

Lake of the Woods Improvement Association, Inc.
ANNUAL MEETING AGENDA
July 13, 2019

Board members present: Bob Richter, Dan Buenz, Jim Neubauer, Marcia Ellis ,Sec., Gary Serago, John Boersma, Treas., Sharon Neubauer
Absent: Joe Leary, Dominic Panico

I. Call to Order @ 12:25pm

II. A motion carried to accept July 21, 2018 minutes.

III. Financial Report given by treasurer, John Boersma. Motion carried to accept the report. Total expenses \$5,261.55. Total deposits \$4,773.35. Ending balance July 2, 2019 \$10,752.92.

IV. Committee Reports

A. Membership – Marcia Ellis, Sharon Neubauer

i. There are to date 135 members in this association.

B. Water Quality Update – Bob Richter read an email dated July 10th from Andy Tomaszewski, Southern Lakes Manager, PLM Lake & Land Management Corp.

“Nothing major to report at this time. We have been aggressive with the starry stonewort up to this point except for the areas in the "critical fish spawning habitat". We plan on being out next week to address those areas since we have just passed the restriction deadline and can now treat those areas. The lake looks good in regards to milfoil and other invasive species.”

Starry stonewort and algae are spread when harvested. The restricted deadline areas can now be treated.

Call Bob Richter with any questions.

C. 4th of July Boat Parade Results – Jim Neubauer and Bob Richter reported the weather was beautiful for the boat parade and the fireworks. Ten boats entered, all with terrific themes.

1st place Younker family. YMCA theme and dancing.

2nd place Lindlbloom family, Jungle Cruise theme

3rd place Bill Neubauer family, beat cancer/survivor on board theme

4th place Sharon Neubauer family, ‘good will hunting’ theme

5th place Boonstra family, paddle wheel boat theme

There was also a lot of peace and love, red and white balloons, banners, flags and everything patriotic. Best turn out since 2009. Next year the 4th is on a Saturday so let’s start thinking of themes!

Thanks to our Grand Marshalls, Mary and Lauren, and all who turned out to help this year.

D. Riparian issues (Dan & Dom) Dan Buenz gave the following report:

LOWIA received several inquiries about the Sherburn property and the road that was built (northeast shore). The Association had received the public notice in 2016 that the project is permitted. However, the DEQ was at the property on July 3, 2019 and reported to the Association that "the project is not in compliance with the permit that we issued in 2016. The road is wider (by 2 X) and taller than what was permitted...we (DEQ) will be sending a violation notice requiring him to remove all fill and bring the property back into compliance with the limits of the permit within 30 days."

The project to revise and enhance the Keyhole ordinances started several years ago. Keyholing or funneling means docking many boats on one property that owns lakefront footage or access sites, like a small marina. Current ordinances could provide some relief but neither Township is willing to enforce them. Currently, the townships have differing ordinances. Having the same ordinances would help with enforcement the problem continues to grow yearly. We were hoping to align the ordinances through working with Hamilton Township and subsequently with Decatur Township following suit.

The Riparian Committee was asked to work with Hamilton and Decatur Townships to work towards aligning their ordinances that govern the lake.

After several joint Planning Commission meetings where good progress was made at the stage of ordinance development, the process came to a sudden stop. (We suspect this was due to political pressure.) Hamilton Township became unresponsive, removed the item from the township meeting agendas, and subsequently referred LOWIA to take up any related matters or complaints with the DEQ.

We had considered the DEQ route however their involvement would only pertain to marinas and excludes matters such as number of boats, docks, etc.

We have no choice now but to proceed through the DEQ. We have been in touch with the DEQ who is, in fact, willing to look into any potential violations including existing unpermitted marinas.

Dan read from Michigan regulations of private boat docking in inland lakes, which is covered under Part 301 of the Natural Resources and Environmental Protection Public Act 541 of 1994.

'State law limits boat docking for private use. The law does not place a specific limit on the number of boats allowed to be docked at a property (this would be by local ordinance), but the ownership of docked boats is regulated.' The DEQ considers private, residential docks to be any docks which are used solely by the property owner as long as all the water vessels tied to the dock are owned by the riparian property owner.

