

Tishomingo News

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Lakeview

by Janet Quillman, LTIA President

The LTIA would like to extend our thanks to everyone for helping us have a successful year. We hope you enjoy the parties and events that the LTIA sponsors.

The golf tournament was a huge success. We had a great turnout of participants, volunteers, hole sponsors and donations.

Our next event will be the Fall Festival on Saturday, November 5th. Please join us for a sausage dinner and live music. Check the gate flyer for more information.

Elections for the 2012 LTIA board members takes place at the November dinner meeting. Please consider joining the board. We need your help and we have a good time. Due to other commitments Barb McGlynn has stepped down as president. We would like to thank her for all the hard work, support and dedication to our community.

We appreciate all the help and donations from LTPOA, Garden Club and TAA. But the majority of LTIA's income is from memberships. Our membership is down about 30% compared to past years so please consider being a member for \$40.00 a year.



Your membership includes monthly dinner meetings, the availability of the clubhouse for rental, participation in children's parties and classified ads in the newsletter.

December meeting will be the chili cook off and Christmas caroling. Bring your best pot of chili and try to win title for BEST CHILI 2011.

Calendar

Nov	5	Sat	1 pm	Fall Festival
Nov	13	Sun	5:30 pm	LTIA Dinner Turkey
Dec	11	Sun	3 pm	Christmas Caroling
Dec	11	Sun	5:30 pm	LTIA Dinner Chili Cook Off



LTIA Fall Festival November 5 starting at 1pm

\$8 per Person

**Sausage Dinner
Live Music**

LTIA 2012 Membership

Yes, here is my membership to LTIA for the year 2011. This will help to support the LTIA activities and maintain the Community House.

Membership includes a 1-year subscription to *Tishomingo News*, free classified ads, attendance at LTIA dinners, and children's holiday parties.

Please enclose your check for \$40 payable to "LTIA" and send to:

LTIA Treasurer
5698 Lake Tishomingo Rd
Hillsboro MO 63050

NAME

ADDRESS

PHONE

EMAIL



Lake Tishomingo Property Owners Association

LTPOA

President	John Dauernheim	636-274-1597	jdauernh@gmail.com
VP/Communications	Janet Hirsch	636-285-0813	jhirsch@catenary.com
Treasurer	Marilyn Meyer	636-274-1812	marilynmeyer@charter.net
Secretary	Ray Lauer	636-285-3328	rbl1242@aol.com
Maintenance	Kevin Seelbach	314-581-2287	kseelb@yahoo.com
Buildings	John Johnston	636-274-1486	jrjston@charter.net
Security	Phil Overy	636-285-8891	barbovery@charter.net

Committees

Boat Patrol	Phil Overy	636-285-8891	barbovery@charter.net
Dam	Clarue Holland	314-623-5869	mholland01@charter.net
Finance	Janet Hirsch	636-285-0813	jhirsch@catenary.com
Gate Operation	Russ Wilner	636-285-7919	russ.wilner@gmail.com
Stickers & Gate Cards	Ken Jost	636-274-0453	kbkjos@aol.com
Water Quality Test	Clarue Holland	314-623-5869	mholland01@charter.net
Website/Newsletter	Janet Hirsch	636-285-0813	jhirsch@catenary.com

Lake Tishomingo Improvement Association

LTIA

President	Janet Quillman	636-748-2030	djqquill@charter.net
Treasurer	Julie Johnston	636-274-1486	Julie.Johnston@psiind.com julie.johnston@charter.net
Ways and Means	Sue Schweiss	636-274-0584	sschweiss@slbfinc.com
Maintenance	Rick Quillman	314-487-1000	djqquill@charter.net

Other Organizations

PWSD#13 (Sewer Dist)	Marilyn Meyer	636-274-1812	marilynmeyer@charter.net
Lakeside Gardeners	Rich Hirsch	636-285-0813	rhirsch@catenary.com
Parents Club	Janet Hensel	636-274-2909	kevinjanet@charter.net
Tishomingo Anglers	Gary Ryan	636-274-7126	h2owillow@yahoo.com
Tishomingo Anglers	Kevin Schreirich	636-274-9020	scheirichr@charter.net

Classified Advertising Rates

LTIA members, non-commercial listing	no charge
Non-LTIA members, each listing	\$ 5

Display Advertising Rates

Business card	\$ 10 per issue	\$ 60 per year
1/4 page	15	120
1/2 page	25	150
Full page	50	300

Website: www.laketishomingo.com

This newsletter is available in full color at the website.

Email

Receive "This week at Lake Tish" email announcements. Contact Janet Hirsch, jhirsch@catenary.com.

Newsletter

Submit photos, articles, and ads to jhirsch@catenary.com.

Next Newsletter Deadline: December 20, 2010

Classified Ads

• **Ski boat.** 1974 14' fiberglass Ranger with '81 Mercury 40 hp engine. '84 Trailer & custom boat cover. \$1200. Joe Hejnal (636) 274-9192, (314) 805-1287.

• **Embroidered Lake Tishomingo Sweatshirts.** \$25 each. Gail Lents (636) 274-4245.

• **Lakefront Lot.** O-8. 50 x 150 ft, dock and shed. \$20,000. Jim & Lucille Clatto (314) 843-7391, cell: (314) 565-4274.

