

# Briarwood Homes Association, Inc.

---

## Board of Directors Meeting Minutes July 8, 2021, 6:30 p.m.

Attending:	Buxcel, Neal	Ring, Lee	Not Attending:	Circo, Chris
	Harden, Stephanie	Taylor, Phil		Janzen, Jason
	Quigley, Tom	Weide, Jack		

### 1. Welcome/Quorum Confirmation/New Member Welcome

President Tom Quigley convened the meeting at 6:30 p.m. at 1719 Tipton Drive with a welcome. Quorum present. A meeting agenda and handouts were distributed. New Architecture Committee member, Jason Janzen, was not in attendance.

### 2. Prior Meeting Minutes Review/Approval

President Quigley called for approval of the April 8, 2021, second quarter Board meeting minutes. Motion to approve: Phil Taylor. Second: Neal Buxcel. Motion passed 6-0.

### 3. Financial Review/Approval

- Second Quarter 2021 Finance Report Review/Approval

Treasurer Stephanie Harden called attention to the 06/30/21 Finance Report and Balance Sheet previously distributed. The Balance Sheet reflects total assets of \$22,481.85, including 2020 carry-over of \$14,425.84. The Finance Report year-to-date Income reflects \$12,502.00; expense year-to-date \$4,445.99; Net Income year-to-date \$8,056.01. Stephanie reminded the Board that Dues Penalty and PayPal Convenience income (\$562.00) is not budgeted. A new expense account, 61500-Advertising has been added to accommodate annual Association garage sale advertising. Electricity expense continues to run under budget. If that trend continues, the 2022 Electricity budget will be reduced. Mole and Bag Worm treatment expense is booked to Account 63200-Landscaping. Overall, the Association is on budget. Stephanie called for a motion to approve the June 30, 2021, Balance Sheet and Finance Report as submitted. Motion to approve: Jack Weide. Second: Neal Buxcel. Motion passed 6-0.

- 2021 "Current" Owner Dues Status

Stephanie reported that 100% of the homeowners have now paid their 2021 Association dues.

### 4. Detention Pond Repair Status

President Quigley reported that, due to weather, work on the North Pond was delayed. Contractor Joseph Faust Enterprises, LLC Landscaping, indicates a delay of approximately two (2) weeks. One half (1/2) contract payment will not be activated until work begins. Stephanie Harden offered the comment that a company called "Compass" had constructed the new Whispering Oaks detention pond. Something for the Association to consider in the future.

### 5. Administration

- Governance Committee

Phil Taylor reported that work continues on efforts to form a Governance Committee. This committee will eventually facilitate new Board Member recruitment and administrative policy. He will report more at the next regular Board meeting (January 2022).

# Briarwood Homes Association, Inc.

---

- Possible Hazard  
Neal Buxcel raised concern about a homeowner's decaying wood patio deck (...address unknown). He indicated it was in bad repair and might constitute a hazard. Neal and Tom Quigley will investigate further?
- Covenant Enforcement  
Phil Taylor observed that there seems to be a lot of home and landscape "changes" being made without Architecture Committee involvement/approval. He proposed that the Architecture Committee be more aggressive in identifying and following up on these projects when observed where the homeowner has not initiated Association contact. More discussion required next meeting.
- Covenant Exceptions  
Phil Taylor expressed concern that Architecture Committee and Board authorized Covenant exceptions are not being adequately documented for historical purposes. Lee Ring reminded the group that Architecture Committee Chair, Chris Circo, had received such documentation from his predecessor and was trying to keep it current. Chris will be asked share more about this in the next Board Meeting.

## 6. Architecture Committee

No report. Architecture Committee Chair, Chris Circo, not in attendance.

## 7. Old Business

- Eastern Hills Sidewalk connection with Briarwood Drive  
Tom Quigley indicated that a Council Bluffs City engineering meeting to discuss this new sidewalk project is scheduled for later in July. The understanding is that money is currently in the Council Bluffs City budget for the project. Dave Stroebele continues to monitor project status.
- Update to Covenants - Swimming Pools, Hot Tubs, and Spas  
Following review and discussion of a draft amendment adding a Swimming Pool, Hot Tub, and Spas Covenant, the section as represented below was adopted and approved by the Board. The primary objective of this amendment is to prohibit above ground swimming pools. This new Covenant wording will be presented to homeowners for approval at the October 12, 2021, Annual Homeowners Business Meeting.

