

AGENDA

BOARD OF TRUSTEES - LCCC INC.

June 20, 1992

9:00 AM

1. ROLL CALL
2. APPROVAL OF MINUTES - May 16, 1992
3. FINANCIAL REPORT: - Betty Bragett
4. CONSENT AGENDA:
 - A. GREENS COMMITTEE
 - B. LAKE - DAM COMMITTEE
 - C. MAINTENANCE COMMITTEE
 - D. NOMINATING COMMITTEE
 - E. ARCHITECTURAL COMMITTEE
 - F. COMMUNITY SUPPORT COMMITTEE
 - G. LONG RANGE PLANNING COMMITTEE
 - H. INN COMMITTEE
 - I. WATER COMMITTEE
 - J. FINANCIAL ADVISORY

ITEMS FROM CONSENT AGENDA:

1. Financial Advisory - Dick Sirokman
2. Greens Committee - Div 2 Lot 175 - Drainfield Recommendation
3. Lake /Dam - Public Boat Launch
4. Arch. Committee
- 5.
- 6.

5. EXECUTIVE COMMITTEE:

- A. Special Board Meeting - Budget FY 1993 / August 22, 1992
- B. Viger Release
- C.
- D.

6. OLD BUSINESS:

- | | |
|----------------------------------|----------------------------|
| A. Fuel Storage Tanks | C. Lake Limerick Daze |
| B. House Rule #18 Recommendation | D. Mason Lake Road Project |

7. NEW BUSINESS:

- A.
- B.

8. COMMENTS FROM MEMBERSHIP

- | | |
|----|----|
| A. | C. |
| B. | D. |

9. CORRESPONDENCE

10. ADJOURN

LAKE LIMERICK COUNTRY CLUB, INC.
E 790 ST. ANDREWS DRIVE
SHELTON, WA 98584
(206) 426-3581

BOARD OF TRUSTEES

JUNE 20, 1992

LAKE LIMERICK COUNTRY CLUB
BOARD OF TRUSTEES
JUNE 20, 1992

The meeting was called to order by President Dick Lombard at 9:00 a.m. Trustees attending: Scott Carey, Jim Ergen, Sharon Haworth, Jim Joseph, Bob King, Betty Malloy Braget, Nan Stricklin and Al Wilson. Phil Lalle and John Swanberg were not present.

Motion made by Tr. Sharon Haworth, seconded by Tr. Al Wilson and carried by the board as follows:

To approve the Minutes of May 16, 1992.

Financial Report: Betty Malloy Braget

The Financial Statement for May 31, 1992 has a strong cash reserve. The committee budget process is ongoing with the following schedule: June - develop committee budgets; July - committee approval of budget at regular meeting; July 20 - all committee budgets turned in to Club Treasurer; Aug. 22 - special meeting of Board of Trustees to adopt the FY 1992 operating budget.

Motion made by Tr. Bob King, seconded by Tr. Al Wilson and carried by the board as follows:

To approve the Consent Agenda of June 20, 1992.

Consent Agenda Item 1. Financial Committee -

Dick Sirokman discussed the corporate structure and construction issue. He introduced Doug Hoff from the Puget Sound Bank. Mr. Hoff proceeded to express the Bank's interest in the project and what some of the options are for Lake Limerick Country Club. He also reviewed Pat Matlock's report from the Puget Sound Loan Office. 1. S.B.A program, (if L.L. C.C. qualifies) or 2. a business construction loan. The information is in preparation for the Town Meeting. If anyone has more questions before the meeting let Dick Sirokman know so the financial committee can get the answers. In August the board will discuss this issue again.

OLD BUSINESS:

D. Mason Lake Road Project - Jay Harmon

Jay explained that the time line for the bidding process to the starting time for the road construction will take 10 to 12 weeks. The Department of Fisheries has only given them 2 designated weeks to work on the bridge. This makes the schedule very tight. He said the County attempted to make a sound study on the buffer but the chosen contractor didn't comply. Therefore the County will offer to pay Lake Limerick \$1,525.00 for the plantings along the buffer. The County will also assume the responsibility for the water lines and conduit under the road for future expansion. He suggested the Water Department have the proper equipment to make repairs immediately if there is a break in the line during

construction. The contractor would reimburse L.L.C.C. for this work.

A motion was made by Tr. Jim Joseph, seconded by Tr. Sharon Haworth and carried by the board as follows:

The Board of Trustees grants a letter of authorization to the County to proceed on the project.