• **Lake Tishomingo Lot.** B-36. Very level upper tier lot. Includes 1967 Johnson motor boat with hand trailer. Very nice. \$2000. Michael or Maria (636) 230-3050.

A Historical Perspective Of Lake Tishomingo

~ The Early Days, Part 11 ~

by Ray Lauer

In 1970 seven property owners were named as the first Board of Directors of the Lake Tishomingo Property Owners Association and the Board was authorized to serve as the regulative and administrative governing body for Lake Tishomingo.

Eventually, lake authorities determined it was necessary to levy a special assessment for all property owners for the purpose of providing funding to dredge the lake. The services of an engineering firm revealed the estimated cost of the dredging operation at approximately \$170,000. That cost estimate exceeded by a sizable amount the revenues that could be generated by the annual assessment that was mandated in the subdivision's covenant that at the time was fifty-five cents per front foot. An effort, led by lake property owner Albert Beyer unsuccessfully sought to obtain financial assistance from the federal government.

When that effort failed, the board members of the LTPOA adopted a resolution calling for a one-time special assessment of \$2.60 per front foot to finance the cost of dredging. A vote followed wherein the majority of property owners (163 voted for the proposition, 83 voted against it) approved the proposal. The special assessment was to be paid on August 1, 1976.

Thereafter, some property owners including Albert Beyer refused to make payment of the special assessment and a lawsuit followed. Ultimately, after hearings in several courts, the Supreme Court of Missouri rendered its judgment on November 20, 1984. Hereinafter are quoted segments of that judgment.

The Supreme Court considered an appeal by Beyer and his wife Cecelia, and property owners John Johnson, Everett Johnson, Mary Frances Johnson, as well as Henry and Edna Klein, to dispute a judgment of the Honorable Charles A. Sheehan, a Circuit Court judge in Jefferson County. The LTPOA sought, and was granted, the privilege of placing liens on the properties of owners who refused to pay the special assessment.

Judge Sheehan, following a trial, affirmed the right of the LTPOA to enforce said liens that had been placed on the properties owned by the appellants. That matter was appealed and the Missouri Appeals Court for Eastern Missouri reversed the judgment.

When the Missouri Supreme Court reviewed the matter the judges found it was undisputed "that the special assessment was not authorized by the covenant restrictions contained in the original indenture and no provisions in the original covenant permitted their subsequent modification." Despite this wording, the Supreme Court affirmed the judgment of the trial court.

The original suit was filed in 1978 against seventy-six property owners who had failed to pay the special assessment. When the trial began, the respondent (LTPOA board) only made claims against the seven named defendants. The judges, as written in the Supreme Court's opinion, presumed the balance of the seventy-six owners

had paid their assessed shares prior to trial.

Despite the finding of the Supreme Court justices that the trial court did not have authority to impose the special assessment, the following paragraph is quoted from the Court's decision.

"It is clear to us that all the property owners in the subdivision, except appellants, have recognized at least a contractual obligation to bear their fair share of the cost of preserving the common properties for the benefit of all owners in the subdivision. On the record before us the equitable obligation of these appellants cannot be disputed. While the Court is powerless to reform or amend the original covenants, we cannot close our eyes to the fact that, when compared to the cost of the dredging operation, the assessment permitted by the original covenants was tantamount to no assessment at all. The assessment voluntarily made by the large majority of lot owners appears fair and equitable. The evidence regarding the dredging operation reflects that it was both reasonable and necessary for the preservation of the property value of the more than 900 lots in the subdivision. Under the unique circumstances attending this case, our sense of fairness and justice compels us to enforce the clear equitable obligation of appellants to bear their share of the costs necessary for preserving the common property essential for the continuation of the subdivision. Thus understood, the voluntary assessment made and honored by the majority of property owners was enforceable by the trial court under the court's power to render equity."

Thus, it required six years for this matter to travel through the court system and end up being adjudicated by the Supreme Court. A letter dated December 11, 1984, penned by Attorney Jack Stewart, an associate of long time lake Attorney Dennis Tesreau, was discovered in the archives at the LTPOA office while research was taking place for this article. It was sent to Robert Whiteman, then president of the LTPOA board. Mr. Stewart wrote to inform the board of several pertinent decisions rendered by the Supreme Court justices. In essence, the justices ruled on a host of information and the following paragraph is quoted from that correspondence.

"The Opinion confirms the validity of the transfer of the subdivision common grounds from the original Grantor to L.T.P.O.A.; approves the validity of the transfer of the Grantor powers from the original Grantor to the L.T.P.O.A.; confirms the validity of the extension of the restrictions for a 25 year period. The Opinion also confirms the equitable power of Courts to enforce contributions from all lot owners with respect to necessary and reasonable maintenance and improvements of the common grounds, lake, dam and roads of the subdivision."

