

Holiday Shores  
Board of Directors Meeting Minutes

**Date:** March 23rd, 2016

**Attendance**

Board Members

**Present:** Bob Lowrance, Roger Rawson, Monte Thus, Rich Hertel, Jim Perotti and Dave Decker

**Excused:** Darren Onwiler

**Quorum Present:** Yes

Others Present

Glenn Dalton and Rob Frey from the Holishor Office.

**Holishor Members Present:** 61

**Proceedings**

Meeting called to order at 7:30 PM

Pledge of Allegiance Recited

**Minutes of March 9th, 2016**

**Roger Rawson** - Motions to approve as corrected. **Rich Hertel** - Seconds.

**Action:** Motion carried.

**Old Business**

**Village Investigation Committee -**

**Ken Dulle** - The Village Incorporation Exploratory Committee gave a presentation regarding the Pros and Cons of incorporating. The committee reported that the Pro's far outweighed the Cons and the committee recommended including a larger area outside the boundaries of Holishor Association for incorporation. The committee left presentation packets with the Holishor office and suggested that if anyone inquired they were to be provided with a packet.

**Discussion ...**

**Leah Whitaker 574** - That lake would still be private and if in the future we develop green spaces and parks, would those also be private? **Bob Lowrance** - Those would be private if they are owned by the Association. Things developed outside of our Association, would possibly be village parks available to anyone. **Leah Whitaker 574** - Where is the website located? There is only an email address posted. **Andrea Pohlman** - We do have an email address and I will respond back any information and there is a Facebook page as well.

[villageofholidayshores@gmail.com](mailto:villageofholidayshores@gmail.com) it is also posted on the Holiday Shores website [www.holidayshores.us](http://www.holidayshores.us) **Gerry**

**Theodore 1346** - I keep hearing about the privacy issue, the Board can bestow a membership upon anyone they want. Unless I am wrong I feel that membership can be bestowed upon others. I think that the lake will only remain private if the Board keeps it private. **Scott Webber 909** - You said that you and Glenn sat down and \$300,000 were lake expenses. You have also talked about maintenance of property and would that not make that amount higher?

**Bob Lowrance** - That number included mowing and association lots. **Glenn Dalton** - What we looked at all the property that Holiday Shores owns and that is where that number came up. **Bob Lowrance** - When looking at our budget it included administration costs, salaries, and a road budget of \$100,000. **Scott Webber** - That number seems different than when I sat on the Board. I have another question for Ken, What are the benefits for the Sanitary District? Did he talk about that, because you are bringing in the potential for more subdivisions and more residents which will put a draw on our lake? **Ken Dulle** - The Sanitary District is separate, years from now it may be brought into the municipality. It will be its own entity. **Scott Webber** - The Sanitary District does not have the right to serve without the Board of Directors? **Ken Dulle** - We do not plan to change the boundaries and do not have any intentions of serving water outside of Holiday Shores. **Jean Kelting** - It looks to take in a lot of farm land. Do you think that we will have problems with that? **Ken Dulle** - I do not recall that. **Bob Lowrance** - We are looking at an additional 300 people in our population. We have the blessing of the State Representative and Madison County. **Jim McCann 378** - Are you talking about the November 8<sup>th</sup> General Election? CICA has a clause

