

[Author]Minutes of the Annual Meeting of  
The Capitol Beach Community Association  
March 6, 2022  
(revised January 8, 2023)

Board Members Present: Brown, Heckman, Johnson, Kruse, Osborn, Schiefen, H. Schwartz, J. Schwartz, Wiltse, and Wittler.

Absent: Lipert.

Also present: Carrie Larsen office manager, and Allison Zach

The annual meeting of the association was held at the Museum of American Speed, 599 Oak Creek Drive, Lincoln, Nebraska.

The meeting began with a presentation by Allison Zach from the Nebraska Invasive Species Program on the danger to our lake presented by zebra mussels and the steps that can be taken to prevent an infestation. She advised that currently there is no known chemical treatment program to get rid of zebra mussels and that prevention is key.

President Johnson called the meeting to order at 2:24 p.m. and announced that there was a quorum, with 129 present in person or by proxy. In addition, 39 members viewed the meeting on zoom and 24 members were able to vote online using secure ElectionBuddy software.

Motion to approve the agenda by Barb Hoppe, second by Mary Ann Losh. Motion passed by a show of hands.

Motion by Dick Young, second by Bruce Bailey to approve the minutes of the 2021 Annual Meeting. Motion passed by a show of hands.

President Johnson introduced the board members.

Greg Osborn presented the treasurer's report. He reviewed the balance sheet and explained that although the checking account displayed a negative balance funds were automatically transferred as necessary from our DDA account. Our CDs are referred to as CDRs because they are distributed among multiple banks so that we stay within the FDIC insurance limits. He also reviewed the profit and loss statement.

Motion by Bruce Bailey, second by Al Danico to approve the Treasurer's Report. Motion passed by a show of hands.

Motion by Al Danico, seconded by Mary Ann Losh to approve the actions of the board in 2021. David Hahn expressed his opinion that general funds could not be used to resurface the private streets. He announced that he and his wife

Ruth along with Rex and Joy Walton had filed a lawsuit seeking a declaratory judgment that only private street funds could be used to resurface the private streets. Johnson indicated the issue would be addressed later. Motion passed by a show of hands with 7 opposed.

Motion by Bruce Bailey, seconded by Mary Ann Losh to approve the amended bylaws proposed by the board. Wittler explained the purpose of the changes and responded to member questions. Hahn expressed his view that the changes would shift the balance of power in the association. Wittler expressed the opinion the changes were consistent with a decision by the Nebraska Supreme Court in a similar situation. Voting was by written ballot. Motion passed by a vote of 109 for and 36 opposed. (75% approved).

Wittler reported that sections of the walking trail had been completed west from Pelican Bay along the lake shore, with a compass stamped into the concrete and surrounded by sandstone blocks to be used as seating. In addition, benches were installed along the trail. Wittler reported that the easements with the Lower Platte South NRD, the Muhles, and the Waterfront Place HOA have been finalized and filed to allow completion of the final segment of the trail this year.

Wittler reviewed the proposed budget. The only major change was including \$115,000 for pond weed treatment. Dues remained the same at \$900 and private street assessment remained at \$125. Although the pond weed treatment will result in a projected budget deficit for the year, the deficit is offset by last year's surplus of approximately \$103,000.

Motion by Brad Danico to approve the budget, seconded by Mary Ann Losh. Motion passed by a show of hands with one vote against.

Motion by Bruce Bailey, seconded by Mary Ann Losh to approve the street resurfacing proposal. Joy Walton suggested that a decision be put off until the court ruled on their lawsuit. Wittler responded that in his opinion a court would not rule on a hypothetical question. Voting was by written ballot. Motion passed by a vote of 108 for and 44 against. (71%).

Candidates for the board were Matt Heckman, Ryan Kruse, Greg Osborn and Mark Suhr. Voting was by written ballot. There were no nominations from the floor.

President Johnson presented a review of the highlights of the year and challenges for the coming year. He also thanked Craig Smith and the museum for hosting us, Doris Huffman for running our Zoom meeting, Sue Kuck and Dr. Janousek for their work testing for midges, Larry and Angie Coffey for their hospitality at the Marina, Harvey Swanson for his work on the website, Allison Zach for her presentation, the contributors for walking trail benches, Josh Schwartz and his crew for work on the trail and Carrie Larsen for her work throughout the year as office manager.

President Johnson announced the results of the board elections. Heckman, Kruse, and Osborn were elected.

Under new business Barb Hoppe offered to lead a committee to look into ways to minimize the heavy refuse truck traffic on our private streets. It was suggested that we might restrict access on these streets to the smaller pickup trucks used by haulers.

A question was raised about the bubbler in Pier 2 and Osborn advised that it would be repaired.

Mike Moser advised that they are sponsoring a bench on Pelican Bay to honor Bill Kimball who developed the area. He asked that those interested in contributing contact him.

Meeting adjourned at 4:50 p.m.

Terry Wittler  
Board Secretary