If a lakefront property resident provides dock space for boats owned by people who don't live on the property, the property is considered a marina. Regardless of whether the dock space is provided free or for a fee, once multiple boat owners begin using a dock, the DEQ considers it a marina. If multiple unrelated individuals have a vested interest in a piece of property, any dock off that land is also considered a marina. You do not need a marina permit if the resident owns a lot and is docking vessels he owns. If he provides dock space for anyone outside the immediate (property) ownership or there are multiple owners for the facility, then you do need a marina permit. Under Michigan Law, if a

person who is not a resident of the lakefront lot keeps a boat at an adjacent dock for longer than 24 hours, a marina permit would be required to legally do so.

Dan read the definition of access as follows: Access or easement property shall mean any waterfront parcel of land or lot adjoining or abutting a lake or other body of water connected to a lake, not designated as residential lot, is free of any buildings, and which is used or intended to be used, for providing access to a lake by pedestrian or vehicular traffic to and from non-waterfront land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift business invitation or any other form of dedication or conveyance.”

Dan read a quote from the Michigan Supreme Court in Thies v. Howland 1985 as follows:

The Supreme Court found that back-lot owners were granted the right of ingress/egress only. Also, "the easement, by its express terms did not grant back-lot owners the right to construct a dock or to permanently anchor boats off the terminus of the easement."

When LOWIA inquired if the DEQ would provide enforcement we received the following answer:

"Seasonal commercial docks, where multiple parties have shared access at a common lakefront lot is usually considered a marina. A permit is required to operate, reconfigure, or expand a marina.”

"The statutory definition of a marina does not make distinction between commercial and private or residential docking or mooring facilities. It does not make a distinction of whether dock structures or moorings are permanent or seasonal. It only looks at the service being provided by a person to the public or "members of the marina". While "members of the marina" is not defined in Part 301, EGLE has consistently interpreted this phrase to mean individuals or users of waterfront property where there is common interest in the property and docking, loading, or other servicing of recreation watercraft is being provided. Likewise, EGLE (DEQ) has consistently interpreted "private noncommercial recreational use" as reasonable exercise of legitimate riparian rights associated with waterfront property zoned and used for single family residential use."

Dan asked if anyone had any questions, comments or concerns about continuing to move in this direction? Hearing no response he stated that we would continue to move forward. The DEQ stated they would look into any complaints and that was stated at the meeting. The DEQ will be notified of potential violations.

V. Points of Discussion

A. Buoy replacement

Last November 2018 we started the process to replace the buoys on the lake as the existing buoys were broken apart after all the years of use. LOWIA put buoy replacement in their budget then Bob Richter found out that whoever

originally filed for permits for the buoys on the lake could be the organization responsible for maintaining them. We found out that there were never any permits filed for the buoys on the lake. Bob worked with Carl Druskovich and the Hamilton township on where the buoys were originally placed on the lake and Hamilton applied for the permits. Hamilton eventually put this request on their mtg agenda, paid for the new buoys and they were ordered the end of May 2019. The buoys were delivered the next week to Highs marine to be installed on the lake. They are now in place.

VII. New Business.

- B. Board elections. Joe Leary has resigned from the board as he has moved from the lake. John Boersma's term is ending and he will not be running again. Nominations for the Board of Directors: 4 positions are open. One position is a 2 year term, and three are 3 year terms. Bylaws state we will have 7 or 9 board members.
Nominee for 2 year term: Jim Neubauer
Nominees for two 3 year terms: Greg Moss, Nick Virgilio, Sharon Neubauer
The slate was presented. There were no nominations from the floor. All nominees were voted to the board.

VI. Announcements

- A. Thanks to Joe Leary and John Boersma, our treasurer for being LOW board members for the past three years.
- B. We now have white and gray, long sleeve and short sleeve T shirts available for sale. They have a LOW logo printed on them. Prices are: \$12.00 for the short sleeve, \$15.00 for the long sleeve shirts. Also kids and youth shirts for \$10.00 can be available for order.
- C. Thanks to Sharon Neubauer's family for representing LOWIA in the July 4 parade in downtown Decatur.
- D. Highs marine will be receiving a plaque from LOWIA for their continued efforts in supporting our lake. Thanks to Highs Marine for gift certificates for boat parade, and for installing all the buoys on the lake. LOWIA is supplying a catered luncheon for all their employees.
- E. Thanks to Dayna Hardin of Lake of the Woods and Greenwoods Camps for her generosity in supplying not only food and beverages to our picnic, but also for supplying the cooks!
- F. Make sure to visit our website LOWIA for what's happening on the lake and water reports when available. <https://www.lakeofthewoodsmi.org/>
- G. Congratulations to Roger Matins for 75 years on Lake of the Woods!
- H. 50/50 prize of \$56 went to Sherri Graziano.
- I. Sharon Neubauer collected door prizes for our picnic. Please support the generous businesses who donated these prizes.