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that says that no action to incorporate a common interest community as a municipality shall commence until an instrument agreeing to incorporation has been signed by two thirds of its members. **Bob Lowrance** – We are not looking at Holishor its self; we are looking at a bigger picture. **Andy Carruthers** - That is in CICA and they may be looking into changing that. As Bob pointed out we are looking to incorporate the Association and turn it into a municipality. As you saw the map, we are taking in a lot of area and going beyond Holishor. We do not think that applies to us. **Jim McCann** – I was on that committee and it was placed in there to stop an action like this from taking place. Our covenants are pretty clear and it doesn't really fit with the way CICA was drafted. Before I came up tonight and I looked on Illinois voter site and April 9<sup>th</sup> is the deadline to get that on the Ballot for November. **Andy Carruthers** - The deadline is in July. **Laura Scaturro 1716** – How will this affect the restaurant will it remain private? **Bob Lowrance** – No, the restaurant is a private restaurant by Holishor Association. **Laura Scaturro** – The police force, will that be one patrolman each shift? **Bob Lowrance** – Correct one policeman 24/7 with a chief. The makeup of the village will be a Village president and 6 board members. **Kathy Austin 281**- You indicate that in the village there will be 6-8 people running that and you will still have a Board of Directors, is that correct? **Bob Lowrance** – Correct, this will be two different entities. There will be board members running the Lake and then the Board for the Village. **Kathy Austin** – Have we looked into insurance costs? **Bob Lowrance** – We have not looked into that. **Don Austin 281**- Did I understand that you would pass this without taking it to the Annual Meeting? **Andy Carruthers** – They are talking about doing the same presentation at the Annual Meeting. At that time they will circulate the petition at that time. I don't think that it is being considered for a vote of the membership. That is for the Board to decide when they set the Agenda for the Annual Meeting. **Don Austin** – We should approve whether or not we want to proceed with this. **Roger Groth 1027** – I would like to thank the committee for taking the time with this. One of the things that is missing, there is not a transition plan and I do not understand how to get from here to there. There are a lot of costs that will go with this and I want to see the financial plan. There have been three people commenting on the police force, I suggest that you think about the number you have presented with the police force. I think that there needs to be more of a presentation on the police force, there is a lot of comparison to Bethalto. **Andy Carruthers** – The police department will be filled with part time police force and we are looking at St. Jacobs's police force in comparison. I agree that this needs to be presented better with more explanation. **Scott Webber 909**- We all understand that this is a huge endeavor. There are massive costs behind this. We spent five years creating member's rights to vote for the Board to move forward without the member's vote I think is unacceptable. You are voting to raise my costs without allowing me a vote. I would encourage the board to bring this to the meeting for a vote. **Ken Dullee** – We want to get this on the ballot, for a vote and get it into the Annual Meeting. **Marie Kelting 491**- I am looking at last time we tried to do this. How will you notify the farmers and those who will be in the boundaries about the logistics and the information? **Ken Dullee**- We will get this out to everyone we possibly can. **Rich Benel 54**- With the roads becoming public, how would we control soliciting? **Andy Carruther** – That is something that we have not talked much about. It would be for zoning enforcement and general enforcement of the ordinances. **Joe Roth 1030**- I would like to thank you all for the work you are putting into this. You are not going to let us vote on this at the Annual Meeting only to vote in the November election. **Ken Dullee** – That was the intent. **Joe Roth** – Shame on you. That is not good at all. There needs to be more time, this is moving too fast. You are presenting this tonight and this bothers me that it is moving this quickly. **Bob Lowrance** – Joe, we are a committee and we report to the Board. The Board will make the decisions. This is just the Committees recommendation. If you look at what we have, if we incorporate as a village we will get that one million dollars. I think that cost will cover administration, police force cost and the transition costs without seeing a tax increase. The association fees will stay the same or they could possibly drop, that is up to the Board. **Jim McCann 378** – I am not against the Incorporation and I agree this is moving to fast. I have a concern that there is a contradiction that this committee is assigned by the Board of Directors and it is bound by CICA. **Glenn Dalton** – What everyone needs to understand is this is a recommendation of this committee to the Board of Directors. **Mendi Patterson** – I would recommend that our Communication and Media Committee help to get the information out to those that who live outside of Holiday Shores that will be included in the boundaries of the Village. **Ken Dullee** – Thanks everyone for attending.

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**Transfers of Property**

There were 3 transfers of property 2 of which have triggered initiation fees. **Bob Lowrance** – There are earlier transfers and this current sheet shows a transfer from November and another one from January. I would like some clarification from Angie and Brandy. **Glenn Dalton** – We were not notified of the closing that is why they are just now on there. **Bob Lowrance** – For March then there is only one closing with the collection of an initiation fee. **Dave Decker** - The one that had closed in November, did we collect a prorated set of dues and assessments from last year? **Glenn Dalton** – I will have to confirm with Angie, but yes she would have collected a prorated set of dues and assessments for that year.

