

**Mariner Hills Property Association, Inc.  
Board of Directors -- Meeting Minutes 2009-05-23**

Directors Present: N. Bakko, E. Graff, W. Miller, R. Seyfried, M. Schultz, L. Schauer, [A. Dietenberger after reconvene]  
Directors Absent: T. Hanson  
Others present: [none]

**Proceedings:**

1. MHPOA Board Meeting called to order by E. Graff at 9:00 AM on Saturday, May 23, 2009, at home of L. Schauer.
2. Motion to accept Minutes of the Board Meeting from 2008-04-18 by R. Seyfried, seconded M. Schultz; all agreed.
3. Motion to accept the Treasurer's Report of 2008-04-17 by W. Miller, seconded by R. Seyfried; all agreed.

**Old Business:**

1. **Web Site:** No change. *[Awaiting aggregate usage tracking to be integrated into website].*
2. **Bylaws:** No change. *[Reiteration for the record that the Bylaws Committee completed a draft set of revised bylaws and the Board simply has to decide how/when to proceed].*
3. **Permanent Pavilion:** No action. *[This will be taken up by planning committee after survey results.]*
4. **Member Survey** – was sent with proxy's & newsletter, we received 21 surveys (about 25%) back by Friday, May 22 – preliminary tally and graphed summary handouts already beginning to show trends, but this could be changed by surveys handing in at meeting, and yet to be returned via mail.
5. **Pool Issues:**
  - **Septic Tank** – Pumped by Flitcroft on 5/21/2009. (Need to verify this is recorded at county LURM office).
  - **Door Strike Plate** – on BH Door was fixed by W. Miller.
  - **NEW double-keyed Deadbolt lock** – was installed on Pool entry door by W. Miller (matching keyed-alike second lock was purchased at the same time -- \$20 each lock).
  - **BH Door frames** – should STILL be looked at in the future (possible replace with steel frames).
  - **BH Path light** – has been installed and works well.
  - **BH Cleaning** – Tanya cleaned bathhouse this past week (Note: Need a fluor. bulb for the women's room).
  - **Surveillance Cameras** – tabled for later discussion.
  - **BH Door Audit Logs** – W. Miller purchased required cable/software (\$150) and downloaded audit data on Wednesday (will be easy to generate useful analyses) – also this gives us capability of programming the lock w/o paying locksmith.
  - **ALL padlocks have been changed** – on Gate, Pump-house, heater gate (these first three use the same key), plus BH cabinet and Shed (distinct keys for each). New padlock keys can be duplicated (old one could not) – and each group has an extra keyed alike padlock as “backup” – sets of keys have been duplicated, grouped and prepped. Keys will be tracked AND retrieved from vendor(s) at the end of a season, or only issued on an as needed basis.
  - **VGB Status**
    - Plans from AquaMan received, reviewed & corrected, awaiting 2nd (final? version) if good we will submit ASAP.
    - Spoke with Wisc S&B reviewer on 5/22 & he stated “good” plans are getting scheduled for review within 1-2 weeks of submission (and if everything OK) are approved at that meeting.
    - Also note that our “choices” (of grates, pump with SVRS, etc) were put past him verbally and he was “impressed” and believed we should have no problem getting quick approval.
    - VGB work should then be able to be completed within 1-2 weeks following approval... only needing the official “inspection” and then we can open the pool for use and be FULLY COMPLIANT with federal and state laws on this.
  - **OTHER POOL WORK is just as critical as VGB** – W. Miller gave abbreviated verbal & pictorial summary, and provided written “Facility Reports” for review by Board members during the morning (significant decisions needed by end of day).
  - **Pool Opening Time-line** – W. Miller stated that hopefully we can get the pool open within a month, and resolve all of the major compliance (electrical, plumbing and other) issues within that time-frame (we MUST have the major problems fixed in advance of the VGB inspection anyway.)
  - **Member Meeting Preparation**
    - Proxies -- To date, we have received 19 proxies by mail, if we get even a “normal” turnout we should have a quorum.
    - A Display Board -- has been prepped with both Pool & VGB info on half, and Planning Ideas & Info on the other half.
    - An Agenda/Pool-Handout – has been prepared and will be given to members as they sign-in – this should help answer questions AND keep the meeting orderly (members will at least know the order we plan on address issues).
    - Meeting Agenda – once we get to the “MEAT” of the meeting (past the general announcements) the plan is to address things in the following order (with time for relevant questions after each topic):
      1. Pool Status / VGB (these are intertwined)
      2. Pool Committee & Change in Pool Mgmt.
      3. Survey & Long Term Planning Committee work.
      4. Board elections.
      5. Other (open floor for questions, etc).
6. Motion was made to suspend the Board meeting and reconvene with newly elected (and/or re-elected) directors and resume with election of officers and “New Business” after the Annual Meeting of Members is closed. Meeting suspended at 10:18 AM.

