

# COMMISSIONER MEETING

April 18, 2022

## APPROVED MINUTES

### North Golf Course @ 3:00 pm

#### 1. Call to order

- a. Meeting was called to order at 3pm by Chair Tim Lee. Also in attendance was Jim Best and the new commissioners, Ron Page, David Nebel, Joe Kaiser. Betsy Waugh was also in attendance with 29 spectators.

#### 2. Approval of minutes from previous meeting – February agenda due to March not having official meeting

- a. Ron Page recommends we approve the minutes from the February meeting, David Nebel seconded and all approved with unanimous votes.
  - i. GM made note that the only signatures required for February minutes was Tim Lee and Jim Best since the new commissioners were not on board at that time.

#### 3. Approval of April 18, 2022 agenda

- a. David Nebel makes motion of new business to discuss future meeting times. Already on agenda.
- b. Tim Lee asking to entertain the motion to approve agenda. Joe Kaiser motioned and David Nebel seconded the motion. All approved unanimously.

Tim Lee wanted to make a statement to thank everyone for signing up as a nominee and think we had a great turnout. So much appreciate all that ran and congratulations to all the new winners. He also praised Ms. Waugh and the election committee for the election process.

#### 4. Old Business:

- a. Docks on Lake Thunderbird; Winnebago Cr.- Parker/Southard
  - i. Ms. Waugh spoke to update the commissioners and attendees on communications with the attorney and supporting documents being provided. We are at the point that we are offering to both Parker and Southard the opportunity to remove the additional 16' gangway that was added after the dock was approved. If they do not comply, then we are prepared to file suit against both property owners. We have to set a precedence that if nothing is done we will have other issues arise. I feel that Mr. Parker and Southard do not believe we have the right to defend our property and I guess we will have to show them in court that we do.  
Tim Lee asked that all comments are held to the end of the conversation.
- b. Fire Hydrants – Provided a reply, interrogatories and discovery due on April 25<sup>th</sup>

- i. We just finished interrogatories and discovery, which was due to the Waterworks by April 25<sup>th</sup>. We gave the water company the proper notice in November 2021 that we would not be paying any further fees in 2022.

Tim Lee asked if we were paying them? Which we have not since our notice for final payment December 2021. He also asked if we had been putting money aside to pay this if needed. Waugh responded that no funds were set aside, but we do have the funds in the operating account if needed.

## **5. YTD Income and expense report through March 31, 2022**

- a. Financials are available at the back of the room and posted on our website. I made note concerning the increase in income, and that was due to collecting \$74,880, in assessments fees being paid in full. Noted on the second page of financials. Now that we have exceeded over \$50K, we will put this into an account where we can draw some interest and then withdraw 10% annually so that we are not using those funds before needed.
- b. Tim Lee stated that we should have delinquent funds coming in around October. I informed him that we have small amounts come in each month and with the recent foreclosures, the majority will be redeemed and will catch up those delinquent amounts now. She stated that the commissioners needed to review the current available funds to determine which direction to go now.

## **6. New business**

- a. Lake Committee update – wave boats policies and AR Game and Fish update
  - i. Norman Flowers came back to report the same recommendation from the Lake Committee that was passed from previous meeting until the board was full. Ms. Waugh also included many emails received in the SID office concerning the negative impact the wake boats have on their personal property and erosion. We have a meeting each month and hope that the board will make a decision so they can move onto another subject. We have hopes of having a biologist come in and do some work and let us know how we can improve the lakes and make a better fishery.

Tim Lee asked the commissioners to do some research and asked the commissioners to speak on where they stand.

Joe Kaiser spoke first to say that he has a lot of knowledge of the lakes and that he is hearing owners' complaints every day. He wants more research and information concerning how much of the damage is just wake boats versus other boats as well. He made comment about how the world is changing and bringing in bigger and better technology. His personal opinion is that wake boats are too big for the size of the lake. Large lakes are better set for those types of boats. He would like to see something that protects our shoreline and owners' investments and dollars being protected. Joe added that he had heard, but not confirmed, Crown Lake in Horseshoe Bend had recently done away with wake boats. He would also like to know Bella Vista and Hot Springs Village policies.

David Nebel stated that he lives on Lake Thunderbird and he knows what the Wake boats can do. I think we have some changes that need to occur in the terminology, and he would like to sit down with both sides and try and come to a compromise. When these lakes were built a standard boat was 100 hp, and now that are way bigger than that.

Tim Lee needs clarification that they cannot fill the ballast at those lakes.

Jim Best has aired himself several times on this, and that Thunderbird is only 250 acres and a lot of boats. We really have more than our lakes can sustain. The cumulative of boats all week long is the source of the damage to the shoreline. Yeah, a wake boat is going to throw a lot of wake, and cause damage. But the big damage on that is people sitting on their docks can be knocked off their docks by the size of the wave. Don't know the answer, but good luck with it.