### ARTICLE 8

#### ARCHITECTURAL AND LANDSCAPE CONTROL

##### *Section 8.7 Residence Design, Sub-Section (K) Swimming Pools, Hot Tubs, and Spas*

*The main purpose of this covenant is to prevent installation of unsightly above ground pools and hot tubs. It is not intended to prevent homeowners from filling their small kiddie pools for a special treat or holiday. The Architecture Committee will not take any independent action for enforcement for small pools and tubs under 500 gallons and erected for less than 7 days. No in ground pool or hot tub or spa may be placed or maintained on any Lot without the prior written approval of the Architecture Committee. The requirements for approval in addition to City/County Ordinance compliance is: An approved 4 ft fence must be installed around said in ground pool, hot tub, or spa with a lockable gate. The fence must be in compliance with City Code 17.02.065. In ground pool, spa or hot tub may only be placed in a resident's back yard. Pump and filter equipment must be placed at a location that will not be a disturbance to neighboring properties. Installation must be done by a credited professional Pool Company. All pools or hot tubs shall be clean and maintained in operational condition. Above ground pools will not be approved.*

*City Code 17.02.065 Swimming Pools, Hot Tubs, and Spas: Enclosures. Private swimming pools, hot tubs, and spas, capable of containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and door in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No exiting pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.*

# Briarwood Homes Association, Inc.

- Update to Covenants – Short Term Rent/Lease

Following review and discussion of a draft amendment to the Use and Occupancy Restrictions Covenant, the section as represented below (...which includes the amendment) was adopted and approved by the Board. The primary objective of this amendment is to prohibit short term (e.g., VRBO, Airbnb, etc.) home rent/lease agreements. This new Covenant wording will be presented to homeowners for approval at the October 12, 2021, Annual Homeowners Business Meeting.

**ARTICLE 9**  
**USE AND OCCUPANCY RESTRICTIONS**

*Section 9.1 Residential Use, Paragraph (b.)*

*Each residence may be occupied by only one (1) family consisting of persons related by blood, adoption or marriage or not more than two (2) unrelated persons living and cooking together or in the same residence as a single housekeeping unit: PROVIDED , HOWEVER, that nothing contained herein shall prevent occasional temporary occupancy by guests of the family or occupancy by full-time domestic servants or medical assistants employed by the family; and FURTHER PROVIDED, nothing contained herein shall prevent the owner of a residence from renting a residence as long as the residence is occupied by only one (1) family as set out in this paragraph **Short-term rentals of less than one (1) month are prohibited.***

- North/South Detention Pond Fencing Repair/Replacement

The Board discussed both a short-term and a long-term repair/replacement strategy for safety fencing around the North and South Detention Ponds. Fence age, plus wear-and-tear, has taken its toll on the fencing condition; especially the two (2) gate entrances. President Quigley reviewed multiple contractor estimates for the work. Estimates received include: (1.) partial repair of existing chain-link fencing, (2.) complete replacement of existing chain-link fencing, (3.) repair and/or replacement of entrance gates, (4.) upgrade conversion of existing chain link fencing to decorative wrought iron/steel fencing. Following significant discussion, the Board reached consensus on a two-phased approach: (1.) short-term partial repair of the North Pond fencing including gate replacement and South Pond gate replacement, (2.) a long-term strategy to upgrade all existing North Pond chain link fencing with wrought iron/steel. The “In-Law Company” contractor estimate for replacement of damaged North Pond fencing including gate replacement (\$2,077), and South Pond gate replacement (\$809) was found to be most competitive and best meet the Boards short-term objective. The “In-Law Company” estimate for all work is \$2,886. (*Post meeting information confirms actual project cost as \$2,887.47*) Other contractor estimates for the long-term strategy of North Pond fencing conversion upgrade from chain-link to wrought iron/steel range from \$13,634 to \$17,849. To permit accrual of funds, this estimated expense will be budgeted in the 2025 Five-Year Budget Plan (*See Old Business, #8, Five Year Budget Plan*).

President Quigley moved acceptance of the “In-Law Company” contractor bid of \$2,887.47. Motion to approve: Phil Taylor. Second: Lee Ring. Motion passed 6-0.