Also, on December 11, 1984 Mr. Stewart addressed a separate letter to the LTPOA board in which he delineated the manner in which future special assessments must be

continues on page 10

Meredith Baxter to Introduce Carol Kline's Play



Meredith Baxter

Presents the Premiere of

"A SAFE PLACE"

A One-Act Domestic Abuse Focused Play
by Carol Kline

COMTREA: Providing family counseling since 1974

Tuesday December 6 · 5:00pm - 9:30pm
Holiday Inn Southwest & Viking Conference Center
10709 Watson Road
St. Louis

To benefit COMTREA, Jefferson County Mental Health Agency

COMTREA is excited to announce this special event to take place the evening of Tuesday, December 6th at the Holiday Inn Southwest & Viking Conference Center in St. Louis. The cost is \$50 per person for the Meredith Baxter presentation and the Play, followed by dessert and coffee/tea along with book signings of Ms. Baxter's recently released book, *Untied: A Memoir of Family, Fame and Floundering*. The book depicts Ms. Baxter's struggles with domestic violence, substance abuse and her recent publicity regarding her lesbian life. Ms. Baxter is best known for her acting in the television series "Family Ties."

Funds raised via this presentation will be utilized to expand shelter capacity and implement a new transitional housing program for women leaving the shelter who need longer term (six months or longer) housing assistance.

Lake Tishomingo resident Carol Kline authored her play about domestic violence and titled it "A Safe Place" prior to learning of COMTREA's shelter of the same name. Situations depicted in the play are fictitious and not representative of any actual events or clients of COMTREA's.

Tickets are \$50 for the evening, \$35 for students.

VIP Tickets are available for anyone wishing to join Ms. Baxter for a VIP dinner preceding the play.

There are also opportunities for businesses to advertise in the event program, or be a Sponsor of the event. Please contact Jan Freeman at 636-296-6206 ext 4345 or email jfreeman@comtrea.org for sponsorship information.

Tickets may be purchased through the website www.comtrea.org or contacting Amy Rhodes at 636-232-2341 or email arhodes@comtrea.org

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Lake Tishomingo 20th Annual Golf Tournament

The 20th annual Lake Tishomingo Golf Tournament was held Sept 17. It could not have been a successful event without the support of our sponsors. We thank them for their assistance and encourage everyone to patronize these generous businesses.

Sponsored By:

Mike Higgins - Prime Properties

10857 Business 21, Hillsboro, MO 63050

636-274-4886 or 636-797-4770

20-Year Hole Sponsor

St. Louis Business Forms, Inc.

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636-343-6860

Gravois Auto Repair

10601 Tesson Ferry Road, St. Louis, MO 63123

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Two Guy Catering

Contact: Dan Dierzbicki, 314-740-7751

Kardell Plumbing, Inc.

5624 South Compton, St. Louis, MO 63111

Contact: Rick Kardell, 314-352-2202

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4036 Butler Hill Road, St. Louis, MO 63129

314-623-1583

Piffel Excavating, Inc.

5108 Dulin Creek Road, House Springs, MO 63051

Contact: Ann Rudy, 636-671-0818

Wegmann, Stewart, Tesreau, Sherman, Eden, Mikale & Bishop, P.C.

455 Maple Street, Hillsboro, MO 63050

Contact: Jack C. Stewart, 636-797-2665

Jake Schillinger L.U.T.C.F - State Farm Insurance

5229 South Grand, St. Louis, MO 63111

314-832-2880 or 314-406-4533

Holloran Contracting, Inc.

5423 Northrup, St. Louis, MO 63110

Contact: Matt Holloran, 314-773-9400

Lake Tishomingo Property Owners Association

LTPOA Meeting Minutes September 13, 2011

Board Members Present: President John Dauernheim, Janet Hirsch, Marilyn Meyer, John Johnston, Phil Overy, and Ray Lauer
Absent: Kevin Seelbach

President Dauernheim called the meeting to order at 7:00 p.m. There were 9 LTPOA property owners present, and everyone recited the Pledge of Allegiance. John made mention of the various tributes that had been made two days earlier regarding the 10th anniversary of the 9/11 incidents in New York, Washington, D.C., and Pennsylvania.

Minutes

Minutes of August 9, 2011 meeting were read by Secretary Ray Lauer. Marilyn moved to accept the minutes, seconded by Janet. Motion passed.

Treasurer's Report

Marilyn presented the financials, indicating payment of assessments totaling \$56,337.01, payment of \$17.50 from TGB and Interest of \$67.87 for a total cash inflow of \$56,422.38. Payments amounted to \$7,171.94 and the Checking Account Balance is \$320,336.03. Ray made a motion to accept the Treasurer's report, seconded by Janet. Motion passed.

Marilyn then presented invoices that needed to be paid totaling \$6,990.09. Phil made a motion to approve payment of the bills, seconded by John. Motion passed.

Marilyn then mentioned information regarding 20 delinquent assessments has been forwarded to the Board's attorney, Dennis Tesreau. She added there is a legal fee (in the past it has been \$75.00) charged when letters are mailed to property owners by the attorney and Marilyn suggested that she should not accept the assessments if the fee amount is not paid by the delinquent property owner. Phil made a motion to that effect and John Johnston seconded it. Motion passed.

Gate Issues

Russ Wilner reported there have been no reported problems.

Security

Phil Overy outlined the plans for an upcoming meeting that is scheduled for October 6th at 7 p.m. regarding the institution of a Neighborhood Watch Program, and he is working with a representative of the Jefferson County Sheriff's Department on this matter.

