

DC HOA Annual Meeting 11/16/2023 Minutes

- Call to order at 7:00pm
- Introduction of Board members.
- Approval of last year's minutes, motion to suspend rules of reading minutes
 - Motion to suspend reading of minutes-by Bryan, second by Joan
 - Last year's minutes approved

ARC report (Rex):

- Introduction of committee, 34 proposals this year, approved all but two. Two-week review time frame for proposals. Applications on website. 35 notices sent out this year and most resolved quickly. Questions and inquiries can be emailed to the ARC committee at deercreekarc@gmail.com.
- Holiday light season: Policy is lights on the day after Thanksgiving. It was noted that the Board passed an exception for permanent eave lighting on homes (commonly known as "trim lights" as long as they meet the parameters of the approved exception. Timeline for holiday lighting is Thanksgiving to January 25. Exceptions for special occasion lights (4th of July). Holiday lights need to be down by February 25.

Treasurer's Report (Joan):

- The HOA did not complete any major projects this year as in past years with the signage, lighting and garden projects. A summary of the HOA financials was presented (copy attached).
- Income \$147K, administrative expense \$15K, etc. Noted expenditures: Concrete sidewalk at park frontage on 126th Avenue, gazebo repair at 120th and Deer Creek Drive and miscellaneous sprinkler repairs. Holiday lights: received requests for more entrance lighting. HOA purchases approximately \$10,200 in additional lights.
- HOA net income this year \$31-32K. Ending total cash at \$190K this year.

Welcome Committee Report (Marlene):

- Welcome committee began in 2017 and the neighborhood is filling up.
- Delivered 160 welcome baskets since 2017. Delivered 14 baskets this year. Baskets delivered within 1-2 months.
- If new residents haven't received one, please speak to Marlene.

Review of SID Activities (Mark):

- SID responsible for public improvements (sewer, water, etc.). We are not annexed by city of Omaha, but maybe in 5-7 years. Mark serves on SID board.
- 132nd street and Reynolds, should be open to traffic in the next couple days.
- The north park just finished. SID is considering adding off street parking stalls to alleviate the on street parking due to the popularity of the new park play equipment.
- It was noted that a drawing of the south park improvements is posted on the wall. Pickleball courts, basketball courts, a new shelter, a new playground, extended trails and

off-street parking are all improvements proposed for the south park. Improvements will be constructed in the spring of 2024.

- The pavement repair project for this fall included improvements to improve turning movements at the 126th and Read roundabout. The SID is attempting to keep the streets in good shape prior to any potential annexation.
- SID is going to move forward with construction of the most critical missing sidewalks, subject to City approvals. Most of the missing gaps are golf course frontages. Concert Golf has not been cooperative with the SID or HOA on this sidewalk matter.
- Trail connection project that will connect the to the existing Papio trail and also the Standing Bear Lake trails is continuing to move forward. The NRD grant was applied for and project will probably start in late 2024.
- Question was asked about pavement repair signs. Response was these signs will be taken down as the repairs are completed.
- Question about rebar and why it's not in the concrete anymore. Response was not required by City and also makes it more difficult to repair concrete later.
- Question about sweeping the streets. Response was that sweeping is only done in the spring.

Review of HOA Accomplishments (Bryan):

- No large projects this year.
- Maintenance of entrances and common areas. New lighting at entrances. Repaired gazebos on east side of 120th Street.
- Second year of garden project. 41/49 plots have were rented in 2023. Consensus is gardens add a community feeling to the neighborhood.
- Secured easement for trail in the villa park. Trail relocated with 100% volunteer labor.
- Constructed sidewalk in front of 126th Ave.
- Attendees reminded to let Board members know about items observed in the neighborhood that need to be addressed.

Presentation of 2024 goals (John):

- No large projects. Continued maintenance of entrances and common areas.
- Waterfall pump will have to be repaired/replaced in park.
- Update the garden project. There are more plots available if there is resident demand for them.
- Proactive management of common area tree removal and replacement plan is a goal of the HOA. Board is partnering with a licensed arborist to formulate and implement a plan.
- Continue to evaluate possible covenant revisions.
- Working with SID 405 on sidewalk upgrades.
- Potentially improving the west side access to the villa park was discussed.
- No plan to raise HOA dues.