**(Note: Annual Members Meeting – see separate minutes on pages 2 & 3; remainder of Board Meeting minutes on page 4.)**

## 2009 Mariner Hills Property Owners Association Annual Members Meeting

2009-05-23, 12:45 AM Meeting called to order at Association Pool Property by Eric Graff

Following MHPOA members in good standing in attendance or by a personal proxy holder:

02, 13, 16, 17, 18, 19, 22, 25, 27, 28, 29, 30, 34, 45, 46, 55, 58, 59, 67, 68,  
69, 70, 76, 77, 78, 79, 85, 86, 94, 95, 97, 98, 100 (= 33 members)

MHPOA members in good standing via proxies to the MHPOA Board of Directors:

03, 23, 26, 36, 52, 56, 61, 62, 71, 75, 87, 91, 96, 99, 101, 106, 108, 109 (= 18 members)

**Total Class A members in good standing represented in person or by proxy = 51** [Note: Quorum requires 1/3 of qualified members. Total number of member lots = 127, 1/3 of that = 43. Total delinquent members as of 5/23/3009 = 10. Total number of members in good standing = 117, 1/3 of that = 39.]

### Business Agenda

1. Secretary W. Miller noted that quorum had been achieved.
2. E. Graff entertained motion for official Annual Members Meeting to begin before 1PM time designated in bylaws. Motion made to begin meeting prior to 1PM by W. Miller. Seconded from floor. Vote taken by show of hands: Unanimous approval. Meeting officially commences at 12:50 AM.
3. Announcements – President E. Graff made several announcements:
  - Pool is currently closed – in depth discussion to follow.
  - Pool use -- Reminders of Rules concerning
    - Access is via BATHHOUSE and POOL KEY only (fence jumping is a form of trespass and is extremely dangerous – if the pool is CLOSED, we have very good reasons for the closing – nearly ALWAYS involving safety concerns).
    - Presence of Glass – MAY require closing of pool.
    - Broken Glass found – **WILL** require closing of pool (+ expensive special cleaning. Safety Inspections, etc.)
    - Past infractions and vandalism – idle teen hands especially were noted -- have caused a LOT of headaches and additional expenses (which raises costs and assessments); this must STOP.
  - **Pier Use** – is for use by boats owned and operated by members only.
  - **Grass cutting** – reminder to vacation owners and especially owners of “unimproved” lots – this is a county matter.”
  - **Dog Leash** ordinances – again a county and township matter.
  - **Speeding** – we are a RESIDENTIAL area, and people must keep their speed down – contact the police (via non emergency numbers) if you see problems.
  - **SPECIAL NOTE that the annual assessment has been kept the same**, despite heavy pool expenses this year (which our reserve is allowing us to handle without the need for special assessments).
  - **Pool Manager Change** – T. Hanson desired to step down as both Pool Manager and a Director after several years of faithful service; Board wanted to make special note of our appreciation for all of his work.
4. Pool Report & Status Update – E. Graff turned floor over to Secretary (and new Pool Manager) W. Miller who elaborated on the changes and work that are needed including the following areas:
  - **Federal “Virginia Graeme Baker” (VGB ) law** that is in effect as of 12/19/2008 (references a VGB brochure and back of agenda that was handed out – see attachment at end of minutes file). Mr. Miller noted that ALL “public” pools (and an association owned/operated pool such as ours *is* specifically designated as a “public” pool under the laws) are having to address this issue – including the Elkhorn park pool. Most such pools are simply hiring (at significant expense) major “engineering firms” to prepare their plans and make required changes. We received bids from 5 firms, and found one that we can work with to minimize our costs by installing the following:
    - New Pump with SVRS (Safety Vacuum Release System) as a “secondary” protection.
    - New Floor Drain Grate/Cover
    - Side “suction grates”
    - Auto-Water Leveling Device (if necessary).
  - **State Law Changes** (VGB and additional DHS rules) – the State of Wisconsin inserted itself into the VGB process, and requires an “engineering evaluation & plan review” (by a Wisconsin licensed professional engineer) before any VGB work can begin. In addition, effective in 2008 and being more actively enforced in 2009 are additional regulation changes that require additional work, including the following:
    - New signs.
    - Stricter water-quality monitoring standards.
    - New equipment requirements (first-aid, biohazard, etc).
    - GOOD NEWS is that we are definitely UNDER the size requirements for full-time staff & lifeguards
  - **Additional Repairs and Upgrades** – while our pool is closed awaiting the VGB approval and work, we have determined that now is the best opportunity for us to perform some badly needed “behind the scenes” infrastructure work to the Pool Area, Bathhouse, and Pump-house facilities, this will include the following:
    - Replacement of Pool Pump.
    - Electrical – correct grounding of equipment and facilities.
    - Plumbing – adding filtration to well water, automated filler to pool, etc.
    - Ladder & Rails – as members have noted, the current rails are “wobbly,” we plan to install entirely new rails & ladder.