Building

No report

Maintenance

Janet reported on Volunteer Day, September 3, 2011, when workers cleaned up in the maintenance yard and trimmed trees along the entrance road. She listed the volunteers as Joe DeRoode, Mike Leiweke, Rich Hirsch, Kevin Seelbach, Bev Jost, Ken Jost, John Johnston, John Dauernheim and Ray Lauer.

LTIA Representative

John Johnston mentioned the well expansion tank at the Community House is in need of replacement. The cost is \$219.00. After discussion, Marilyn made a motion for the LTPOA to pay one-half the cost. Phil seconded the motion. Motion passed.

Finance

No report

Web Site

Janet reported the Sep/Oct newsletters had been mailed, and the deadline for information for placement in the next issue is October 20, 2011.

Sewer Committee

Janet reported on the Sewer Project. As of September 12 fifty residences had been connected to the new central sewer system. Connections began August 29 and are proceeding at a rate of five or six per day.

We are coming to the end of the project. The contract completion date is October 27.

The construction contract requires that TGB restore every property to its original condition after installation is complete. If anyone has any areas of your property that are damaged as part of the installation, the procedure is to document the damage and submit the documentation to the resident engineer, Mike Larenson (314) 402-0880. TGB is only required to reimburse property owners for any repairs. That means that if you repair damage yourself, you will not be reimbursed.

Also, if homeowners do not have the electrical circuit ready to connect they will incur a substantial expense to connect at a later date. Two houses have already been skipped for lack of electrical circuit and those owners will have to pay all the costs to connect plus they will have to pay a \$70 monthly sewer bill.

So, this is a reminder to have your electrical circuit installed and certified. Janet has a list of the missing electrical easements and certifications should anyone need to check their status.

Parents Club, Garden Club, Water Testing, Dam

No reports

Old Business

President Dauernheim reported two properties had been reclaimed due to back taxes. He also mentioned a trailer had been purchased to store the patrol boat during the off-season.

There was a discussion also regarding the new decals for automobiles that have been received, and about to whom they should be issued. No decision was made at this time.

New Business

John asked for opinions about whether the lake should be lowered this year to allow for dredging and to allow owners to work on their seawalls. This matter was tabled.

Phil then mentioned that one hundred 4-page pamphlets are being ordered for distribution at the Neighborhood Watch meeting, at a cost of \$67.00, and requested the Board defray this cost. No one made a motion for approval.

There being no further matters for consideration, Janet made a motion for adjournment, seconded by Ray. The meeting was adjourned at 8:18 p.m.

Prepared by Ray Lauer, Secretary



Pontoon Boat Trailer

The LTPOA pontoon boat trailer is parked and locked in the Community House parking lot. It can be used by any homeowner to launch a pontoon boat in the lake for a \$10 rental fee. Contact Butch Hopfer (636) 274-3791.

What's up Dock?

by Ray Lauer

This is not a patent infringement on the Looneytunes cartoon featuring Bugs Bunny. If that were the reference here, of course the question would be, "What's up Doc"?

No, instead this is a matter related to several docks here at Lake Tishomingo that are presently in need of repair, or perhaps total destruction.

As background, below are several quoted sections of the LTPOA building regulations from 2002 related to maintenance of docks. Section 18, for example, states in part *"All residences, sheds, docks, seawalls and any other structure on a lot within Lake Tishomingo Subdivision are to be maintained in a standard that complies with the stated objective of the Restrictions governing the subdivision that this property be maintained as a high-grade residential development. Any violation of the provisions ... shall be enforced by whatever means necessary to achieve compliance."*

Reading further, Section 18 D reflects, *"All docks and sheds are to be kept in a safe condition and shall maintain an appropriate appearance such that Lake Tishomingo Property Owners Association shall be maintained as a high grade subdivision in accordance with the applicable restrictions."*

Finally, there is a stipulation that if a property owner is judged to be in violation of these requirements, a notice of violation is to be sent to the offending property owner who has thirty days to correct the problem.

Well, that time frame does seem a bit harsh in the matter of docks, so the enforcement period is being extended until 2012, that having been mentioned in both recent copies of the Newsletter and through web site messages. But, the following words are also a part of the building regulations. *"In the case of docks and sheds, the LTPOA will instruct the maintenance department to remove the structure and the property owner will be charged for any reasonable expenses incurred in said removal. If this expense is not paid by the property owner, it shall constitute a continuing lien upon the property against which such charge is made, and will be filed as such."*

So, what this all means is that LTPOA Board members John Dauernheim and Ray Lauer toured the lake on Sunday, October 2, 2011 for the purpose of surveying the docks and discovered nine that are in need of repair to bring them into compliance with our regulations and seven others that will require removal because of their dilapidated condition. The latter can be replaced provided a building permit is obtained from the Board and there is not a space restriction, i.e., the 35 ft. distance from an adjacent dock.

