

# DRAFT

## MBPH, Inc. Meeting Minutes from June 1, 2024 General Membership Meeting

- 1) Call to order: Joe Rossi 9:16am
- Board members present: Joe Rossi, Brian Leonard, Alice VanBuskirk, Jamie Frantz, Bob Garza, Eric Richardson
- Board members not in attendance: Jeff Lowry, Jim Belanger
- Quorum met, 71 voting members
- 2) Confirmation of meeting notice: Email blast to members, signs on the street, door danglers were put on the members doors, posted on our website, facebook posting, Carl's Shell, Newville Mobile, Deegan's Hardware and Piggly Wiggy in Edgerton
- 3) Counsel for MBPH, Inc. attorney Scott Schroeder was introduced and he will act as Parliamentarian and oversee the meeting to keep it orderly and on time. He reviewed the pertinent procedure for Roberts Rules of Order, explained that each person will be limited to 2 minutes to talk on agenda items and introduced a "talking stick/gavel" and its use in this meeting.
- 4) Attorney Schroeder read the Code of Conduct to the membership and explained its purpose of keeping an orderly and respectful meeting.
- 5) Minutes from the October 14, 2023 General Membership meeting were posted on the website and emailed to members,
  - a) Discussion was had about lawyers fees and audit fees
  - b) Motion by #19, Second by #66 to accept the minutes
  - c) Voice vote, motion carried unanimously
- 6) Treasurer's report was given by Brian. Copies were made available to the members.
  - a) January 1, 2024 balance was \$9609.23, Dues received as of 5/30/24 were \$3352.37, Total expenses as of 5/30/24 were \$7456.91 leaving a balance of \$5504.69 as of 5/30/24
  - b) Brian asked the membership to individually indicate what their preferred way to receive the yearly dues invoice.
  - c) Motion by #19, Secondary by #39 to accept the treasurer's report
  - d) Voice vote, motion carried unanimously
- 7) Communications: None.
- 8) Report of Special Committee
  - a) Welcoming: Marcia and Keith Anderson
    - i) Marcia indicated that she has not received an updated list of new members, Joe apologized for the lack of communication since she resigned from the BOD and agreed to get that to her. Brian Leonard reached out to her and is willing to get together with the Andresons to get them the information as well.
  - b) Property: Bruce Biednharn and Jeanie Momartz

- i) Bruce continues to help at the park
- c) Garden: None
  - i) Phillip Smith is interested in helping out
- d) Heritage: Michele Lapean
  - i) Nothing to report
- e) Events: AJ Hiemnes, Lori, Jesssica Frantz
  - i) Nothing to report
- 9) Member participation on agenda items: None
- 10) Unfinished business:
  - a) #1, Pier slot cost increase
    - i) Motion by #19, Second by #138 to: Increase all pier slot lease fees to \$250 from the current \$250 fee and allocate the increased amount to improve pier access and shoreline improvement
    - ii) Discussion:
      - (1) #35 asked why we need an increase
      - (2) Bruce Buiednharn asked when the ballards will be replaced. Rick explained that now that the survey is complete, and we know our lot lines, we will have to agree on where to put them.
      - (3) It was asked if we have a plan for the improvement. It was discussed that we the original \$100 pier lease fee was going to be increased. need to know if the members are interested in making the improvements to the park
      - (4) #?? Asked how we plan to use the money. Joe explained that we need a sort and a long term plan. Input from the general membership will be needed. Rick explained that the approximate cost for rip rap work could be \$30-\$50/ft and is a constant maintenance item.
      - (5) #?? Asked what's the vision for the park
      - (6) #?? Asked for a budget year to year for the park improvements.
      - (7) #?? Explained that they thought the shoreline was getting worse every year
    - iii) Call for vote on the red paper ballot provided
    - iv) 43 yes, 27 no, Motion carried
  - b) #2, Open pier slot #2 for Lori/Lakehouse Inn
    - i) Motion by #19, Second by #24 to: Open up pier slot #2 for the Lakehouse Inn.
    - ii) Discussion:
      - (1) Joe explained we don't allow for businesses to have a pier in the park, by-law changes would be necessary.
      - (2) Lori explained that she did not know this was on the agenda