L.L.C.C. will need to get a price on the landscaping. The project will have detour signs, 20 m.p.h. posted, and "Not a Thoroughfare."

Recess 9:55 a.m. to 10:05 a.m.

Consent Agenda Item 2. Greens Committee -

Roy Magnussen discussed their recommendation to the Board in regards to Mr. Spire's request.

A motion was made by Tr. Scott Carey, seconded by Tr. Jim Ergen and carried by the board as follows:

The request by Mr. Bill Spires, Div 2 lot 175 for permission to put his drain field on #7 green is denied as recommended by the green's committee.

Consent Agenda Item 3. Lake/Dam -

Dick Lombard read a letter from the Club attorney, Rob Wilson-Hoss in reference to boat launching, also enclosed were correspondence to the Sheriff and from the Department of Wildlife. First, the Department of Wildlife will post signs at their boat launch to restrict the access area to fishing purposes. Second, Lake Limerick members (only) will have to use the other designated areas for launching general purpose boats. Carolyn Soehnlein discussed the recommendations by the Lake/Dam committee.

A motion was made by Tr. Scott Carey, seconded by Tr. Bob King and carried by the board as follows:

Boats dropping off skiers will not go inside the buoys.

A motion was made by Tr. Jim Joseph, seconded by Tr. Sharon Haworth and carried by the board as follows:

No one will launch a trailered boat from personal property. Lake Limerick ramps must be used.

A motion was made by Tr. Bob King, seconded by Tr. Scott Carey and carried by the board as follows:

Buoys are not to be used by swimmers as flotation devices or to tie up boats.

Brian (security guard) will have another security person on duty the 4th of July. The committee recommends the Boat Registration forms include a line to post the Washington State License Number.

Consent Agenda Item 4. Architecture -

Jim Joseph commented that the committee was monitoring tree removal requests carefully. And that the size, shape and similarity of homes in a specific area was being checked. Tillie Waldren had some comments on Div 4. There are problems on land eroding into the creek. The Dept. of Fisheries, or the pertinent agency needs to remove some of the logs in the water. Jim Joseph will check into the Fisheries Department. The park has only one swing and bar. And they need a garbage can. Jim Ergen will review the maintenance budget for procuring more equipment. Sharon Haworth would like to have the LLCC Support Committee look into a work party for this park.

EXECUTIVE COMMITTEE:

Dick reviewed their work session.

OLD BUSINESS:

A. Fuel Storage Tank. Jim Ergen contacted Bob Kimble and the insurance company. We will need the EPA Specs also. Jerry Soehnlein will be able to help in this project.

B. Lounge House Rule # 18. The Inn committee recommends issuing the guest passes for a period up to two weeks.

A motion was made by Tr. Sharon Haworth, seconded by Tr. Jim Joseph and carried by the board as follows:

The Board of Trustees accepts the recommendation of the Executive Committee to reinstitute guest passes for a period of two weeks and to include beach privileges.

An example of the cards were given to the Board. A log will be maintained by Jerry as the Inn Manager. These cards must be carried by the guests.

C. The LLDAZE schedule is going well.

Dick Lombard has been appointed to the Mason County Planning Commission.

NEW BUSINESS:

None

COMMENTS FROM MEMBERSHIP:

Vern Lyter is buying the lot next to Dave Best and discussed erosion of the banks into the stream. He is proposing to build a rock bulkhead to stop this problem. He has initiated the dialog and permit process with the various involved departments. Dick recommends Lake/Dam Committee look into to this project.

Jim Joseph was excused at 10:50 a.m.

CORRESPONDENCE:

Olympic Mt Agency sent a thank you for representing the LLCC employees health insurance. Dick called and there is no problem with our former agency.

Reminder to all Board Members to please attend the Town Meeting this Saturday at 1:00 p.m.

Motion made by Tr. Betty Malloy Braget, seconded by Tr. Sharon Haworth, and carried by the board as follows:

With the advice and consent the board approves the appointment of Nan Stricklin to the Financial Advisory Committee for 5 years.

Motion made by Tr. Scott Carey, seconded by Tr. Nan Stricklin, and carried by the board as follows:

To adjourn the meeting at 10:38 a.m.

