACTION ITEMS

OLD BUSINESS REPORT

1. Open Guest Lists on Guard Data Base-Susan Loucka

Susan Loucka stated that the Board decided about three years ago that the Village would not allow open guest lists (i.e. allowing anyone who asks for a resident by name is given access). Even though there is an overwhelming number of residents who indicated this was their preference, it is in conflict with the definition of a “gated community”. “We do not have a high percentage of residents who call ahead for their guests. We are going to have to insist on this and I believe it will slow “things” down at the gate.”

2. Other Guard Clarifications-Susan Loucka

In regards to the Proximity Gate Pass Rules we passed last month, it came to our attention that we did allow people into our community with a current year sticker. It was brought up that we did not stop everybody, asking them their name and destination. This is because if the guard does not know you, they will ask you your name and where you are going. If the guard does know who the resident is, then they are allowed to give you, the resident, access.

Mack Seed made a motion that we amend the rules to reflect that even though an owner does not have a current sticker, they may simply be allowed access if the guard recognizes them. Jodey Reisz seconded the motion.

Jodey Reisz-Aye
Amy Busler-Aye
Susan Loucka-Aye
Lee Powell-Aye

Betty Clayton-Aye
Susan Murray-Aye
Mack Seed-Aye
Dave Walters-Aye

Vote in Favor 8 to 0

3. Fuel Tank Location-Lee Powell

“I just want to appeal to my fellow Board members again to reconsider locating the new fuel tank back at the current Maintenance Building site. During this current Administration, we have not proposed any new ideas to move the Maintenance building location to somewhere else. Our fuel tanks need to be where our equipment is located. I think what we’ve done at the Hanning property so far is good. We’ve solidified the road. As we build the Kasper Gate, we now

have a great place to move all the mulch and clippings. So it's just something to consider. Maybe in a few years when a decision is made to move or build a new Maintenance building, we just simply move the new fuel tank to a new location.”

Jodey Reisz questioned as to how any of this affected the state permit?

President Busler stated that the original permit was taken out at the old Maintenance building address, but I asked Al (Property Manager) whether a change in location created any problems for us. He stated that it was simply a change of address.

Susan Murray stated that she believed the Infrastructure Committee had recommended the fuel tanks to be placed on the Hanning property because the Committee was recommending the moving of the Maintenance facility ultimately to the Hanning site within the next 3 to 5 years. It was unfortunate that the Infrastructure Committee Chairperson, Greg Robinson, could not be in attendance for this meeting due to a very recent surgery.

Lee Powell stated that the Hanning Property was purchased as a buffer. “There has been ideas stated that there could be a place for the Maintenance facility and a place for boat storage. But the Town will never allow us to do the boat storage.

Jodey Reisz stated that the Infrastructure can bring a recommended plan for development, but the ultimate decision belongs to the Board.

Lee Powell stated that one idea might be to search the properties that are found on the “Delinquent List.” Any of those properties that are on the outside border of the Village could be a viable site for a new Maintenance facility, most likely flat and with very little clearing expense. When it comes to the Hanning property, how much is it going to cost to build a road all the way to the back of the site, where it's flat. Besides that, the Hanning property is some of the most appealing property in the Village, with its view out over the marina and Christmas Lake. If it became a small subdivision, each one of those lots could draw in \$50,000 to \$100,000 each.

Dave Walters stated that he agreed with Lee. “Why can't we leave maintenance where they are?”

Lee Powell stated, “Let's put the tanks in, and then think big picture about a possible maintenance move in the future”.

Mack Seed stated that he was very uncomfortable to bringing this discussion to the floor without the Chair of the Infrastructure Committee in attendance.

Lee Powell stated that the fuel tanks would be sitting on a slab of concrete and that's all. It would be very easy to move them given the need. You can use a fork truck and drive them where you want.

Jerry Cunningham stated he thought there was an issue or government regulation in case there was a spill. That's got to be dealt with. We (the Village) have some construction people in our community. We've got Al (the Property Manager) and Ron (Ron Smith of Ron Smith Homes) available to give us an expert recommendation in regards to the status of the current Maintenance facility. "Maybe there's more (people with experience). Let them get together and report to the Board. You can't really tell how much these things are going to cost (Hanning or another site) until you hear from your experts. I know the Maintenance people would like to have the best of everything. That's only natural. But let's hear from our construction experts. Take your time. Do it right."

Charles Tomey stood and stated that it's not just as simple as moving a piece of concrete. I know. I used to do this for a living for the railroad. There's a containment area that needs to be addressed. It's more complicated than what I'm hearing. To actually move a fuel tank you have to have a study done.

Lee Powell stated, "We've taken that into account. These tanks are double walled, and if you decide to move them, you expend the fuel out of them to reduce the weight of the move as well as any spill issues."

Ron Smith stated that the fuel (CLV's) vendor should supply the tank and deal with all the safety issues, as long as you purchase fuel from them. This is the practice I've used. When I want my tank moved, I call them up and I don't have to do anything else. They do it all for me. They furnish the tanks, they furnish the containment, they do everything.

