

Blackhawk Homeowners Meeting Minutes

April 12, 2018

We had 12 families in attendance, see attached sign in sheet
Blackhawk Park Pavilion

Meeting was called to order at 7:01 pm, by President Stacen Gross. Treasurer Dave Wiegand was also present. Secretary Lynn Moser was absent from the meeting due to another commitment. Everyone in attendance introduced themselves. A copy of the sign-in sheet is included with the minutes. All Blackhawk residents are invited to attend meetings.

Treasurer's Report

Beginning Balance:

\$19,047.85

Expenses:

1&1.com	\$5.99
OPPD-Oct	\$51.99
DP Mobile Welding	\$500.00
1&1.com	\$5.99
Christmas Decor Supplies - Gross	\$138.26
Stacen Gross	\$600.00
David Wiegand	\$600.00
OPPD - Nov	\$55.30
Bagspot	\$349.65
1&1.com	\$5.99
OPPD - Dec	\$59.30
OPPD - Jan	\$57.93
Menards	\$18.13
1&1.com	\$11.98
OPPD - Feb	\$57.12
Trees, Shrubs & More	\$1,493.07
1&1.com	\$5.99
OPPD - Mar	\$56.58

Subtotal:

\$4,073.27

Credits:

HOA Dues	\$9,238.34
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Total

\$24,212.92

Notes:

As of 9 Apr 18, 113 homeowners paid in full for 2018. 37 remain outstanding

Stacen Gross reminded everyone at the meeting that the **ANNUAL DUES ARE REQUIRED AND NOT OPTIONAL!!!** The HOA and dues were established in the original Subdivision Agreement with the City of Bellevue because the City does not normally allow neighborhoods to have more upscale amenities like the entrance feature and park trail and lighting for fear that they will someday be forced to maintain these items. The purpose and intent of the HOA and annual dues is to maintain these upscale features of the neighborhood in perpetuity even after future annexation by the City of Bellevue.

Secretary's Report

In the Secretary's absence, President Gross called for any questions on the minutes from the April 20, 2017 meeting. Motion made by Dave Wiegand and second by Ken Hurt to approve as presented with all yes votes.

Welcoming Committee Report

We are truly excited to see the new neighbors and potential friends moving into our wonderful neighborhood. Since it is sometimes difficult to keep track of new neighbors moving in, if you go out to meet your new neighbors, please direct them to our website at www.blackhawkhomeowners.org or the Nextdoor website www.nextdoor.com where they can put in their street and it will welcome them to our neighborhood.

Sheri Koski who has served on the Board as Vice President and Chair of the Welcoming Committee has decided to step down this year. We want to thank Sheri for all of her hard work and time helping with our organization! If anyone would like to get involved to serve as the Vice President, please contact Mr. Gross or just come to the next meeting!

Architectural Committee Report

We would like to remind everyone to cut back tree branches around sidewalk areas and by cross walks that affect our children getting safely to school, we would hate for something to happen to our little ones. We would just like to again remind residents **that trash cans should be removed from the curb promptly following trash day and stored out of view from the street.** Please help us to make our neighborhood look great at all times! Please let your new neighbors know if that Premier Waste Solutions is our trash vendor and our **SID PAYS FOR TRASH REMOVAL AT NO COST TO THE HOMEOWNERS.** Our FREE SERVICE includes 2 trash carts, either 2 for trash or 1 for trash and one for recyclables. Their website address is <http://www.premierwastesolutions.com>. Additional carts are just \$3.00 per month.

SID Board Report

Park Storm Damage Clean Up - Mr. Gross, as Chair of the SID Board, is continuing to work with FEMA and the Nebraska Emergency Management Agency on applications for partial reimbursement of storm related expenses including tree removal, lighting repairs and fence repairs. The process has been somewhat extensive with FEMA requiring photos, trunk diameter, type of tree and GPS locations for all damaged trees. The initial application for the tree work was denied and the SID Board plans to file an appeal. The lighting and fence damage application is still in process. The tree damage application is for \$20,000 and the lighting and fence application is \$3,800. We are seeking 75% of both claims.

Seeding - This Spring, our mowing contractor, Three Alarm Lawns will be adding some fill dirt to low areas in the park and spots along the walking path followed by seeding grass. Please take care to stay off these areas when completed.