Respectfully submitted,
Jim Joseph, Secretary

HOSS and WILSON-HOSS

ATTORNEYS AT LAW

236 WEST BIRCH STREET
SHELTON, WASHINGTON 98584

RICHARD T. HOSS
ROBERT D. WILSON-HOSS

AREA CODE 206
426-2999 FAX 426-6715

*Carolyn *ccc*

June 8, 1992

Dick Lombard, President
Lake Limerick Country Club, Inc.
E. 790 St. Andrews Drive
Shelton, Washington 98584

Re: Washington State Department of Game

Dear Dick:

I have spent a fair amount of time talking to people at the Washington State Department of Wildlife about our little problem with non-members using the public fishing access for non-fishing uses.

As I told you, the Sheriff's Department called me on Memorial Day weekend to see what basis there was for excluding non-members from waterskiing and other non-fishing activities on Lake Limerick. I told him that I would send the Sheriff a letter explaining why they should be citing these people for trespass.

We then tried to find the answer in Lake Limerick's files; we were able to retrieve a Statutory Warranty Deed, that deeds Lot 268 of Division 2, and the southerly 35 feet of Lot 269, to the Department of Game.

The problem was that the Department of Game typically does not restrict access. The overall theory about limitation of Lake Limerick waters to members in the first place, is based on two premises. First, it is my theory that private owners can keep other people off of their lakes.

However, certain state departments, including the Department of Fisheries and Wildlife, believe that all waters of the state are available to anybody for recreational purposes. I have spent a fair amount of time researching this for a similarly situated other client, and can tell you that the law is not clear, but I would not anticipate an easy task in proving that Lake Limerick waters are not available to the general public.

Dick Lombard, President

June 8, 1992

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The second premise, however, is a little more easily understood by law enforcement people. This is simply that the waters of Lake Limerick are one thing; access to those waters is something entirely different. Lake Limerick does not permit non-members to put their boats in the water, and does not permit members to allow non-members to use their properties for launching boats. Therefore, there are only a few areas where boats can be put into Lake Limerick.

Of those areas, all but one are owned by Lake Limerick, and can therefore be controlled, and limited to Lake Limerick members.

The sole exception is, of course, the Department of Wildlife boat launch.

The deed itself provides that the Department of Game, now Wildlife, must comply with the terms of a document of a certain date. As it turns out, that document is actually the Declaration of Restrictions for Division 2. And, at Section VI, the Declaration of Restrictions provides that the lots deeded to the Department of Game were to be used for fishing access.

The people at the Department of Wildlife were very familiar with this general problem. Apparently it happens in lots of places, and they are generally not able to do anything at all to help a development, in spite of their sympathy. However, because of this particular language controlling the use of their Lake Limerick property, they are willing to restrict use of their access to fishing purposes only.

This means a couple of things for Lake Limerick. First, the department will post signs. And as soon as they send me a confirming letter, I will send it, along with a cover letter to the Sheriff's Department, who will then understand that any non-members who do anything on the lake besides fish must have trespassed, and are therefore illegal.

Second, the Department of Wildlife will insist that no one, not even Lake Limerick members, use the access for anything other than launching fishing vessels. This means that Lake Limerick members who wish to put their general purpose boats into the water, for waterskiing or other purposes, will have to do so at one of the other areas open to the general membership.

It will also be necessary for Lake Limerick to inform its members clearly that no one is to use private lots to launch non-member boats. I can imagine that the first response of anyone who is contacted by the Sheriff's Department for trespassing will be that he or she did not trespass, but used the lot of a friend to put the boat in the water.

Lake Limerick needs to be very clear, preferably through rule making, that no lots can be used for launching non-member boats. It is possible to create

Dick Lombard, President
June 8, 1992
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exceptions, such as when someone's brother or sister comes down for a weekend and brings their boat. A pre-registration system, with the use of division and lot number markings on the boat, might well be acceptable. This would result in a document that the boat owner would have in his or her possession, and available to show to a sheriff's deputy.

The response from the Department of Wildlife was much more favorable than I had anticipated. I think we are fortunate indeed to be able to avoid the possible consequences of a less favorable response. I also think that is a good time to follow-up on their response with confirming letters to them, and a cover letter to the Sheriff's Department, and clear records of all of this, so that if a problem arises in the future, we will be able to point to this resolution.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Wilson-Hoss', with a long horizontal flourish extending to the right.