Jodey Reisz stated she was uncomfortable with Synergy (CLV's fuel vendor). "They never raised any safety issues with us and that put us in a bad position. You'd think they would have our safety interests in mind."

Ron Smith inquired, "Was it their tanks? No, they aren't. That's why they never said anything." But you've already bought your tanks, haven't you? So it appears allowing your vendor to supply them to you is not an option. Originally when you bought the Hanning property, you bought for a buffer, with options, plenty of options. Decide what you're going to do with it and get on with it."

President Busler stated that she thought it was necessary to table it again since Greg Robinson and Betty Clayton were not in attendance. We'll get with Greg and Betty and see when he's available and call a Special Meeting.

Jodey Reisz stated that she'd like to hear from Greg (since he was the Chairperson of Infrastructure).

NEW BUSINESS

President Busler stated that she wanted to move on to Committee reports since there did not appear to be any new business.

COMMITTEE REPORTS

1. Business Planning, Budget and Assessment Committee-Lee Powell

No report.

2. Infrastructure Committee-Greg Robinson

President Busler stated that Greg was not in attendance so there would be no report this meeting.

3. Nominating and Election Supervisory Committee-Jodey Reisz

“I want to remind everyone again deadline for the three (3) Board positions is April 21, 2012. If anyone is interested in becoming a member of the Board, please contact the office and they will provide you with the necessary information. You have to be current on your assessments and if you think you’d be a good fit, come on. I appeal to the property owners in the audience to be thinking about this opportunity.”

4. Rules and Regulations Committee-Susan Loucka

Susan Loucka stated that her committee reviewed the “Renter Rules and is asking the Board if we need them?” She passed a copy of the current rules out to the Directors.

President Busler stated that the property owners were responsible for their tenants. “Given that, are rules for tenants necessary?”

Lee Powell stated, “Where do we have the language that the owner is responsible for the tenant?”

Dave Walters stated that we (CLV) needs at least that in writing. “Number one, property owner is responsible for his/her tenant.”

Jerry Cunningham added that all aspects of being a tenant should be covered, in particular, gate passes.

President Busler stated that gate passes to tenants were already covered in the Gate Pass Rules.

Susan Loucka brought up the Rec Center Rules. Her committee recommended that the fee be raised \$20 for its use.

Mack Seed stated that he would prefer using language that stated that the property owner was responsible for those in attendance, as opposed to the word “guests”. This would remove the possibility of someone renting the Rec Center and stating that he didn’t invite “a particular person who had created some damage” and therefore was not his guest, removing the responsibility of the damage from the Rec Center Renter. “What goes on at a Rec Center event is the responsibility of the Rec Center Renter”.

President Busler directed Susan Loucka to make those changes to the rules and policies.

Susan Loucka began a discussion of “fines and penalties”. The committee asked to have a fine added for any property owner who abused any CLV employee (since there seems to be some rather blatant abuses such as screaming and yelling directed to the gate guards while implementing the ingress policies and procedures).

Mack Seed added that there existed an instance where an individual came into the office three (3) different occasions and used abusive language towards the Office Business Manager. “She’s not paid to take this kind of abuse.”

Dave Walters stated , “That type of behavior goes beyond a fine and that the police should be called.”

Jodey Reisz stated that there should exist some mechanism to give a “warning”. “There are a lot of people who are happy to comply, but were somehow unaware they were in violation. Also, it’s necessary to track these situations.”

Susan Loucka stated that the committee thought that the ability to give a warning was explicit to Al (in his capacity as Property Manager) and didn’t need to added in writing.

Al Bauer stated that he has implemented a tracking system for these types of violations. Every violation, warning, and compliance is tracked in the office.

President Busler stated that she didn’t want to “mess around” with putting liens on properties that were delinquent on their fines for over 30 days. But, she did want their proximity passes to be turned off and their rights to rent the Rec Center be eliminated. In other words, they would not be considered a member in “good standing.”

Lee Powell made a motion that we approve the Rec Center Policies as amended by Mack Seed. Dave Walters seconded the motion.

Jodey Reisz-Aye
Amy Busler-Aye
Susan Loucka-Aye
Lee Powell-Aye

Dave Walters-Aye
Susan Murray-Aye
Mack Seed-Aye

Vote in Favor 7 to 0

Mack Seed made a motion that we approve the Fines and Penalties as amended. Susan Murray seconded the motion. Dave Walters re-iterated that the fine for abusing a CLV employee be left on and to make sure the gate guards know when they encounter a situation that is abusive, they need to call the police.

Jodey Reisz-Aye
Amy Busler-Aye
Susan Loucka-Aye
Lee Powell-Aye

Dave Walters-Aye
Susan Murray-Aye
Mack Seed-Aye

Vote in Favor 7 to 0

5. Personnel Committee-Jodey Reisz

“Kathy Neighbors is back (gate guard). She’s been out prior to January.”

6. By Laws Committee-Susan Loucka

No Report.