In Need of Repairs

A-8	Tim and Patricia Lane
B-6	Ken and Christine Marschuetz
D-26	Elmer Richards
F-23	Edith Young
H-21	Fred and Joan Nazzoli
H-40	James Lehn, Sr. *
I-23	Roy and Rita Hummel
M-7	Richard and Margaret Pikora
M-36	David and Donna Cain

In Need of Removal or Replacement

E-14	Owned by LTPOA (will be removed)
F-1	Jeff and Lauri Mayer *
F-10	Mr. and Mrs. Brian Beyer
F-72	Mr. and Mrs. Brian Beyer
H-15	Timothy Moriarity
O-8	James Clatto
M-25	Gene Eime

* Regarding the docks/property owners marked with an asterisk, there are not clear markings on these docks. It's believed those docks are owned by the indicated individuals. If that is not a correct assumption, please contact Ray Lauer or John Dauernheim.



Docks to be Removed

There are several deteriorating docks along the shore of the lake in several areas. These are becoming a danger to anyone near them. It is the responsibility of lake residents to maintain their docks.

If you do not repair or remove a deteriorating dock, the Board will have the dock removed and send the bill for removal to the property owner.

These docks must be repaired by June 1, 2012 or they will be removed permanently

If your dock is not repaired by the June 1, 2012 deadline and the lake must remove them for safety reasons you may not be able to rebuild your dock due to the building regulations requiring 35 feet between docks.

If you have information or questions about derelict docks contact John Dauernheim.



LTPOA Meeting Minutes October 11, 2011

Board Members Present: President John Dauernheim, Janet Hirsch, Marilyn Meyer, John Johnston, Phil Overy and Ray Lauer.

Absent: Kevin Seelbach

President Dauernheim called the meeting to order at 7:03 p.m. There were 16 LTPOA property owners present, and everyone recited the Pledge of Allegiance.

Minutes

Minutes of September 13, 2011 meeting were read by Secretary Ray Lauer. Marilyn moved for approval, seconded by Janet. Motion passed.

Treasurer's Report

Marilyn presented the September 2011 Financial Report, which indicated 2011-2012 assessments totaling \$32,955.88 and other inflow which included gate cards, money owed from TGB, and interest, the total cash inflow amounting to \$33,135.43. Marilyn also outlined the cash outflow that totaled \$11,662.42, and specified each item for which payment was made. The checking account balance as reported by the treasurer is \$341,809.04. Phil made a motion to accept the report, seconded by Ray. Motion passed.

At this time Ray made a motion to pay Phil \$67.00, money he had spent and that had not been acted upon in September, for brochures to support the Neighborhood Watch meeting on October 6. Marilyn seconded the motion. Motion passed.

Marilyn then reported on outstanding bills that required payment amounting to \$5,413.79. Janet made a motion to approve payment, and John Johnston seconded the motion. Motion passed.

Gate Issues

Russ Wilner advised there had been damage to several electrical components at the gate, but they had been corrected. Also, there is a new card reader installed, although it is smaller than the previous reader. He expressed appreciation to Rich and Janet Hirsch for all the work they had performed to get the gate issues addressed. Also, Russ thanked Carl Will who is attempting to get the damaged card reader replaced under a warranty.

Security

Phil reported a number of people have been observed driving more than 20 MPH on Lake roads, and he suggested there be a notice about this in the Newsletter. He also encouraged property owners to secure burn permits at the Goldman Fire Station. He then made a motion to purchase a framed certificate to present to Security Guard Nick Costrino, whose services will soon end. Marilyn seconded. The motion passed.

Guy and Pam Selbert who reside on the Lake entrance road were present and complained about the speeders who drive extremely fast between our exit gate and Hillsboro House Springs Road, and hoped something could be done to alleviate this situation.

Phil concluded his report by providing a brief overview of the recent Neighborhood Watch meeting, and then advising the Patrol Boat had been placed in storage for the winter.

Building

John Johnston advised a property owner whose home has foundation damage had contacted him, and who asked if a building permit was necessary to begin repairs. A permit is not needed for this type situation.

Maintenance

John Johnston reported there are no issues.

LTIA

Julie Johnston reported the water expansion tank has been replaced. Also, a Fall Festival is planned for November 5. The next meeting of the LTIA will take place on November 13, 2011 and

voting will take place for officer positions. At present no "Trunk or Treat" is scheduled, but if plans change, signs will be posted.

Finance

Janet had no report.

Web Site

No report from Janet.

Sewers:

Janet provided an update, advising that as of September 29 there were 108 residences connected to the central sewer. The first billing was sent out to owners on October 1 and the invoices were *pro rata* based on the number of days in September a house was connected to the system. As of the date of this meeting, 148 residences are connected.

After a house is fully connected a work crew arrives to do rough grading, and they are followed by another crew starts the final grade with seed and straw.

Also, the resident engineer and PWSD#13 board members will be inspecting the north side roads [this week] and marking locations where repairs are needed. Those repairs should begin soon, and the two deep holes near the entrance gate will be repaired as well.

A contract extension has been requested by the contractor, and granted, and the new contract completion date is November 10, 2011.

Once again Janet reminded property owners that if there is damage as a result of the installation, the procedure is to document it and submit the documentation to the resident engineer, Mike Larensen. He can be reached by calling 314.402.0880. The contractor, TGB, is only required to make restoration to the original condition.

New Business

Chyree DeRoode asked if there is consideration to construct steps on the south side leading to and from the spillway. President Dauernheim responded that this is a matter to be addressed, and the matter was taken under advisement. Bids will be sought if steps can be built.