Lighting – As noted above, some of our lighting fixtures were damaged during the June 2017 storms. While our SID has taken immediate action to repair and replace damaged lighting in the area of Black Park bounded by 25th and 29th streets, SID 186 has lagged behind with storm cleanup and lighting repairs for their section of park west of 29th street. In investigating this lack of action through the Bellevue Planning Department, Mr. Gross and Mr. Wiegand found out that SID 186 (Oakhurst) had been directing their electrical contractor to make repairs in our section of park while neglecting

their section of park which resulted in SID 186 repairing one of our light fixtures and replacing some bulbs in the lights at our park pavilion. This mix-up has now been rectified. Thank you to SID 186 for repairing out lights! **It was also noted to residents that when reporting a trail light not working, please look at the base of the post facing the grass (not the concrete trail) to see what the light number is (white numbers) so you can identify the number of the post in your report. This will help our repair crews locate and fix the problem.**

ADA Complaint – The SID Board is continuing to exchange correspondence with the US Department of Transportation regarding a complaint filed by Frederick Payne (2905 Courtney Dr) alleging a violation of the Americans with Disabilities Act of 1990 (ADA) naming SID 147 and the City of Bellevue. This complaint stems from damage to the Mr. Payne’s driveway caused by the Sarpy County Roads Department as a part of their snow removal in 2014 whereby the end of the driveway was heaved up due to freeze and thaw cycles causing the snow plow blade to catch the corner of the driveway panel. Mr. Payne believes that this has created a hazard for himself and is seeking repair costs from the SID. Mr. Payne has been advised that his claim should be with Sarpy County and the SID is not responsible for driveways or sidewalks per Bellevue City Code, below.

Sec. 28-27. - Duty of property owners to maintain sidewalks.

The owner(s) of any land, lot or parcel shall at all times keep and maintain all sidewalks in the sidewalk space abutting on or adjacent to such land, lot or parcel in good and proper repair and in a condition reasonably safe for travel by pedestrians.

(Ord. No. 2778, § 1, 9-27-1993)

In any case, the investigation completed by the FHWA has now identified any and all sidewalk problems throughout Blackhawk and the surrounding neighborhoods. SID Board Chair Gross along with the SID Engineer have evaluated the map of the 99 areas identified by the FHWA and issued a response which is attached. The SID is now awaiting a response from FHWA.

2018 Tree Grant – Mr. Gross has received word from the Papio-Missouri NRD that we will be again receiving a tree planting grant this year! Trees Shrubs & More has already been contracted with 10 new trees with the locations and species to be determined. Catherine O’Brien asked if there was any rhyme or reason for where and what type of trees we plan. Mr. Gross stated that each year, he walks the park with Logan Roebar, Landscape Architect and Arborist at Trees Shrubs & More to plan the planting locations and species. It was requested that we plant a new Willow tree in the area where the large willow was that was blown over.

Spring Landscape Refresh – Trees Shrubs & More have completed the Spring landscape refresh with new mulch...looks great!

Old Business

None at this time.

New Business

2018 Workplan & Budget – Mr. Gross presented the plans for projects and expenditures for this year. The Workplan is attached. Some of the projects include:

- A. Park Tree Planting
- B. Landscape Maintenance (Spring & Fall)
- C. Street & Stop Sign Repainting

D. Front Entrance Tree Trimming

Neighborhood Garage Sales – Big thanks to Missy McCool for coordinating this again this year! The Blackhawk Neighborhood Garage Sale will be June 1-2 in coordination with the surrounding neighborhood sales. BHOA will be doing some advertising online and putting up signs again this year.

Public Comments

Sidewalk Tree Trimming – Ken Hurt reiterated a reminder that trees must be kept trimmed 8' above the sidewalks and 11' above the street per City of Bellevue regulations.

Meeting adjourned at 8:02 pm. Next meeting will be June 14, 2018. Please come to the meetings it is a great way to express your concerns as well as meet your fellow neighbors!!!!!!