ROBERT D. WILSON-HOSS

RWH:rf

HOSS and WILSON-HOSS

ATTORNEYS AT LAW

RICHARD T. HOSS
ROBERT D. WILSON-HOSS

236 WEST BIRCH STREET
SHELTON, WASHINGTON 98584

AREA CODE 206
426-2999 FAX 426-6715

June 11, 1992

Bob Shepherd, Sheriff
Mason County
P. O. Box 1037
Shelton, Washington 98584

Re: Lake Limerick

Dear Sheriff Shepherd:

On Memorial Day weekend, Deputy Peters called me to ask me questions about the availability of Lake Limerick to non-members for purposes other than fishing. I told Deputy Peters that Lake Limerick is indeed a private lake, and that non-members are only allowed to go on the lake for fishing purposes, and none other. I promised him that I would send to your office a letter explaining the basis for that conclusion.

Enclosed please find a copy of a letter from Patricia Noffsinger, Regional Lands Program Manager for the Department of Wildlife. Basically, Lake Limerick is surrounded by privately-held lots. Lot owners are members of Lake Limerick, and subject to Lake Limerick rules and regulations. One of those rules is that private lot owners are not allowed to permit non-members to use their lots for access to the lake, and in particular they are not allowed to permit non-members to launch boats from their lots.

There is a handful of lots that are not owned by individual members. Of these, all but one is owned by Lake Limerick itself. These would include beaches and common areas, as well as one area identified particularly as a boat launch.

Lake Limerick does not permit non-members on its property, and in particular does not permit them to use those properties for access to the lake.

This leaves us with the one lot that remains. This is the "public access" lot at Lake Limerick, which is off of St. Andrews Drive, just after the railroad tracks, and which provides access to Lake Limerick at the northeast corner of the lake.

Sheriff Shepherd
June 11, 1992
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The property in question, Lot 268 and half of Lot 269, is owned by the Department of Wildlife. When the lot was transferred to the Department of Wildlife, it was the purpose of providing access for the public for fishing purposes. The deed is made conditioned upon compliance by the State of Washington with Lake Limerick's organizational documents to that effect.

Therefore, the only available public access to Lake Limerick is across the Wildlife Department-owned land at the northeast corner of the lake, and this access is to be used for fishing purposes only.

The question of the ability of non-members to waterski on Lake Limerick is, in our opinion, answered by the fact that it would not be possible for a non-member to get a boat onto Lake Limerick for the purpose of, without trespassing criminally over the property of others.

We hope that this will be sufficient for your purposes. The Department of Wildlife will sign the areas, and support any trespass citations resulting from unauthorized use of their property. Lake Limerick will support any prosecutions based upon unauthorized use of its property.

We assume that individual lot owners would feel the same way. If you do happen to run across someone who responds to a trespass claim by introducing your deputy to an individual lot owner, who has allowed a non-member to use his lot for purposes of access to the lake, then it would be my opinion that the non-member may have not committed a trespass; however, we would greatly appreciate it if you would forward to us information about the incident, so that we can take the matter up directly with the member, either through our own persuasive powers, or through Superior Court.

All of Lake Limerick appreciates very much your deputies' presence in the area. As you are no doubt aware, small private lakes can become magnets for non-members who, on occasion, do not fully respect the property rights of others until they are required to do so. Lake Limerick has had its share of these problems, and anything your people can do to help is greatly appreciated.

Sincerely,



ROBERT D. WILSON-HOSS

RWH:rf
Enc.

cc: Don Peters, Mason County Deputy
Lake Limerick Country Club, Inc.

CURT SMITCH
Director



Hoss and Wilson

JUN 09 1992

RECEIVED

STATE OF WASHINGTON
DEPARTMENT OF WILDLIFE

905 E. Heron. Aberdeen, WA 98520

Tel. (206) 533-9335

June 3, 1992

Rob Wilson-Hoss
236 West Birch
Shelton, WA 98584


Dear Rob:

I requested that the Department of Wildlife's records division send me a copy of the deed for the public access at Lake Limerick. I also had them send me a copy of the restrictions that were in place at the time of the transfer of the property. Although there were no restrictions placed on the Statutory Warranty Deed, the deed was subject to the restrictions dated July 11, 1966. I reviewed these in depth and found that item "VI n" states as follows: "Declarant will deed to the State of Washington Department of Game, one or more waterfront lots as a public access for fishing purposes." In light of the restriction, the decision was made by Jim DeShazo, the Regional Manager to post a sign to restrict the access area to fishing purposes (see the attached copy of the sign).

Please make the property owners aware that if they or their friends launch their ski boats or jet skis from the access they will be in violation and will be subject to fines.

The signs have been ordered with June 15th as the requested delivery date to the shop in Olympia. Ater the signs have arrived, I will let you know what the projected date will be for installation.