- (3) Attorney Buck Sweeney, Representing Christopher Johnson and Keith and Marcia Anderson, discussed available pier slots and possibly some available on Hotel Dr. He also indicated that it's a spot that many people use.
- (4) Michele Lapean explained that previous BOD and members wanted a space for members to use, slot #2.
- (5) Marica Anderson asked if there are members on the wait list, Lori/Lakehouse Inn is on the list. Marcia asked if the wait list and available pier spots can be posted on the website.
- (6) #?? Asked Loris Vision
  - (a) Lori explained that she priced out 18-20 spots on a common dock at a cost of \$3000/slip. Explaining that was cheaper than rates in Madison
- iii) Call for vote on the Yellow paper ballot provided
- iv) 10 yes, 61 no, motion does not carry
- c) #3, Pier Transfer Repeal:
  - i) Motion by #19, Second by #24 for: Repeal of the pier slot transfer agreement and removal of line #14 of the pier policy and removal of line #13 of the pier lease retroactive to January 1, 2024.
  - ii) Discussion:
    - (1) Attorney Buck Sweeney said if we didn't remove "retroactive" from our motion he would bring it up in court.
    - (2) Rick Richardson read attorney Andy Frank's legal opinion of our pier transfer agreement
    - (3) Attorney Scott Schroeder explained the state statute regarding piers and riparian rights. He explained that, in his opinion, our policy of pier transferring goes against state statute and puts us in legal jeopardy exposing us to litigation.
  - iii) #19 request to amended the motion to: Repeal of the pier slot transfer agreement and removal of line #14 of the pier policy and removal of line #13 of the pier lease.
  - iv) More discussion:
    - (1) Deb Rossi stated that the 18-11 vote to approve the pier transfer was not a good, clear representation of the greater members and the crowd today is a good representation.
    - (2) Brad Mommartz indicated that sellers may have contracts for sale
    - (3) Brad Mommartz mentioned that members with a lease could lose \$10,000 to \$20,000 of property value if the pier transfer is repealed. Retro should not be included
    - (4) Attorney Schroeder defined a binding contract or a listing contract and we will lessen our exposure.

(5) Joe indicated that we are looking at what is a value to the rest of the community because they don't get the increased value of the home that was sold but still get the exposure to litigation. Looking at everybody's advantage, not just the select few.

(6) Brad Mommartz said the park is for everyone and everyone has access.

(7) Clarification was needed so everybody understands the motion and how their vote will be interpreted.

(8) Attorney Schroeder read the motion with "retroactive" and the dates from the original motion as follows: Repeal of the pier slot transfer agreement and removal of line #14 of the pier policy and removal of line #13 of the pier lease.

v) Call for vote on the orange ballot provided

vi) 47 yes, 23 no, Motion carried

11) Elections:

a) Tom Nolfi brought up a write in vote, our attorney explained that we do not have a provision for a write in and that would take a by-law change.

b) Introduction of nominees:

i) Erin was not at the meeting

ii) Shawynn addressed the membership

iii) Call for vote on the white ballot

iv) Vote count is as follows: Joe 43, Jamie 36, Erin 55, Shawynn 60

12) New business;

a) Tom Nolfi enquired about term limits for the BOD and we should discuss

b) Joe indicated that we do not have that in our by-laws and would need a vote of the members.

c) Attorney Buck Sweeney want us to discuss a write-in ballot on the agenda

d) Marcia asked about how to know when a board position is open and could we post it

e) Joe discussed that anyone desiring to join the board should put in an application to be considered for a position.

f) The BOD was asked to post the new applicants bio to the website

g) Rick brought up looking into our Proxy vote format

h) Survey of the park was discussed and where to survey stakes a lot pins are

13) Gift card drawing:

a) Shell card to #122

b) Lakehouse card to #84

14) Motion to adjourn, #19, Seconded by #138, Motion carried unanimously. 10:46am