Ron Page has spoken to many of the property owners that are complaining about the damage to the boats and docks. They have 6-foot waves hitting their docks and destroying their boats. That is the same comment that I am hearing from everyone and that concerns me. I don't think we should have any wake boats on any of our lakes.

Tim Lee spoke on this coming up with several meetings before and he has done some research on them. He personally doesn't really have a dog in the fight because he has a pontoon. He watches all different sorts of boats go by, and he did some research on some erosion. What I can't get past is that it happens every day with rain coming down and washing grass and dirt away. For every wake boat that I see are about 8, that will fill the ballast, and the rest are fishing boats. I don't see them when the lake is full, they need calm water to surf. So for me, wave action hitting docks and erosion, makes 18-19 pontoons to one wake boat. So I don't see an issue with the ones we have now. Saying that, in a few years when we have 40 out there, is that going to be an issue. In saying that, I am just one person that personally think as far as the docks go have issues because they are older docks. It is your responsibility to keep your docks in good condition and making sure that shoreline doesn't have erosion. He encouraged everyone to do their research and maybe we can make some decision next month.

b. Golf Committee update – HHS golf team membership recommendation

- i. GM spoke concerning the only item to discuss the golf team with HHS. In the past, HHS has had the use of the golf course for practice and tournaments with no charge. This year we spoke with Coach Wulff who has gotten permission from the AD to purchase junior memberships for the golf team with a payment of \$2500. We anticipate 18 players, so we had three people who donated the remaining \$560 to collect the full \$170 per student. This membership is for walking only, anyone under 18 cannot rent a cart. Play begins after noon during week, have to call for tee times for earlier times. The kids will also give back and help with some tournaments cleaning carts and chipping balls back in the range for pick up. This will help the golf team and help improve play for the future.
- ii. Tim Lee asked about the matches or tournaments and was explained this is the same play time as in the past years, but collecting membership fees now.
- iii. Joe Kaiser asked how we will identify the students who have the memberships. They are not allowed to bring their friends in as guest to play, and would be identified when signing in at the course.
- iv. Ron Page makes a motion to approve the memberships+
- v. Tim Lee spoke up and said he thinks this is positive for the kids, but the issue I have is that we have to decide if we are going to allow the courses to be used by non-property owners. We have been questioned if that is legal to allow, kind of

like an associate membership. We did ask our attorney if we could allow nonmembers, and he said nothing in the law that says you cannot allow the public. Both Lee and the attorney stated it could be voted on by the board, and we may need to investigate further before making a decision.

- vi. Joe Kaiser brought up that we are talking about minors and splitting hairs on what we should or shouldn't do. I am all for keeping the kids busy. But its not like were saying bring your whole family to come play golf.
- vii. Tim Lee thinks it's a great idea, again SID serves a purpose and the improvement district is for paying property owners and your only suppose to use the amenities if you have guest, with property owner. We have kind of softened those rules over the years because play had dropped too very little. So, whomever is showing up is showing up is getting to play, different from the pools that we have been stricter. So I just wanted to throw that out there so we don't do anything we shouldn't.
- viii. David Nebel spoke up and said that this is something that has been going on for years with having there matches on our courses and that it is for the community.
- ix. Ron Page motioned to approve and David Nebel seconded the motion. All were in favor, unanimous

c. Baseheart trail potential – Roy Echols

- i. Roy Echols spoke and provided a map and research from area trails and the opportunities they bring to the communities they already exist. Median age in our area is 55 years old, with 53% not working, and have a lot of free time on their hands and would like to exercise. Checking other Cooper communities in our area, Hot Springs has 25 miles of trails with about a dozen location, Cherokee Village has 1/2 mile and Bella Vista has 96 miles. The interesting thing in Bella Vista they opened a 50-mile bicycle trail with hiking, and it started in 2019. It caught fire, and they are still expanding. Baseheart has an area that has not been used for a while. A committee headed up by Karen Page recently walked the location which is very scenic with a large open field. One site they have about 8-10 camping spots for trailer with access at the bridge and through the campground. The old river bed is located in that location, so we want to set up natural trails. A few hours cleaning up from storm, and old maintenance crew has been kept up in the past and needs to happen again. It could be up to three miles, but offer several options shown on map. None of this would effect the current camp ground area.
- ii. Joe Kaiser asked is this a rough dirt trail, no gravel or chat? Accessible for bikes?
- iii. David Nebel asked that none of this is on the current camp ground? I'm talking about future primitive camping? GM spoke up and answered his question that this trail would be through the primitive camping future spots. David also asked if he was wanting to do one to get started to try to do them all. Mr Echols replied "we can do them all". David also brought up parking.
- iv. Mr. Echols replied that he thought parking would be good at the gate, just above the bride, which Mr. Nebel replied would like to keep that gate locked. Mr. Echols also mentioned if enough activity, parking could go beyond that gate, by the current maintenance shed and across from the shop. But until we get it open and see what the use would be and determine month to month what's needed.
- v. GM spoke up and asked if she could give her opinion? She stated she was in favor of this for the most part. I think that anything changing with the gate and