7. Parks and Recreation Committee-Mack Seed

No Report

8. Covenants and Restrictions Committee-Susan Murray

No Report

MEMBER’S FORUM

Fred Kanzler stated he wanted to ask a question. “But while I’ve been sitting listening to you all, I want to say thank you for all your time and effort to do this job. The first thing I’d like to bring up is the issue of “loose dogs.” I know you can’t do much about them, but they are mentioned under the Covenants and Restrictions. My dog issue

comes from a renter. Would it be possible to sit down with renters when they first move in to Christmas Lake and go over the rules? I truly believe a lot of them are unaware of them.

Ron Smith asked, “How does the bid process work for the Rec Center Project?”

Property Manager Bauer stated that he has created a list of general and sub-contractors that have worked, would like to work, and are working in the Village. The source for many of the names found on this list were Dan Lautner, the Maintenance Chief, other residents of the Village who have had previous work done and were satisfied with the contractor’s effort. Since my background is in construction, I have also included a few names of reliable, quality contractors that I have had direct experience with. Concerning the Rec Center Project specifically, I called every name on the list which pertained to a particular skill or craft that I needed. Not everyone who was contacted desired to make a bid. But the skills of the mechanical sub-contractors, such as the one mentioned previously in tonight’s meeting (when we were analyzing the Heating and Air bid), would be considered. It’s my job to present to the Board the bids and answer why I would recommend one over another. I understand that my office has passed out lists or names of various contractors when asked for by property owners. I have taken the responsibility of adding to and amending (when necessary) different contractors who would like to do work in the Village.

Ron Smith stated that he paid \$1,500 in assessments and wasn’t asked to do anything at all on the Rec Center. I laid concrete block back in the 60’s. The guys that laid the block are good guys, but do they buy liquor at your liquor store (Amy)? I’ve lived here 17 years and wasn’t asked. In the 70’s I worked for your Dad (directed at Property Manager Al Bauer). I took the eyesore on of the “burned down house.” I haven’t made money on it yet, but I helped the Village.

Property Manager Bauer stated that he did not ask for any general contractors, since he was serving as the general contractor for this project as a part of his responsibilities as the Property Manager of Christmas Lake Village.

Ron Smith stated again that he laid block back in the 70’s. “I’m not saying that I wanted to do this job, but it was the fact that I wasn’t asked. When I build a house here, I buy everything within 25 miles of the project, no matter what. When I build in Evansville, I do the same thing.”

Property Manager Bauer stated he has also utilized Mr. Smith’s 25 mile rule when possible. “But Ron, you are listed as a general contractor on the list of contractors. If your firm’s name needs to be added to other areas of skills or trades, I’d be happy to place your name under any area you would like it to be listed. But I think most people in Santa Claus know you as a general contractor who builds (general contracts) new homes or remodels.”

Susan Loucka stated that the Board went on record and asked if there were any contractors who were interested in bidding on the Rec Center Project to call Al (Property Manager).

Susan Murray asked Ron if he had been to the office to ask about the Rec Center job?

Ron Smith stated that he was just driving by over there and “someone” had already started digging.

Dave Walters asked Mr. Smith if we were solving anything with this discussion? If someone wants to talk to Al about bidding on work, I’m pretty sure his door is open.

Jodey Reisz stated that as a resident of the Village, she personally tries to practice using local contractors for her personal work. “But when I became a Board member, I had to look at spending money a little differently. I had to ask myself, am I being a good steward of the Village’s financial resources? We as Board members are sometimes trying to stretch a nickel into \$1.50. In that situation, the local guy doesn’t always make the most sense for the Village.”

Susan Murray stated that “as a friend of Al’s, you should have gone in and talked to him.

President Busler said we made it clear that if anyone has any skills that can be used in the Village, please come to the office and let them know. “We are to be stewards of the owners’ money. It’s not our money. We’re accountable to the owners.”

Larry Loucka stated that in regards to the gate issues, “Give the guards a button so that they can open the gate to a resident with a current sticker. In regards to seawalls, I really think we should do some environmental investigation with respect to them. If everyone gets a concrete seawall, our lakes may suffer from that. One or two do look nice, but if we add more I think our ecology could suffer from that. Finally, in regards to the work of the gate guards. I had a personal opportunity to look at their “access” database and was shocked at what they (the gate guards) are exposed to. Obviously in extreme situations, you call the police, but in the not so extreme situations, they are on the receiving end of some very obnoxious behavior.”

Property Manager Bauer stated that if anyone seeking minutes of prior meetings, make the normal inquiry through the website and request them.

President Busler stated that we would put on the marquis that prior meeting minutes are available inside the office.

ADJOURNMENT

Dave Walters moved to adjourn. Motion was seconded by Lee Powell.

Jodey Reisz-Aye
Amy Busler-Aye
Mack Seed-Aye

Susan Loucka-Aye
Lee Powell-Aye
Dave Walters-Aye

Vote In Favor 6 to 0

Meeting was adjourned at 8:15 PM.

Respectfully submitted,
Al Bauer
Property Manager/Secretary
Christmas Lake Village Board of Directors.