Ken and Jackie Marschuetz mentioned a home in the subdivision that seems to have too many occupants and there were other matters of concern regarding this residence. President Dauernheim stated he would assist in getting this matter resolved. They also had a question about an addition to a home on South Lakeshore that has been under construction for what seems to be longer than the time allowed by Jefferson County building regulations. This matter will also be reviewed.

Then Phil made a motion to purchase a sign, costing \$20.00, for installation near the entrance advising a Neighborhood Watch program has been established here. Ray seconded. Motion passed.

Dam

Clarue Holland stated there is a nest of copperhead snakes on the back of the dam and this has caused employees of Red Oak to not mow at that location. They will re-mow after the first frost.

Clarue also inquired about information she had obtained and distributed about the construction of a pre-sediment basin, and after discussion, the matter was tabled.

Old Business

Lauer distributed material to other Board members regarding a revision to several Water Activities Rules and Regulations, and asked they review the same. A motion will be made about the revision at the November board meeting.

There being no further business, the meeting was adjourned at 8:26 p.m., following a motion by Phil and seconded by Janet.

Prepared by Ray Lauer, Secretary



Lightning Strikes Again!

by Rich Hirsch and Ray Lauer

Some may wonder why there were days on which the entry gate was inoperable several times last month. Here's the detailed explanation.

On Wednesday September 14, Rich received a call from Gail Lippitt who reported the in-gate was frozen in the closed position while the exit gate was frozen in the open position. He headed that way and found the in-gate did not respond to either a gate card or an entry code. Power cycling of the in-gate restored normal operation to the in-gate, except the card reader was found to not function. The card reader was thus replaced and that restored normal operation to the entry gate.

But, the exit gate was still frozen in the upright position. So, a further inquiry revealed there was a failed loop detector and it was replaced. Whew! The exit gate was now operational.

A check of the video indicated the gate malfunction coincided with a video glitch during a thunderstorm, which probably means a lightning strike caused the problem.

But, lo and behold, five days later on September 21, at 3 in the afternoon, it was found the in-gate was held open for no apparent reason. So, an investigation revealed the loop detector was in the "on" position even though no car was present at the entrance. Fiddling with the loop detector seemed to help, but the detector could not be made to act reproducibly. So, the gates were left in the up position the remainder of that day.

A new loop detector was obtained and installed the following day, September 22.

So, in summary, lightning damage to the gate consisted of one card reader and two dual loop detectors. One detector failed immediately, the other took about a week.

The gate has been operational since the last repair. Also, thanks to Carl Will, who was able to get from the manufacturer a new card reader replacement for the card reader that was damaged by the lightning strike.



Trash Service

To all Lake Tish homeowners,

With increased monthly expenses due to the new sewer bill, I have found some relief by changing my trash service.

Currently Lake Tish customers pay about \$75 every 3 months with Waste Management.

I switched to Beck-Tel.

Beck-Tel trash charges me \$57 every 3 months with tote (can). I talked with the owner and worked a deal that if we get 25 people or more to sign up with Beck-Tel, he will drop the price to \$46.50 every three months with tote. That is almost half of we are charged now by Waste Management. Mention Lake Tishomingo or my name and as soon as 25 people or more sign up it will drop to \$46.60. Please spread the word.

Contact Beck-Tel: 636-274-5002

Best Regards,

Daryl Frauenfelder



The Early Days, continued from page 3

handled. While the one-time assessment of \$2.60 per front foot for silt removal in the lake was necessary to perform a reasonable task, the board, when requesting future additions should document the projected costs of necessary actions in great detail and then seek the approval of property owners. At the time all of this was taking place, the assessment amounted to 55-cents per front foot, and the board was considering raising the annual assessment to \$1.00 per front foot due to rising costs in addressing the needs of the subdivision (roads, etc.).

Despite this matter having been ruled on the Missouri's highest court, Albert Beyer, himself an attorney, filed numerous motions on behalf of not only himself and his wife, but as a representative of several other property owners, disputing the manner in which the assessments were to be paid. Thus, the matter dragged on for at least two more years and eventually the Missouri Court of Appeals, Eastern District, announced an opinion on November 25, 1986, affirming "the executions levying against defendants' lots were proper as executions on a general money judgment and as enforcement of the special liens decreed by the trial court ...". During the interim while this was all transpiring, at great cost for attorneys' fees, Beyer wrote a letter on July 15, 1985, offering to settle the claims against him and the others, and stipulating the monies they were willing to pay. The amounts were lesser than the actual assessments, and by vote, LTPOA board members declined to agree to the proposal.

One may assume this matter would be concluded after all these court appearances, but at some point, the date uncertain because there are no communications discovered in the archives, Beyer and the others paid a portion of their assessments but declined to pay all monies due to the board. On August 7, 1987 Beyer addressed a letter to the board contesting the manner in which assessments were to be paid, and a week later, on August 14, 1987 he filed a motion in the Circuit Court at Hillsboro which he titled Offer of Settlement. He listed the amounts that were assumed to be reasonable payments on his lots and those of the others who joined in the suit.

However, there was an inordinate amount of money that needed to be spent by the LTPOA board members for attorney fees because the matter dragged on until 1993, during which time Beyer continued filing pleadings in various courts, all designed to contest the assessments levied against Beyers' properties and those of others who had the same objections.