opening to traffic is going to create a mess. We don't have anyone down there to make sure we don't have the same drug issue we had in the past. When we originally went down there, we talked about something far simpler by starting between the bath house and the SID building. This map I question is the starting point is SID property. I do think the parking at the SID building and the parking across would be available and keep people off the main road and not having parking issues. If we do it, I want to do it right. But I don't think we need to use the gate area.

- vi. Roy Echols stated that we can make changes to the starting locations, just used that to be able to mark the mileage points.
  - vii. GM agreed that it is a great idea and very excited to see some improvements. I asked the guys at the North course to bring over bush hog and clear the bottom area, which will happen soon weather permitting. Once cut, maybe other opportunities will present themselves.
  - viii. Roy shared some signage would be required and read a list of his ideas.
  - ix. Ron Page stated he really supports this activity and has had positive experience in the past in other states that offer it. Kids and adults really enjoy this and think we should approve and move forward.
  - x. Tim Lee said, #1 I would lean on Betsy. She knows the area better than I do. Just 2 comments, once we put trails in do we have some sort of liability. He is also a hiker and any trails he has hiked are maintained with obstacles, trees falling, etc. Is that going to be done by SID?
  - xi. Roy stated once it is used, it will pretty much maintain itself.
  - xii. GM spoke up that when we did the new landscaping contract, the campground was not included due to leasing that out. I need to do more research about what that is going to include since that will fall on my golf course crews. I need more questions answered before I can commit. I really thought we were going to choose to lease out the campground and this would not be an issue.
  - xiii. Roy Echols suggested that we bush hog the lower section, and clear the trail and see what kind of participation we have.
  - xiv. Tim Lee asked that we continue with the bush hog and contact insurance to see if we have any liability.
  - xv. Karen Page asked the audience to see who would use the trails where you would walk a few miles? How many would might have a pruner with them and cut a few limbs when walking? Who would be interested in a club group to help do that? We had volunteers in the other areas that kept things clean.
  - xvi. Tim Lee likes the idea and will do more research and talk more.
- d. ADA accessible amenities – Kathy Ingalls
- i. Kathy Ingalls is in support of the trails. She is asking that it be ADA accessible to a point. She's seen social media discuss ADA accessibility for some of these pivotal places in the Village and SID owned property. So she is asking if anyone would like to form a committee to do some of this work and she has tools and machines to help. Cement is the way to go for accessibility.
  - ii. GM asked that we identify areas of where she would suggest we look into those areas.
  - iii. Tim Lee mentioned Tohi is ADA accessible to a certain point and that trail is through the city.
7. Kathy Ingalls also wanted to speak on the time of the SID meetings. Concern on line was the younger people working want to come to the meetings and be a part of the change and what

Cherokee Village is doing. So, she suggested that we stagger the times with day light savings time.

- a. Tim Lee agreed that was a good thought.
- b. David Nebel said regardless of the times of the meetings, we still have low participation. He is available anytime.
- c. Joe Kaiser said he still works and that on SID days he is clearing his schedule, so he is good on either time.
- d. Jim Best said he was good
- e. Ron Page said 3pm is hard for a lot of people and that 6pm would be better for more people to attend.
- f. GM suggest that we try a few meetings at 6pm and see how the attendance is. When we have late meetings, it makes my work day about 12 hours. I don't mind it once a month, but want to make sure we have participation.
  - i. Tim Lee made motion to set the next few meetings until 6pm, May, June and July. David made motion to move meeting for three months, seconded by Joe Kaiser. All voted unanimously.