- **The floor was opened for questions.** The main concern was how much this (the VGB requirements) will end up costing us in total. Mr. Miller noted that the cost of the specific VGB work (including site inspection, engineering, plan preparation, state review & inspection fees looked to be around \$2,500 – if we add in the cost of the new pool pump [with the VGB required SVRS built-in] the total cost would be slightly more than \$3,000). But he also noted that many pools are spending even MORE than that total just for site inspection and initial “engineering” evaluations – for example the City of Elkhorn is paying the Bonestroo firm \$3,500 just for their initial “evaluation” of their pool drain – and other municipalities have spent in excess of \$15,000 to \$20,000 for the work on their pools.
5. **Committees** – President E. Graff resumed the floor to discuss our two committee needs as follows:
    - a) **Pool / Facilities Committee** – the purpose of this committee is so that the burden of pool management will not rest solely upon one person, or be known only to one person; to meet on a regular (at least monthly basis) to oversee the existing pool's operation, and help with member concerns. The committee currently consists of 3 directors, Warren Miller, Eric Graff, and Mary Schultz, but the board **really wants “general members” (at least 2) to also be a part of this committee.** Anyone interested should contact the Secretary or any of the Directors.
    - b) **Long-Term Planning Committee** – created at the March 2009 Board Meeting, this ad-hoc committee was developed to meet several times over the summer of 2009, analyze the results of the 2009 Member Survey, investigate what facilities we are allowed to build (via zoning, land survey, etc) and then to return a “Long-Term Proposal for developing the MHPOA Common Properties” report of options and recommendations to the Board for consideration at the September and following Board meetings, and major projects to bring before the Members in the future.
  6. **General Questions and comments from the floor:**
    - **Long Term Planning Question/Comment** – A. Dietenberger rose to make several points regarding this:
      1. While all of the things shown on the display board (photos of possible pavilions, game courts, etc) were nice, since there were no “price tags” attached, the membership did not really have enough information to “vote” on.
      2. That, having served on a Bylaws revision committee last summer, he had become more familiar with the existing powers and abilities delegated to the Board under those bylaws, and he feared that the Board could expend large amounts of money and make significant commitments on behalf of the members without their input.
      3. As a result, he declared openly that he would like to run for the Board, and would publicly state that he was circling “0” (zero) on each item of the survey – and that people who believed such a voice should be on the board should vote for him, those who disagreed should not.
    - **Response** – E. Graff that the Board emphatically *WAS* seeking member input, and that the reason no “price tags” were on any of the “ideas” shown on the display board was that they are only at the vaguest of idea stages at this point, much work needs to be done before we are at the point of placing things before the membership for voting.
    - **Member Survey Question** – B. Vance rose to inquire further on the Member Survey – specifically when and how the results of the survey would be made available as feedback to the membership, whether a newsletter would go out or copies of the report would be made available, or other methods?
    - **Response** – W. Miller responded that he intended to provide at least a summary of the results along with a summer newsletter (probably accompanying the announcement of the reopening of the pool) – and that additional details – a more “full report” would be made available on the website. Additionally, he noted that while the main purpose the formal survey was to comply with the requested by vote at the 2008 meeting (especially concerning the building of a pavilion and/or playground), this gave the Board an excellent opportunity to get additional feedback (for instance on the pool) and to develop more substantive plans than simply “keep the pool running and save for a replacement.”
  7. **Director Openings** – three (3) board positions (directors) are up for election – all of them full 3 year terms. With T. Hanson retiring from the board we needed at least one new director.
    - a) Floor was opened for director nominations: Motions from the floor were made and seconded to nominate the following individuals: Terri Braden; Andy Dietenberger; Eric Graff; and Warren Miller.
    - b) After request for any additional nominees, a motion was made to close the nominations, seconded and all agreeing we proceeded to vote (using the ballots distributed during member check-in).
    - c) Resulting tally of 28 ballots returned votes (after addition of 18 Board proxy ballots, and with 3 votes per ballot a total of 138 votes) --were as follows: Terri Braden 31 votes; Andy Dietenberger 31 votes; Eric Graff 36 votes, and Warren Miller 40 votes. (Note: Board proxies were evenly distributed among the candidates).
    - d) With the tie between Terri Braden and Andy Dietenberger at 31 votes each, members were required to check-in a second time to receive a tie-breaker ballot. Finally tally of 27 member + 18 board proxy ballots revealed Terri Braden with a total of 20 votes, and Andy Dietenberger with a total of 25.
  8. **Announcement of New Directors** – E. Graff announced that the three (3) directors thus elected to serve 3 year terms (from 2009 through the annual meeting in 2012) were: Andy Dietenberger, Eric Graff, and Warren Miller.
  9. Request for any additional business from the floor. No requests were made.
  10. Motion to adjourn was received from the floor; voice vote was unanimous. Annual Members Meeting for 2009 was adjourned at 2:10 PM on 5/23.