The final piece of correspondence located in the archives was a letter dated October 6, 1993, addressed from the board's law firm to the late Frank Day, who at the time was president of the LTPOA. Attorney Randall Sherman, writing on behalf of Dennis Tesreau who was away from the office for a week, advised Beyer, who had petitioned the Missouri Eastern District Court of Appeals to once again entertain his claims and asked that the Supreme Court take custody of this matter. The Supreme Court, once again, denied the request.

continues on page 10

*Lake Tishomingo Property Owners Association***August 31, 2011 Financial Report**

Cash Inflow	
Assessments 2011-2012	56,337.01
TGB Electric	17.50
Interest	67.87
Total Cash Inflow	56,422.38
Cash Outflow	
Gate Arms and Sign	44.51
Jim Dooley Boat Trailer	400.00
PDC Labs Water Testing	434.00
Dale Wallen July Grass Service	270.00
Triple C. Landscaping 5902 S. Lakeshore	100.00
Red Oak Landscaping Cut along Roads	1,175.00
Sentry Security 7-2 to 7-17	1,100.55
Tesreau Legal Quarterly	1,873.75
Administration Supplies	71.98
Security Gate Cable	64.16
Newsletter July/August	235.04
Joe Hejnal Truck Repair	240.00
Mickey KS Portable Toilet	90.00
Purchase of Lots A-82, 83,84	824.75
Dept. of Revenue Truck License 2 yr.	83.50
Bennett's Service Station Inspection	12.00
Utilities	152.70
Total Cash Outflow	7,171.94
Checking Account Balance	320,336.03

September 30, 2011 Financial Report

Cash Inflow	
Assessments 2011-2012	32,955.88
TGB Electric	20.03
Gate Cards	90.00
Interest	69.52
Total Cash Inflow	33,135.43
Cash Outflow	
Assessment Overpayment	5.00
Dumpster Rental	375.00
Beaver Trapper	20.00
Boat Trailer Parts	26.30
Newsletter Sept./Oct.	232.99
Dale Wallen Grass and Dam Mowing	665.00
Sentry Security 7-18 to 8-14-11	1,531.20
Gate Cards	445.00
Jimco Car and Boat Stickers	1,100.74
Columbia Insurance Group Truck	208.50
Columbia Insurance Group Directors - Officers	1,951.00
Columbia Insurance Group Commerical Pkg.	614.50
Portable Toilet	90.00
Lakenan Insurance Liability Annual	4,237.80
Utilities	159.39
Total Cash Outflow	11,662.42
Checking Account Balance	341,809.04

The Early Days, continued from page 10

So, how did this all end? I have no idea but did realize there was someone here at the lake that might enlighten us. That person is John Dauernheim. He was active with the LTPOA and a member of the LTPOA board during much of the time when all the activities between Mr. Beyer, some of his fellow property owners, and the LTPOA board were transpiring.

John told about Beyer owning two houses here at the lake, along with several vacant lots. One of those houses, on Lot F-11 and numbered 6163 South Lakeshore Drive, had been sold to the Warren Tindle family. Beyer had that home built for his family's use. The second residence was just across the road. A lien was eventually placed against the second house and the various lots owned by Beyer, and by court order he was required to surrender all the properties. The actual number was three adjoining lots plus the house. He had not paid the assessments for 17 years.

As the matter was being adjudicated in the Jefferson County Circuit Court, according to John Dauernheim, Beyer told the judge he wanted to know exactly how much money was owed and how the amount had been calculated. It seemed he might have an appeal, once again, if LTPOA board members had maintained improper records.

John attributes the ability of Al Ferrell, who at the time was treasurer, for the LTPOA to recover all the money due from Beyer. Al had maintained meticulous records and was able to present to the judge the fact Beyer owed more than \$30,000 to satisfy his non-compliance with the pay-

ment of assessments, involving the actual cost of assessments and interest. The interest level at the time, according to John, was 9%. The Court agreed.

Thereafter, the house was offered for sale on the Court-house steps and Beyer purchased it. He also bought back the adjoining lots. Warren Tindle wanted to purchase the lot that was adjacent to his home, but this became a bidding war. Beyer wanted the lot, also, and John, who was present for this adjudication told how the two men would revise their bids in \$5.00 increments. Eventually the bidding reached \$2,000 for the property and the judge interceded. He advised the petitioners they would no longer be allowed to make bids at \$5.00 levels. At that point Beyer offered \$2,025 for the lot, and Tindle dropped his bid for the property.

So this brings us to the end of the story. Well, perhaps there is one more portion and that relates to the house at 6163 South Lakeshore. It is now the property of the Lauers. We having purchased from the Tindles during the summer of 1999.

Hopefully what has been chronicled has been a source of enjoyment for our readers. Although time consuming, it certainly was interesting for me to review all the old publications and conduct the research so this article could be completed. I appreciate, also, those who offered their recollections about the early days at Lake Tishomingo. They are named at various stages throughout the article.