8. Property Owners opportunity to comment (held to 3 minutes)

- a. Ethan Barnes spoke to the community, living in Sharp County and running for State Senate for District 22. A lot of things on the agenda that have been issues for year and so glad to see the new board of commissioners and GM moving forward in such a positive way for the community. We talked about receiving some government assistance. That is something that I can find out and work on for the Village. I hope you will consider getting out for the next election. The primary in May are extremely important, to see some of these guys make it to the important positions. Please encourage your neighbors to get out and vote.
- b. Mike Conley wanted to add to the dock issues we have discussed for so long that it is now a safety issue. My son was backing up the boat and due to how far the neighbors dock is out, he almost had a collision with another boat coming from that blind side. And as I listen about the wake boats, I ask if there was a maximum size hp of motors. I thought we had a policy on this already.
- c. Jimmy White stated he was a bike trail person and had a lot of stuff in Memphis. I think we need to think ahead of land adjacent to where we are proposing. So that we can add like the other places are doing. The eclipse is coming in a few years and think we need to think futuristically and see where we can add land together for larger trails.
- d. Mark Kronowsky congratulated the board. As far as the meeting time I would like to see it later so it is easier for him. As far as old business, item d, I realize the board has now been sued by the waterworks. So there was an old agreement with Quapaw with Mr. Cooper for the water system that had the board giving \$14K to waterworks. When we filed the lawsuit that SID was subsidizing the roads and fire hydrants. I guess that is what my problem is that if you continue to fund the Waterworks, and they have those responsibilities no SID. I hope that is the choice of the board, and hope that we just don't go down that path again. He called his attorney today and he has not gotten back to him. He hopes that all agencies are responsible for themselves.
- e. John Norberg mentioned that if it is a SID trail, that SID will have to have someone there checking ID to make sure only property owners are using the trails. Secondly, I know the talk about leasing the site was pushed due to the change of commissioners, so lets' finish that before we start discussing something new.



- f. Art Ritter spoke about who were the officers of the board? Secondly, you delegated to Betsy to speak on the docks and hydrants without making a motion to give her the authority for doing that. You have to take responsibility as the commissioners and can't put that on Betsy when she goes and says she wants something to do, but has not board approval.
  - i. Tim Lee spoke and said that the board had already passed to sue, done in previous meetings. And we made a motion to not pay for the hydrants in previous meetings. She was just giving us the update.
  - ii. Mr. Ritter stated that he has been to every meeting and did not hear anything like that. He asked who are the officers?
  - iii. Tim Lee stated he was currently Chairman through next April. Jim Best and I serve for two years until the next election. Tim Lee started this year beginning the calendar year and will serve through April of next year. So Jim Best was secretary would remain secretary until next April. So I understand the next highest votes were come in next.
  - iv. GM stated Lee is Chair, Best is Vice, highest votes get Secretary, Ron Page, and the following two are at large.
  - v. Tim Lee stated that in April he will move to an at large position, Best moves to Chair, Page to Vice Chair, Nebel to Secretary and Kaiser and Lee will be at large. Lee stated that all five positions hold the same weight in voting and that the Chair only chairs the meetings.
- g. Jim Best asked to speak before the meeting closed. His plan was to move forward, but due to his extreme health issue, he owe it to his wife and himself to resign immediately as of today. He appreciates his time and thrilled with the new board.
  - i. Tim Lee thanked Jim for everything he has done for him and for CV.
  - ii. Jim Best asked was there a chance to go ahead and put someone in place?
  - iii. Tim Lee said yes, that the rules require that we interview and appoint the fifth member to fill just the term remaining for Best. His personal opinion was that the next highest voter from the recent election should be appointed.
  - iv. Joe Kaiser is in agreement, not knowing who that is.
  - v. David Nebel said that he thinks that the four members should have a working session and discuss. It will be legal and needs to happen to quickly.
  - vi. GM spoke that the way the rules read is that they have to interview and appoint. That doesn't mean that the board couldn't decide to appointment the next highest votes. I think we need at least an hour to breathe and move forward from this surprise.
  - vii. Tim Lee spoke that a Working Meeting is in public, but no comments from the audience.
  - viii. Ron Page spoke that we need to check with the attorney and get advice on how we should legally appoint.


\*\*Many conversations from the crowd without being given the floor not able to translate for the minutes.


David Nebel made the motion to accept Best resignation, Page seconded and all voted unanimously to accept.

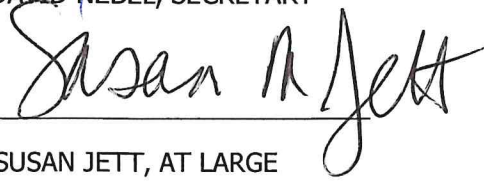
## 9. Motion to adjourn

- a. Joe Kaiser made motion to adjourn, Nebel seconded the motion and all voted unanimously to accept

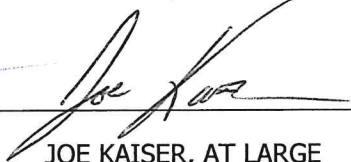
Minutes Approved on: \_\_\_\_\_

  
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TIM LEE, CHAIR

  
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DAVID NEBEL, SECRETARY

  
\_\_\_\_\_  
SUSAN JETT, AT LARGE

  
\_\_\_\_\_  
RON PAGE, VICE CHAIR

  
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JOE KAISER, AT LARGE