Meeting Attendance

Name	Address
Dave Wiegand	2915 Blackhawk
Ken & Kathy Hurt	2617 Blackhawk
Denny Whitfield	2913 Sheridan
Bill BERTZ	2813 COURTNEY CIR
Stacy Gross	2900 Blackhawk Cir
Lina Cashin	2509 Blackhawk Dr.
Shelli Dault	2611 Blackhawk Dr
Donald, Dany & Nici Dault	2902 Schumann Dr
Catherine E. Brien	2507 Blackhawk Dr
Tony & Megan Soots	2905 Blackhawk DR
Missy McCool	2807 Sheridan Rd
Roger Kell	2918 Blackhawk Cir

SID 147 Contacts

Sid #: 147 - Black Hawk (S1/2NE1/4 & pt of SE1/4 Sec 9 T13N R13E)

Annexed by City of Bellevue 11/13/2008* De-annexed 3-31-09

Position	Name	Phone #
Chair	Stacen Gross	(402)321-0817
Clerk	Rick Scofield	(402)293-0744
Trustee	Allen Klostermeyer	(402)981-4526
Trustee	David Wiegand	NONE LISTED
Trustee	Bruce Moser	(402)502-7215
Engineer	James Lang of Lang Law LLC	(402)330-1900
Attorney	Laughlin Peterson & Lang	(402)330-1900
Accountant	Massman Nelson Reinig PC	NONE LISTED
Fiscal Agent	Ameritas Investment Corporaton	NONE LISTED

Link to SID Meeting Notices & Minutes

http://www.sarpy.com/clerk/SID_Docs/SID%20147/

LANG LAW LLC
ATTORNEYS AT LAW
13340 CALIFORNIA STREET, SUITE 203
OMAHA, NEBRASKA 68154
(402) 330-1900
(402) 330-0936 facsimile

March 15, 2018

Ms. Irene Rico
Associate Administrator for Civil Rights
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Sanitary & Improvement District No. 147, Sarpy County, Nebraska ("Blackhawk Subdivision")
HCR-20; DOT# 2015-0258

Dear Ms. Rico:

This office represents Sanitary & Improvement District No. 147 of Sarpy County, Nebraska, which comprises the single family, residential subdivision of Blackhawk ("SID 147"). SID 147 is a sanitary and improvement district formed under Sections 31-727 through 31-793 of the Nebraska Revised Statutes. SID 147's legal authority is limited to what is provided in the statute.

I am responding to your letter dated November 21, 2017 as follows:

- 1) The areas referred to in the first paragraph of your letter:
 - (a) Nottingham Drive between 28th Street and 29th Street. Nottingham Drive is not within the boundaries of SID 147. See the SID boundaries attached hereto as Exhibit "A".
 - (b) Courtney Drive to the crosswalks east of Henry Circle. The area east of Henry Circle is not within the boundaries of SID 147. The west boundary of SID 147 is approximately 29th Avenue at Courtney Drive.
 - (c) Blackhawk Drive to Jason Street. Jason Street is not within the boundaries of SID 147.
 - (d) Jason Street to 29th Avenue. Once again Jason Street is not within the boundaries of SID 147.
- 2) The 103 areas listed in the Areas of Concern attached to your November 21, 2017 letter. A representative of SID 147 reviewed the 103 Areas of Concern attached to your letter and categorized the SID 147 ADA alleged violations. The SID 147 Alleged ADA Violations Location Analysis is attached hereto as Exhibit "B". A break down of those areas are as follows:
 - (a) Private property sidewalk and driveway; color code - light blue; quantity - 41; percentage - 39.8%. The alleged deficiencies in these areas relate to sidewalks and driveways with

the sidewalks being adjacent to the house and the driveway being installed and utilized as part of the house. SID 147 does not have the legal authority to enforce these violations. That authority is within the City of Bellevue, who has the legal enforcement authority to enforce the repair of the alleged violation against the property owner since this area is within the zoning jurisdiction of the City of Bellevue. As pointed out on Page 3, Paragraph 3 of the ADA letter dated June 21, 2017, the City of Bellevue's Code Section 28-27 requires lot owner to maintain the sidewalk adjacent to said lot and provides enforcement authority to the City of Bellevue to enforce the ordinance. SID 147 has no enforcement authority in regard to this matter.