Public Water Supply District #13



President	Marilyn Meyer	274-1812	marilynmeyer@charter.net
Vice President	Rick Lippitt	274-5034	rlippitt@charter.net
Secretary	Rich Hirsch	285-0813	rhirsch@catenary.com
Director	John Hindrichs	285-9057	jhindrichssr@charter.net
Director	Ken Jost	274-0453	kbkjos@aol.com
Resident Inspector	Mike Larenson	314-402-0880	engrml@sbcglobal.net

Lake Tishomingo Community Sewer Project

by Janet Hirsch

As of October 18 we had 166 residences connected to the central sewer system. The first billing was sent out to owners Oct 1. The invoices were *pro rata* billings based on the number of days in September a house was connected to the system. If a house was connected on September 7, the billing began on September 8.

After a house is connected a crew comes in to do rough grading, then is followed by another crew for the final grade with seed and straw.

All houses should be connected by November 4. All rough grading done by Nov 11, and they want to finish all the final grade with seed and straw before the bad weather sets in.

The resident engineer inspector and PWSD#13 board members have inspected the north side roads and marked the places where repairs are needed. They should begin making those repairs very soon. The big holes at the gate will be fixed also.

TGB has 10 crews working out here, 25 people are working 10 hours/day Mon-Thurs and 8 hours on Fri. They were given a time extension to install submersible flowmeters. The new contract completion date is November 10.

We are coming to the end of the project. The construction contract requires that TGB restore every property to its original condition after the installation is complete. If you have any areas of your property that are damaged as part of the installation, the procedure is to document the damage and submit the documentation to the resident engineer, Mike Larenson (314) 402-0880.

If you requested any changes from the designed sewer plan, you may not be entitled to complete restoration. For example, replacement of any concrete that was removed as a result of the homeowner's request is the homeowner's responsibility.



View of the treatment plant from the top of the dam.

TGB is only required to make restoration to original condition. They are not required to reimburse property owners for any repairs. That means that if you repair damage yourself, you will not be reimbursed.

Treatment Plant

The treatment plant is composed of three sand filters and a 75,000-gallon recirculation tank. All sand filters and the recirculation tank are now operational and the main

lines on both north and south sides of the lake are carrying effluent to the plant. The fence has been built around the plant. The last part of the plant construction will be the installation of three submersible flowmeters.



WASTEWATER TREATMENT PLANT OPERATOR NEEDED

PWSD#13 of Jefferson County seeks a qualified Wastewater Treatment Plant Operator to work part time as an independent contractor servicing the Lake Tishomingo central sewer system.

Class D or better Wastewater Operator Certificate is required. Previous work experience in a wastewater treatment plant is a plus.

To apply send resume to PWSD#13, 5706 N Lakshore Dr, Hillsboro MO 63050, email to pwsd13@charter.net. For more information visit www.laketishomingo.com/pwsd13/jobs.

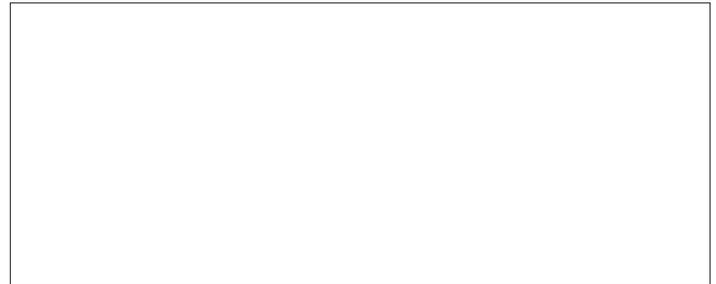
Lake Tishomingo Property Owners Association
5699 Lake Tishomingo Road
Hillsboro MO 63050

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Mohawk Trail, 6139 S. Lakeshore Dr., 7663 Fairview Dr., 6482 S. Lakeshore Dr., 6308 N.
Lakeshore Dr., 5724 S. Lakeshore Dr., 7840 Mohawk Trail, 6016 N. Lakeshore Dr., 6051 S.
Lakeshore Dr., 7813 Mohawk Trail, 6479 N. Lakeshore Dr., 6709 S. Lakeshore Dr., 7764 Fairview
Dr., 7744 Mohawk Trail, 6072 S. Lakeshore Dr., 6112 S. Lakeshore Dr., 5783 S. Lakeshore Dr.,
5929 S. Lakeshore Dr., 6355 S. Lakeshore Dr., 6080 N. Lakeshore Dr., 5933 S. Lakeshore Dr.,
5700 S. Lakeshore Dr., 7728 Meadow Dr., 6223 S. Lakeshore Dr., 7676 Lakeview Dr., 7801
Mohawk Trail, 6786 S. Lakeshore Dr., 6825 Westwood, 5790 N. Lakeshore Dr., 7828 Mohawk
Trail, 6208 N. Lakeshore Dr., 5783 S. Lakeshore Dr., 6541 S. Lakeshore Dr., 6367 S. Lakeshore
Dr., 7768 Meadow Dr., 6541 S. Lakeshore Dr., 7696 Lakeview Dr., 5783 S. Lakeshore Dr., 6308 N.
Lakeshore Dr. and Lots & lots of lots!

If you're thinking of selling, now is the time to get your home ready to market! Any painting, carpet cleaning, closet cleaning & yard cleanup, now's the time to do this! I have buyers looking for homes. They want to be moved in fast to enjoy the lake. Call me for a current price on your home & marketing plan to sell it fast!