El Azteca Restaurant
Classic Cuts
Decatur Lumber
Decatur Police Dept.

Decatur Public Library
Expressions Nail and Hair Salon
Final Gravity
Fullers Car Wash
Hard Times Restaurant
Hayloft
Mousse Lodge
Newell Insurance Agency
Rajzers Farm Market and Greenhouses
Village Market
Warner Supply

IX. Adjourn at 1:10pm

Greg Moss

Good Morning Bob,

I wanted to take a second to introduce myself, as Dawn Kortum will be nominating me for a board position this coming weekend, however, unfortunately I will not be present due to prior commitments. I was able to get introduced to Jim over the weekend, but unfortunately, did not get the chance personally meet you.

I grew up in Evergreen Park and a graduate of Brother Rice High School. I played baseball at both Brother Rice and Northern Kentucky University where I have my undergrad degree from. After graduation, I started working for Chase Bank and have been with them for over 12 years. I have my masters from St Xavier and currently reside in Oak Lawn.

My wife and I are up at the lake every other weekend from May 1 until Dec 1. In the months of Dec, Jan, Feb we do try to make it up 1-2 times per month (Pending weather). In March and April, I umpire college softball so unfortunately, those weekends are hit or miss.

I am looking to become a board member because I would like to be more active helping out with events, maybe spearheading a small end of the year event or beginning of the year event in June, as well as increasing the knowledge of the Association with residents and helping to recruit some additional residents on the lake to become members of the Lake Association.

Over the last 4 years, I believe there has been steady turnover on the lake, with a great opportunity for newer neighbors to meet each other. Also, with this turnover I feel the awareness of the association is not as great as it could be with these newer residents and I would like to help with the networking. For example, I have been on the lake since Aug of 2015 (I live 2 houses away from Dawn) and it wasn't until 2 or 3 weeks ago did I find

out we had an association you could join, what the association did for the lake, that there was an annual fee to join, email updates, etc. One of the main reasons why is because none of my neighbors are members and did not make me aware; my fault for thinking the Lake of the Woods Facebook Page was "A Member".

- Additional notes:

1) I was my condo association's treasurer for the last 8 years, however, due to my wife and I looking to move by next spring, I will not longer be as of September during the next election.

2) I have experience with holding events. For work, I host training and workshops for up to 30 employees monthly and one time a year I also host an employee appreciation picnic with over 100 attendees the weekend after Labor Day.

Thank You in advance for consideration,

Greg

Nick Virgilio

Hi Bob,

A little background on me:

Grew up in the western suburbs of Chicago. Worked for a civil engineering company for 10 years designing mostly residential subdivisions and some commercial and industrial ones also. Our firm did it's own construction surveying, too.

I started a kitchen and bath design and remodeling company in 1984 and ran it until 2012.

I went into semi-retirement and we purchased our house on Lake of the Woods that fall.

My wife, Cheri and I moved up here full time in the spring of 2016.

Cheri and I have been married for 9 years. She was widowed in 2007 and my former wife passed away in 2010. We have 8 kids and 16 grandkids between us. We spend winters in South Florida and the rest of the time between here and the Chicago area seeing family.

I served as president of a condo association in Des Plaines, IL for a year in the mid-'80s.

Also served as treasurer at two different small churches for roughly 10 years total.

I plan on attending the picnic on Saturday from noon until about 12:45-1:00 pm.

Let me know if you have any other questions.

Thanks,

Nick

Member attendance:

John & Darlene Boersma	Dan Buenz
John & Sharon Burke Jr.	Tom & Chris Connelly
Don & Karolyn Drenth	Elizabeth Godwin
Sherri Grazziano	Ray & Jane Heinrich
Jeff Kortum & Dawn	William & Vickie Mach
William & Janice Malburg	Eric & Tamara Miller
Jim Neubauer	John & Sharon Neubauer
Laurel Panico	Wayne & Marcia Potter
Bob & Janet Richter	Chris & Julie Schaap
Barbara & Gary Serago	Nick Virgilio
John & Audrey Witvoet	Marcia Ellis & Roy Pearson