**Correspondence**

**Mark Unnerstall – 34 Shore Drive**

**Mark Unnerstall** – We have gone back and forth with this, and Holiday Shores is responsible for the drainage. The lot between 34 and 35 the water cannot exceed the pipe that I put in on my property years ago. Since then there are 13 additional house water moving through that pipe and according to my deed, it is up to Holiday Shores to take care of the easement between there with the watershed. The electric box was completely submerged under water and we were unable to finish this project. One of the reasons that this home has not been completed is because water is coming through there and hitting our electric box. SouthWest Electric informed us that they would not do anything until Holiday Shores takes care of the water problems going through there. Since then Glenn told us that Holiday Shores could move the electric back to lot 34 Shore Dr. We just need some help here and we are behind schedule because of the water from Holiday Shores. **Mike Parker 304-** The Building Committee is concerned that they have not filled out the extensions for their permits. The reason for their work not being completed is flood reasons, but that has nothing to do with our committee. **Mark Unnerstall II 34** – I would like to apologize for not being aware of the circumstances with the way Holiday Shores operates. We filed for the permit Aug 18<sup>th</sup> we got the permit and did not start construction until four month later. We got the permit ahead of time and that is not the way I do my business. We did not make Holiday Shores aware of our starting date. As of today we are 5 months and 25 days into construction, we still have 5 days left on our permit. I did not want to forfeit my \$3000.00 escrow and pay an additional \$400.00 when I did not start construction until 3 months later. **Glenn Dalton** – Our rules are pretty specific. It is not uncommon that people come to the office and have the date on their permits changed to breaking ground date. Chip (Mark Unnerstall II) did not inform us that he would be starting this project at a later date; he was notified and was so tied up that he did not have the opportunity to come in with in the proper time line. The Building Committee does give exceptions to start dates based upon breaking ground. I checked with SouthWest today regarding the electrical box issue. Right now SouthWest is not going to do anything with that box until resolution with that drainage is provided. The electrical box use to be located north up on lot 35. I am not sure why it was moved there. I talked with Steve at South West and they are waiting on the drainage to be resolved and there will cost with the moving of the box which was not discussed. I have a call into their engineer who we normally work with Susie Q, I am going to try and get her to come out and look at the situation with the electric box and come up with a re positioning, how long it will take and a cost estimate for that. **Mike Parker 304** – As far as the Building Committee, when a permit is opened that is the date that we go by. If a resident informs us of a later start date we do work with them. In this circumstance, there was no notification until the permit expired. We are now in a situation where do we give him the 90 days? At this point the project may not get finished until the drainage issue is resolved. **Roger Rawson** – The variance request is for the extension of 90 days? **Chip Mark Unnerstall 34** – I think the day we got the permit from you guys, everyone was aware of the situation that I would not start the project the next day. I have over three quarters of a million dollars into this house and that cannot be completed in three months. My child was born shortly after the permit was issued. I had a lot going on and was not aware that it was six months from the approval date. I thought it was six months from the start date construction. **Roger Rawson** - Your variance request is the extension. **Mark Unnerstall II 34** – This is the fourth meeting that I have attended and I was told that I needed to fill out the request. I am requesting the 90 day extension. I would like you to be aware that the house is 100% done, finished on the inside and outside. We have no electric and we