Sincerely,


Patricia A. Noffsinger
Regional Lands Program Manager

PAN:p

cc: Jim DeShazo
Jenene Fenton
Dennis Ohlde
Mike Johnson

it shall be **UNLAWFUL**
to enter or remain on
this property for any
purpose other than:

- FISHING
- LAUNCHING OF BOATS
FOR FISHING OR
- PARKING OF VEHICLES
WHILE FISHING



**WASHINGTON
DEPARTMENT
OF WILDLIFE**

60" ↑

← 48" →

GUEST.CRD

LAKE LIMERICK GUEST PASS #1001

NAME: _____

GUEST OF: _____

DIV: _____ LOT: _____

EXPIRATION DATE: _____

INN MANAGER: _____

LAKE LIMERICK COUNTRY CLUB INC.

MEMO

TO: COMMITTEE CHAIRPERSONS
LAKE LIMERICK COUNTRY CLUB

FROM: DICK LOMBARD
PRESIDENT, LLCC

DATE: JUNE 12, 1992

The process for building the FY 1993 operating budget for the club is upon us. I would appreciate your committee's input in accordance with the following time line:

June 1992 Develop your committee budgets

July 1992 Gain your committee approval of the proposed budget
at your regular monthly meeting

July 20, 1992 All committee budgets turned in to Betty Braget, Club
Treasurer

August 22, 1992 Special Meeting of the Board of Trustees to adopt the FY
1993 operating budget

If you would like assistance from myself or Betty in this process, please feel free to contact either of us at the club office. I am requesting a preliminary budgeting meeting with the following committee chairpersons and their budget sub-committees on the date and time indicated. If there is a conflict in this schedule, please let me know and we can reschedule.

Greens Friday, June 26, 1992, 9:00 AM

Inn Friday, June 26, 1992, 11:00 AM

Maintenance Friday, June 26, 1992, 1:00 PM

Thanks for your assistance in this process and I look forward to a successful year.

LAKE LIMERICK COUNTRY CLUB, INC.
FINANCE COMMITTEE
JUNE 24, 1992

The meeting was called to order by Chair-person, Dick Sirokman.

Members attending: Betty Malloy-Braget, Nan Stricklin, and Dick Sirokman.

Members absent: Dick Lombard and Jerry Soehnlein.

Guest Speakers were: Al Locke and Don Gardner, (Rob Wilson-Hoss could not attend).

This special meeting was called to discuss the future corporate structure of Lake Limerick Country Club, Inc.

Don Gardner began the discussion by explaining the purpose of the meeting, et Lake Limerick Country Club Corporate Structure and future possibilities.

Discussion first was centered around creating a Home Owners Association (H.O.A.) with asset remaining in a newly organized H.O.A. except for the golf course which would become a C Corporation.

<u>C. Corporation</u> (Golf Club)	<u>Home Owners Association</u> (Current LLCC Structure)
A. Golf Course would become lessee	A. Non-Profit
B. Separate Board	B. Retain most assets: Water Department Pro Shop Inn 100% Lake/Dam
C. I.R.S. approval (primary reason for Transfer. of assets (Golf Course) would be to satisfy I.R.S.	C. No Income Tax to "speak" of
D. Separate Ballots on Capital Improvements. Golf course would be transferred to C. Corporation, H.O.A. would retain Pro Shop and other buildings.	D. Separate Board
E. We need "risic-issue" for the I.R.S. to "go for it"	E. Lessor of Golf Course

Don Gardner and Al Locke felt L.L.C.C. could become H.O.A. without membership vote, however membership approval would be required to transfer any assets out of Lake Limerick Country Club C Corporation

Going non-profit (privatizing) as an H.O.A. Lake Limerick could pay some taxes depending on source of income. Taxes would be "very Limited".

The Financial Committee approved Dick Sirokman discussing this issue with an attorney who is well informed on H.O.A. with "Partial" C Corporation.

Don Gardner discussed committee's presentation at town meeting, also our getting a "letter ruling" from I.R.S. prior to restructuring.

Dick Sirokman will make presentation at town meeting.

After our guest left the meeting a motion was made and passed as follows:

Write Al Locke a Thank You letter and award him 2 dinners at the L.L.C.C. and 2 rounds of golf (via gift certificates). Al Locke was contributing his time and effort to L.L.C.C.

Dick Sirokman scheduled a "mini" meeting at 11:30 a.m. on Saturday June 27, 1992 to review the presentation at the town meeting.

The meeting was adjourned by motion and approval.

Respectfully submitted,

Betty Malloy-Braget
Secretary of Finance Committee