- (b) Curb cut and handicap "dome" problems; light purple; 17 areas; 16.5%. The curbs were installed as part of the street system completed by SID 147 in 1991 when the subdivision was developed. SID 147 has the authority to maintain and repair the streets. In the event an area of the street adjacent to such curb is repaired, SID 147 will make such street repair and the appropriate curb cut repair at that time.
- (c) Infrastructure located in sidewalk (manholes, poles); light green; 3 areas; 2.9%. The manholes in these areas were installed by the Metropolitan Utilities District ("MUD"), which provides water. The poles were installed by the Omaha Public Power District ("OPPD") for power and street lighting. SID 147 does not own these utilities and does not have the authority to repair these utilities. These improvements are installed and maintained by MUD and OPPD.
- (d) Park entrances; red; 6 areas; 5.8%. SID 147 is the owner of the Blackhawk Park shown on the plat. When repairs are required in these areas, SID 147 shall make such repairs and install the required curb so long as these areas are within the boundaries of SID 147. Areas outside of the boundaries and within the public right of way of 25th Street are not within the boundaries or jurisdiction of SID 147. That jurisdiction is with the City of Bellevue, Nebraska.
- (e) Areas outside SID 147; orange; 28 areas; 27.2%. These are areas outside of the boundaries of SID 147 over which SID 147 has no authority.

If you have any questions concerning the content of this letter, please let me know.

Sincerely,



James E. Lang

JEL:tan

Enclosures

C: SID 147 Board of Trustees

Doug Dreessen, P.E., Thompson, Dreessen & Dorner, SID 147 Engineering Firm

1075 1. Price 15.00

TOGETHER WITH PART OF THE MOUTH 1/2 OF THE BELT OF SAND SECTION

SEP 18 1950

RECEIVED
RELIEVE PL. MARINE & CO. LTD.