**New Business**

1. **Board Meeting was Reconvened** – at 2:25 PM by President Eric Graff.
2. **Welcome to new director** – the board gave a hearty welcome to newly elected director, Andy Dietenberger.
3. **Election of Officers** – Nominations were opened for the officer positions and nominees were as follows:
  - Eric Graff was nominated for President by R. Seyfried, seconded by A. Dietenberger.
  - Warren Miller was nominated for Secretary by L. Schauer, seconded by R. Seyfried.
  - Lenore Schauer was nominated for Treasurer by R. Seyfried, seconded by Eric Graff.
  - Mary Schultz was nominated for Vice President by L. Schauer, seconded by Eric Graff.
  - With no additional nominations forthcoming, R. Seyfried moved to close the nominations for officers, N. Bakko seconded and all were agreed.
  - R. Seyfried further moved that the slate of nominees be elected by acclamation, seconded by L. Schauer. All agreed.
4. **Special JUNE Meeting of Board** – W. Miller moved that with ongoing pool & planning issues (including dealing with possible problems with electrical & plumbing work, plus the importance issues of Security/Vandalism and Water Quality/Automation, as well as Survey Results and creation of the planning committee) the board should meet in the middle of June, feeling that the July 18th meeting was simply too far in the future. M. Schultz seconded. A meeting date of Saturday, June 13th at 10:00 AM was set, to be located at the home of W. Miller.
5. **Pool Facility Infrastructure Special Expenditures** – W. Miller noted that while he had quotations and rough estimates he did not feel he had the authority to expend the monies without Board approval; and that to expedite the repairs (and thus the opening of the pool) the board either delegate such authority or specifically authorize the following expenditures:
  - Electrical (\$1,200 quotation for complete rewiring of the pump-house and take care of grounding and equipment ground-bonding issues, plus est. of \$300 to relocate & rewire the bathhouse subpanel).
  - Plumbing (rough estimate of \$500 to redo the fresh-water [well-tank] plumbing, place filters, outside hose bibb and plumbing preparatory for a future automatic pool level device).
  - New Pool Ladders & Rails (rough estimate of \$600 for new “no ground-bonding needed” ladder & rails, with additional cost for concrete work).
6. **Authorization of Special Expenditures** – R. Seyfried moved that the board authorize the Pool Committee and/or W. Miller to contract for the following: Electrical not expenses not to exceed \$1,500, Plumbing not to exceed \$750, and as a total for the Ladders & Rails an amount not to exceed \$1,000; with the provision that if amounts were to exceed those figures, additional authorization could be received from the board via phone, email, or at June meeting. N. Bakko seconded, and all agreed.
7. **NOTE on Future Board Meetings:** Locations scheduled for 2009 as follows:
  - a) June 13th 10 AM – Special Meeting – Pool Issues – at the home of W. Miller.
  - b) July 18th 10 AM – at home of E. Graff.
  - c) September 19th 10 AM – location TBD.
  - d) December 5th 10 AM – location TBD.
8. **Motion to adjourn.** R. Seyfried moved to adjourn; all agreed, The meeting closed at 2:45 PM.

*Minutes submitted by Warren L Miller.*

Signatures of acceptance of above attached minutes:

\_\_\_\_\_  
Eric Graff, President Date

\_\_\_\_\_  
Nate Bakko, Director Date

\_\_\_\_\_  
Mary Schultz, Vice President Date

\_\_\_\_\_  
Andy Dietenberger, Director Date

\_\_\_\_\_  
Warren Miller, Secretary Date

\_\_\_\_\_  
Bob Seyfried, Director Date

\_\_\_\_\_  
Lenore Schauer, Treasurer Date