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cannot finish the rest until that water situation is fixed. **Rich Hertel** – You have two issues. One is the extension on the permit, and dated 8/18 signed by you. The other issue being the drainage. Talking with Glenn, I understand that it is not our responsibility for the water drainage. **Mark Unnerstall 34** – It is stated on our deed that the watershed will be maintained by Holiday Shores. I was driving through Holiday Shores and all the electric boxes are located within that 15 foot easement. I think that the electric box that is on our property should have never been placed there. I want to get this resolved but do not want to give money away. Our work is being cut short because of this electric box that is on our property. We cannot move forward because the watershed problem is still there. **Mark Unnerstall II** – I design high end back yards with water situations. This is not typical water flowing through. There are 15 houses with water draining through my yard. There is no way to resolve this without a huge expense. **Bob Lowrance** – First issue is you are asking for a variance, we should work through this first. **Mark Unnerstall II** – The variance is stating that we would like an extension. We were unaware that the start date was when the permit is opened. I assumed that it was the actual starting date of the construction. If going by the beginning of construction I am still within the six months. Everyone was very aware that we would not have started the project the day it was opened. **Roger Rawson** – So you are asking for the 90 day extension? **Dave Decker** – You keep stating that you did not start this project until three months after the start date and according to your letter it was a month. **Mark Unnerstall II** – I am not sure of exact dates. As of today, we are still within our six month time frame from when the construction began on September 25<sup>th</sup> 2015. **Dave Decker** – Your request is for the standard 90 day extension? **Mark Unnerstall II** – Correct. **Dave Decker** – Can you give me the standard protocol on the extension and the fees? **Mike Parker 304** – When you initially open your permit you have from that open date six months to complete your project. When someone realizes that they are not going to be complete by that date, they come in and fill out an extension request. Depending on the project will determine if there is a fee, with a house the first extension is \$400.00. There are penalties that are greater if you do not file. There is a second 90 day extension that is nonrefundable \$1200.00. **Mark Unnerstall II 34** – Communication is key, and it was never told to us that we would need to call and tell them that there would be a later start date.

**Roger Rawson** – Motions to grant the 90 day extension at the standard fee of \$400.00 on the permit that is issued August 18<sup>th</sup> 2016. **Dave Decker** - Seconds.

**Rich Hertel** – When does this start, because on February 18<sup>th</sup>, we would have started the original request? May 18<sup>th</sup> would be the expiration from original date. **Roger Rawson** – This would be the date of the permit that was originally issued. **Mark Unnerstall 34** – I have no problem with that date, but with the water issue... **Bob Lowrance** – We are speaking only on the extension request at this time. **Monte Thus** – I have an issue with you saying it was because of communication. In this Building Permit packet it states all of the rules in there. “If project not completed within six months of permit date you forfeit your refund” and it also talks about the 90 days of which it was signed by you. It is there in black and white. I have an issue with you saying that the committee is telling you what needs to be done. **Mark Unnerstall II 34**- I have photos to prove the start date. **Rich Hertel** – It does not matter when the project started, if you exceed the allotted time then you would need to file for an extension if surpassing the expiration date of the permit. **Roger Rawson** – There is an expiration time on the permit. Conversation Ensues...

**Action: Motion Carried**

**Water Drainage Issue 34 Shore Dr. –**

**Dave Decker** – You said that you did not have the property surveyed prior to building the house? **Mark Unnerstall 34**- It was surveyed when I bought the land and then when I built the house. **Roger Rawson** – The east side of the house is where the drainage issues exist and you are stating there is something in the deed. **Glenn Dalton** – I think there may be some confusion in what he has, there is a document that is part of the deed. (Deed Information and read by Glenn Dalton) We do have an easement and basically we are standing with what our Covenants indicate. **Mark Unnerstall 34** – We are glad that you have that easement and there is enough area for the water to shed there. The problem is with the 13 or 14 houses that were built and the water shedding off is now flooding and coming through. The drainage is where the Electric meter is located we had to use our equipment to cut into that to get the water to drain and it is still not draining. **Bob Lowrance** – What is it that you are asking of the Board? **Mark Unnerstall 34** – I am asking that you put rock there so that the water does not come up to our