Covenant changes regarding rentals; proposal/discussion:

- Board has from some residents a concern on rental properties and has requested the Board consider amending the covenants prohibiting or restricting rentals.

- 75% approval of homeowners are required to revise the covenants which makes it difficult to change covenants.
- There are two sets of covenants in Deer Creek. One for the Villas (rentals prohibited) and one for single family homes (silent on rentals).
- A few homes built before covenants. Need to change covenants to address issue. Do homeowners want to spend the money to change the covenants?

Questions from residents and discussion:

- Don't we hold the homeowners accountable for covenant violations? Response-yes
- Bryan-If there are problems, it's the homeowner who is ultimately responsible.
- Question: Not sure why it's so costly to change the covenants? How do we physically sign off and get changes to covenants notarized? Response: 75% of homeowners in HOA required to change covenants. A massive, time-consuming effort that the Board cannot accomplish by themselves. Hiring of a third party would be necessary.
- Miranda cited an example of a smaller HOA that successfully went door to door, acquired proxy votes and got the required approvals to revise their covenants, but it was a very difficult and extended process.
- Comment from audience: Our covenants are the way they are to protect homeowners.
- Comment: Homeowners do not want to see an increase in HOA dues to fund this endeavor.
- Comment: Covenant violations are committed by both homeowners and tenant of rentals. The example of parking in backyard was noted.
- Comment from Audience: It is expected that VRBO type rentals will be reduced as hospitality industry lobbies government for law changes and housing prices continue to escalate.
- Comment: HOA needs to consider all homeowners as we make decisions on rentals.
- Comment from Mark: Many changes to our covenants could be considered, but addressing multiple issues at once is difficult and confusing to the homeowners. Because of this, the Board has distilled the covenant issues currently being considered to a single items: rentals.
- Discussion concluded and John requested an informal vote by a show of hands. The item considered was would homeowners support the HOA spending a considerable amount of money, possibly 30k to 40k, to contract with third parties including attorneys and solicitors to change the covenants to prohibit any rentals. By a show of hands, those in attendance voted overwhelmingly NOT to pursue any covenant changes regarding rental units at this time.

Bylaw Revision Regarding Election of Board Members

- John presented a bylaw revision (bylaws control how HOA is governed) regarding Board members term of office.(copy attached)
- Bylaws can be amended at any regular or special meeting (2/3 majority of attendees)
- The revision is to stagger the terms of Board members, thereby preventing the possibility, although unlikely, that the entire Board could turn over to new members in a given year.
- Bylaw change is recommended for approval by the HOA Board

- Motion made by Westergard, seconded by Forest to approve the bylaw revision to allow for staggered terms. Motion passed by over 2/3 of attendees show of hands.

Election of 2024 members (Mark):

- Slate proposed as all members would like to stay on the board.
- Motion from floor to nominate, so moved, second, motion passed with a show of hands
- 2024 HOA Board members and terms are:

Mark Westergard – 2 year

John Bourne – 2 year

Joan Boulay – 2 year

Bryan Brabec – 1 year

Ben Forest – 1 year

Marlene Schneider – 1 year

Melissa Thompson – 1 year

Homeowner questions and answers:

- Ale Bhor: Dog waste station gone after renovation at new park, will it be replaced?
Response: yes
- Resident: New South park-where is the parking going to be? Response: Off street parking
- Joan Boulay-132nd street-Reynolds to Potter-agreement with Douglas County-is it going any further south? Response: Improbable for now as a very expensive bridge required over the creek
- Mary Alexander What is the HOA relationship like with the golf course, not hearing the best things about Deer Creek-will it improve? Response by multiple Board members:
The golf course is in wonderful shape, the primary issue that the HOA has had is with completion of sidewalks at golf course frontages. Concert, as new owners, are encountering bumps in the road. Food and service is biggest complaint. They have hired a new food and service director to turn things around. It was noted that is an HOA meeting and discussion should be primarily focused on HOA and community issues.
- Chuck King: Could additional water stations be added at the gardens? Response: Yes, an additional station(s) will be added in 2024.
- Motion to adjourn at 8:13pm, so moved-Marlene, second-Ben