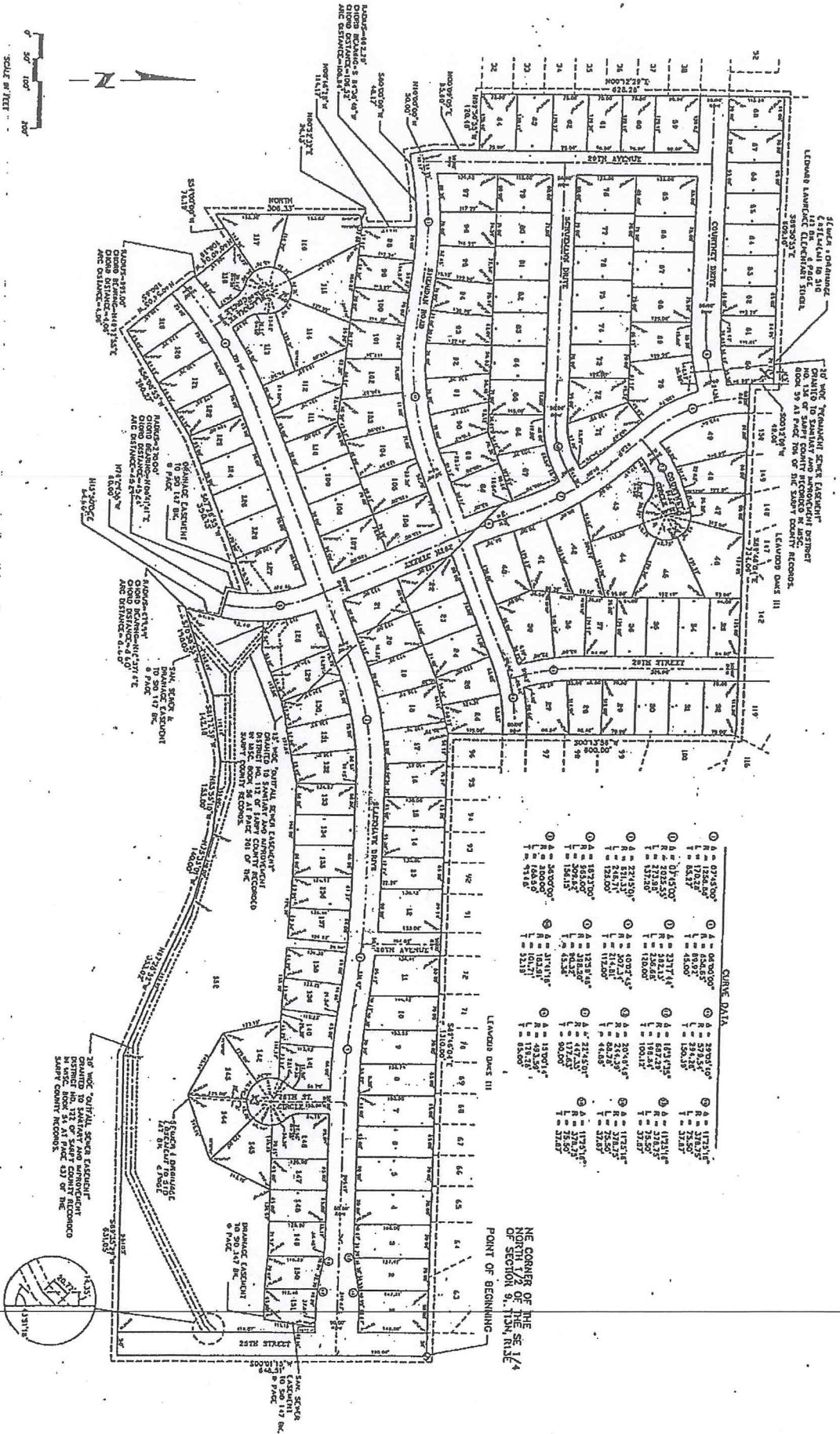


Exhibit "A"

EXHIBIT A

SID 147 ADA Violations Location Analysis

December 11, 2017

Areas of Concern - Category Deficiencies	Color Code	Quantity	Percentage
Private property sidewalk & driveway	Light Blue	41	39.8%
Curb cut and handicap "dome" problems	Light Purple	17	16.5%
Infrastructure located in sidewalk (manholes, poles)	Light Green	3	2.9%
Park entrances	Red	6	5.8%
Areas outside SID 147	Orange	28	27.2%
Unknown	No Color	5	4.9%
Duplicate	Black Ink Note	3	2.9%
TOTALS		103	100.0%

Areas of Concern

Enclosure

Measurement #	Location	Measurement working notes
1	East of Driveway of Payne	Cross 4.1%; 4ft sidewalk on S. Courtney
2	E. Driveway Payne	Running 5.8%
3	Corner of 29 th & Courtney (South)	Running ramp 9.9%, Cross 3.8%
4	Corner of 29 th & Courtney (South)	Dome 2.1%
5	Corner of 29 th & Courtney (North)	No Dome Sidewalks
6	Corner of 29 th & Courtney	No Cuts or Domes and sidewalks have obstructions
7	Courtney Drive (7906 Courtney) <i>2906 not 7906</i>	5.5% running, 1.5% cross
8	2910 Courtney Drive	Sidewalk drop
9	Sidewalk @ 2912	Cross 1.9%, Running 6.1%; 4ft
10	Crosswalk just outside SID Boundary Path to School	No cuts on both
11	path to school	
12	Blackhawk SID outside Crosswalk	
13	29 th Ave & Courtney (W)	No curb cut, 7.5% running, 0.6% Cross
14	29 th Ave & Courtney (E)	No curb cut
15	29th Street Westside <i>duplicate</i>	Holes in sidewalk
16	29 th Street Westside	Holes in sidewalk
17	29 th Street Westside	4ft sidewalk
18	29 th Courtney Circle	No curb cut or domes
19	View of cul-de-sac - view looking east	
20	Curb @ Schuemann Dr. North Side	No Curb Cut
21	Curb @ Schuemann Dr. North Side	No Curb Cut
22	Curb @ Schuemann Dr. South Side	No Curb Cut
23	29 th South of Schuemann Dr.	0.9% Cross, 1.2% Running Lateral sidewalk crack
24	29 th & Sheridan	North Ramp No curb cut Cracked landing
25	29 th & Sheridan	Ramp No curb cut Cracked Ramp
26	29 th South of Sheridan	Sidewalk lip
27	29 th and Blackhawk	No cut manhole right in the middle
28	29th and Blackhawk <i>duplicate</i>	No cut manhole right in the middle
29	Intersection of 29 th and Blackhawk	No cut
30	Driveway crossing on Blackhawk - 2802 ?	
31	Driveway crossing on Blackhawk - 2802 ?	
32	2706 Blackhawk	Heaving Panel
33	Blackhawk <i>duplicate</i>	Heaving Panel
34	2614 Blackhawk	8% Cross slope on drive
35	2612 Blackhawk	9.1% Cross Slope
36	Intersection of 26 th Ave & Blackhawk	
37	Curb Ramp Looking North	
38	Park Entrance	No Curb Ramp
39	Park Entrance	No Curb Ramp
40	Park Entrance	panel cross slope 2.7%
41	Park Entrance	Sign
42	Cul-de-sac @ Blackhawk & 26 th St. Cir	No curb cuts 4ft sidewalks
43	Cul-de-sac @ Blackhawk & 26 th St. Cir	No curb cuts 4ft sidewalks
44	Cul-de-sac @ Blackhawk & 26 th St. Cir	No curb cuts 4ft sidewalks
45	Blackhawk & 26 th St. Cir	Manhole cover in middle of sidewalk
46	2510 driveway	cross slope 5.9%
47	2508 Blackhawk	4.2% cross slope
48	2506 Blackhawk	Heaving Panels
49	2502 Blackhawk	Cross Slope 6.6%
50 ?	25 th & Blackhawk - look north ?	
51 ?	25 th & Blackhawk - look south ?	
52 ?	South leg intersection @ 25 th and Blackhawk ?	
53	South leg intersection @ 25 th and Blackhawk	looking to connecting to nothing on otherside
54	2501 Blackhawk driveway	cross slope out
55	2501 Blackhawk sidewalk	9.4% cross
56	Blackhawk at 26th Street	Latitudinal Cracking in sidewalk, 2.7% cross slope, had a few panels way over % tolerance
57	2611 Sidewalk	4.2% cross slope
58	2617 sidewalk	4.3% cross slope