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home or property and fix the water issue that is coming from all the homes that are being built. You could put a culvert through there or rock it. **Bob Lowrance** – Something for drainage only? **Mark Unnerstall II 34** – I would like to show some pictures of what we are dealing with. I am asking to remove trees in the easement, and I am requesting a culvert to be placed there. **Rich Hertel** – Before you started construction, were you aware of any of these problems? **Mark Unnerstall 11 34** – Yes, I was aware of the water. I had no clue that the water would be to this extent. You can go to that property at any given point, the water is constantly flowing. **Rich Hertel** – It seems that you would have looked into this before the construction. You should have corrected this beforehand. **Mark Unnerstall II** – I was never aware that it would be this bad. There is also a 1 foot pipe running from the road to the lake and that pipe should have been in the easement and it is running right into my foundation. The water is running into my foundation. That has also been an issue. **Rich Hertel** – From my understanding that pipe was put in by the owners of the property. **Glenn Dalton** – That was done by a previous owner. **Roger Rawson** – Until this house was built, it was the watershed for the other properties. That is a watershed lot. **Mark Unnerstall** – The easement is. What happened is the culvert was put in by the previous owner and that one foot pipe did its job, before the other homes were built. The amount of water that is coming through there is coming from the entire houses that have been built. For 27 years I owned 33 and 34, sold 33. **Glenn Dalton** – Our responsibility is to take the water from one side of the road to the other. Allowing people to hook on to our culverts, we do not allow that. We have never taken a pipe and ran it all the way to the lake. **Roger Rawson** – We do not install pipes on private property. **Glenn Dalton** – No sir. **Mark Unnerstall II** – Back to the natural watershed, this is not a natural watershed. Natural watersheds comes from creeks and such, this is a continuous flow of water. It is being forced from different systems. **Roger Rawson** – When you built the house you changed the natural watershed on that lot. **Mark Unnerstall II 34**– Yes, the house is built at the lowest level it can be. You have also stated that you do not install pipe on private property, however, that is in the easement that is there for water. **Dave Decker** – It does not require that we do what you are asking. **Mark Unnerstall 34**- When the one foot culvert went through there and there was a two foot curve where the water would sit and now there is too much water moving through there. The original grade has not been touched, we lowered the grade there. The pipe ran two feet off the easement line. Clem used to own 35, I dug the line and he put the pipe in there. **Roger Rawson** – It looks like you have graded down the right side of the house so the water will now run to the right side of the house. We do not own the easement that is just an access. **Mark Unnerstall II** – You are correct. When we get a hard rain, all the water is flowing through my property. The problem is we are taking hundreds of gallons of water per minute. I have dropped the grade three feet. **Roger Rawson** – It now looks as if that is the right side of the house. The electric box in front of the house will have to be moved anyway. **Mark Unnerstall II** - Yes sir. **Roger Rawson** – When the box is moved it will all get back filled. **Mark Unnerstall II** – Yes. **Roger Rawson** – It looks as if you have created your drainage. **Mark Unnerstall** – We have prevented a major lawsuit. **Roger Rawson** – The Association is not responsible for the electric. **Mark Unnerstall** – The Association should have been involved when the electric box was installed. That is why we had to do things differently. I think we should have a group to come out and look at this. **Glenn Dalton** – We have always had complaints with that lot being wet. We have looked at it several times. The owner told us that it was put in by the previous owner and we came to the agreement that we could not do anything with it. We do not have any control over the utility company and if it is outside of the easement then we can bring that to their attention. We will be discussing this with the engineer. **Bob Lowrance** – If you have had this surveyed then that will also show the easement. **Roger Rawson** – The association isn't involved legally between the homeowner and the utility company. **Mark Unnerstall** – The lot had a watershed; the easement had the water issue. **Jim Perotti** – That lot has been that way for years. **Mark Unnerstall** – That pipe was not on the lot, it was in the easement. **Jim Perotti** – I have placed pipes in Holiday Shores for many years and never placed any to the Lake. **Mark Unnerstall II** – I understand that this is not the normal situation, I want you aware that there are laws that state one lot cannot take the water from the entire neighborhood. It is not a natural watershed. I am asking to work with you and asking for your help. I do not think that I should have to ask for another extension because that house cannot be completed. **Becky Unnerstall 34** – I want to make sure that you are all aware 100% of the water is coming from across the road not from 34 Shore Dr. **Roger Rawson** – The water naturally came through there to the lake before the house was built, because it is the lowest point. **Mark Unnerstall 34** – Holiday Shores, allowed 14 other houses to be built, and that is the water we are taking on. We just want this resolved. If you survey the water coming across, and add a