59	2703 sidewalk	4.8% cross slope, Running 4.6%
60	Blackhawk & 29 th Southeast intersection	Sidewalk settled Road higher than ramp
61	2907 Blackhawk	7.2% cross slope to driveway
62	2911	Cross Slope Sidewalk 7.6%
63	Across Street from 2703 Sheridan	4.5% Cross Slope and 6.6% Running Slope
64	Blackhawk Dr. & Blackhawk Cir	No cuts, domes, cross slopes off
65	Blackhawk @ Jason St.	No curb cuts steep slope, Complainant Acces to park on West Park Entrance - Uses this to access park
66	Blackhawk @ Lone Tree	No curb cuts @ either intersection
67	Blackhawk @ Lone Tree	7.2% running slope cross slope up the Park Trail 2.6%
68	2923	Manhole cover in middle of sidewalk
69	2932 Jason St.	7.6% running slope, Cross 7.2%
70	2934 Jason St.	Running 9.0%, Cross 8.1%
71	29 th & Jason	No curb cut, domes need attention
72	13509 29 th Ave	Cross 3.3%, Run 6.1%
73	29 th Ave @ Sheridan	No curb cuts either intersection
74	2917 Sheridan sidewalk	Run 5.4%, cross 4.5%
75	2909 Sheridan	Cross 7.5%, Run 5.3%
76	2807 Sheridan	Cross 8.3%, Run 7.9%
77	28 th & Sheridan	there also is a handicap painted stall curb ramp on West intersection no cut, East is cut
78	2705 Sheridan	3.0% Cross, Run 5.5%
79	2703 Sheridan	Heaving Sidewalk at End of Drive
80	2613 Sheridan	2.9% cross Sidewalk are heaving
81	2607 Sheridan	5.3% cross, 6.3% run
82	26 th Ave and Sheridan South	Run 9.7%, Cross 1.0%
83	26 th Ave and Sheridan East	No cuts
84	26 th Ave and Sheridan North	
85	26 th Ave and Sheridan North East	domes and cut
86	28 th & Sheridan	Ramp is 11.2% run and 0.5% cross
87	13407 28 th	5.9% cross, 8.7% running
88	13403 28 th	11.4% cross, 9.7% running
89	13311 28 th	4.3% cross, 7.6% running
90	28 th & Nottingham	No cut domes @ any leg of intersection
91	28 th & Nottingham	No cut domes @ West leg of intersection
92	Nottingham sidewalk	manhole cover middle of sidewalk
93	2809 Nottingham	11.5% cross slope
94	2913 Nottingham	driveway drop
95	29 th & Nottingham	Pole right in middle of sidewalk and ramp area
96	29 th & Nottingham	school is off to the north
97	29 th & Nottingham	sidewalk drop @ pole
98	29 th & Schuemann	manhole and drop in sidewalk at intersection
99	2902 Schuemann	cross slope 6.2%
100	2904 Schuemann	Panel is warped cross slope - 11.1%
101	2910 Schuemann	4.3% cross slope on sidewalk
102	2914 Schuemann	6.4% cross slope on sidewalk
103	29 th & Schuemann	No curb cut or domes on either side of intersection