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pipe that water has got to go somewhere. The water was fine before the houses were built. **Roger Rawson** – There is an easement between every lot. We need to figure out how to address this. How do we need to proceed? Glenn, Is there a recent watershed analysis? **Glenn Dalton** – Yes there has been. **Bob Lowrance** – At present, we can send this to a committee to look at for a resolution. At this point there has been no motion made. **Dave Decker** – Are we willing to put in a pipe on private property? I am not willing to do that. You want us to pay for and put a pipe onto your property, where you originally placed a pipe and had water issues. **Mark Unnerstall** – I did not own the lot at that time, I was only the contractor. I put it on my property to ease the water. There has not been anything addressed on this. **Mark Unnerstall II** – I could care less about the pipe; we are wanting the water from the entire neighborhood taken to the lake. **Bob Lowrance** – With no motion, this basically fails here.

#### **Variance for OutLot 15**

**Mike Parker 304-** This contractor requested for no culvert to be installed under the driveway. We recommend this because of the elevation. If we move forward with ditching they would incur that expense. We have had one issue; the member went ahead and did the driveway with no culvert. **Mike Parker** – We did send them a citation. **Bob Lowrance** – I do not see any problem with this.

**Rich Hertel** – Makes a motion to approve no culvert being installed under the driveway and when ditching is in place the member agreed to install a culvert and incur costs. **Dave Decker** – Seconds

**Action:** Motion Carried

**Dave Decker** – His fine still stands.

#### **Madison Count Environmental Grant**

**Bob Lowrance** – The grant has been filed and approved by the township to move forward. **Glenn Dalton** – The only thing I need is signatures of the Board. I will send the copies to the Madison County office tomorrow and our grant will be submitted. **Bob Lowrance** – The grant is for \$15000.00, and we will be putting in \$3000.00. The township is filing that grant for us.

**Monte Thus** – Motions to approve the resolution to submit the grant. **Roger Rawson** – Seconds

**Dave Decker** – The work that we are requesting is something that the Board was not aware that needed to be done. This came up when the opportunity for a grant. We had in our budget a gabion basket that we wanted to install along with two others. Is there a reason that those were not submitted? **Glenn Dalton** – When looking at the characteristics, the reparation barrier is a big part and keeping the reparation barrier on an existing creek is a big part of this. That is looked at by EPA and everyone in the area. The fees with the gabion basket is a \$5000.00 project, yes we could have looked at that. **Dave Decker** – There are three of them. **Glenn Dalton** – One of them is almost complete, and yes we have two more that we want to do. **Dave Decker** – This is something that comes every year. I would like to make the recommendation, that we include the two gabion baskets for next year.

**Action:** Motion Carried

**Bob Lowrance** – Glenn received a letter from Mary Poorman at Brigantine Circle. Asking if they would be on the list for road repairs. Glenn Dalton will be responding to her.

**Monte Thus** – There are two reserve accounts set up in CD's and one expires tomorrow and one expires on the 31<sup>st</sup>. Talking with the bank we can renew those. I talked with Dave and signed one of them for 6 months. We will look into that for renewing for a longer term.

#### **New Business**

#### **Open Floor**

**Gerry Theodore 1346-** The years I spent on the Building Committee, the variance that was approved, I want to clarify that the paper work on a permit spells out the rules. We are not required to give them a new start date as we do not know when they will start the project and it is stated in the Rules they have 6 months from the start date.

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The drainage there is a complete mess. If it is not the lowest lot there then it is close. They should have taken care of the drainage before they built a home. I feel sorry for them but I do feel this was brought on by themselves. I do not see anything in our instruments that we are to pipe private property. If you want to decide to do some pipe work, I caution you to get some engineers. Get the proper engineer I am not sure of the costs that would go with that. This house is really close to the road. This house looks as if it is too big for the lot and is within inches of meeting every set back.

**Dave Decker** – Motions to move to executive session. **Roger Rawson** – Seconds  
Action: Motion Carried

**Meeting adjourned at 10:40 p.m. to Executive Session.**  
**Meeting minutes submitted by Rich Hertel.**