- PayPal Fees

Based on PayPal Fee increases implemented by PayPal, the following changes to Association Fees were discussed and Board approved. The Treasurer will implement the new Association fees in 2022.

<u>Association Dues</u>	<u>PayPal %</u>	<u>PayPal Fee</u>	<u>Cost to Association</u>	<u>Association Chargeback Fee to Homeowner</u>
\$ 65.00	0.0299	\$ .49	\$2.43	\$2.50
\$ 75.00	0.0299	\$ .49	\$2.73	\$2.75
\$ 85.00	0.0299	\$ .49	\$3.03	\$3.00
\$115.00	0.0299	\$ .49	\$3.93	\$4.00

## 8. New Business

- Steven Street - West Extension

Phil Taylor reported that Steven Street West work remains in the City budget for 2022. He continues to follow the project with City officials; however, it is becoming less likely the Association will have much influence on street connection design. Developers/landowners will have more influence, as they are mainly driven by project profits. Most likely outcome will be “straight-thru” Berwick and Oran Street connections (e.g., no cul-de-sacs).

- Renewable Energy (Solar Panels and Wind Energy) Covenant Amendment

Following review and discussion of a draft amendment to the Residence Design Covenant, the section as represented below (...which includes the amendment) was adopted and approved by the Board. The primary objective of this amendment is to define approved use of alternative renewable energies. This new Covenant wording will be presented to homeowners for approval at the October 12, 2021, Annual Homeowners Business.

### **ARTICLE 8**

#### **ARCHITECTURAL AND LANDSCAPE CONTROL**

Section 8.7 Residence Design. Without limiting the requirement that improvements conform to any Design Standards, the following shall apply:

(c) Windows, Solar Panels and Awnings, Window or wall Air Conditioning and Heating Units. No unpainted aluminum will be permitted for window framing. Wood frames shall be painted, sealed, stained or have another coating approved by the Architectural Committee. Without limiting the foregoing, the Architectural Committee has the authority to require the use of certain types of divided light windows (such as bronzed, white or black), to prohibit or regulate the use of **Renewable Energy Source Systems** or heating panels and to regulate the construction, location, appearance and maintenance of awnings. **Solar system installations must conform to the City of Council Bluffs Municipal Zoning Code Section 1, Chapter 15.34 (Renewable Energy) with the following exceptions: (1.) Freestanding/Ground-Mounted Systems are prohibited, (2.) Street-Facing Building-Integrated Systems are prohibited. Wind turbines are prohibited within the City's limits in the City of Council Bluffs. (per Section 15.03.685 of the City Code)** No window or wall air conditioning or heating units will be permitted; provided however. Developer may permit such heating and air conditioning units in a marketing office within a model home.

- Five Year Budget Plan

President Quigley provided an update of the Association Five-Year Budget Plan showing the impact of this year's North and South Detention Pond fencing repairs (\$2,887.47) and elimination of the \$15,967 Property Maintenance & Improvement Expense forecast. With these updates, 2021 end-of-year carry over is projected to be \$483 and the end-of-year Contingency Fund Balance is projected to be \$14,909. As Contingency Funds continue to be accrued, the 2025 Contingency Fund Balance is projected to grow to \$33,353. In year 2025, the Association Budget will include \$22,000 in the Property & Maintenance Improvement Account tentatively designated to finance the North Pond fencing conversion upgrade from chain-link to wrought iron/steel plus North and South Pond basin repair work. *(See #7, Old Business; North/South Detention Pond Fencing Repair/Replacement)*

## Briarwood Homes Association, Inc.

---

- Fences Update to Covenants  
No update to "Fences" Covenants Section will be proposed.

### 9. 2021 Fall/Winter Newsletter

Proposed Publication Schedule:

10/28	<i>Draft articles submitted to Jack Weide.</i>
10/30	<i>Draft Newsletter Complete</i>
10/30-11/8	<i>Draft Newsletter Board Review</i>
11/11	<i>Final to Office Max for printing</i>
11/14	<i>Label, Apply Postage &amp; Mail</i>

Newsletter Articles:

1. Presidents Corner	Tom Quigley
2. Annual Meeting	Tom Quigley
3. Financial Report and 2022 Budget	Stephanie Harden
5. Architecture Report	Chris Circo
6. New Board Members	Phil Taylor
7. Sidewalk to join with Indian Hills Sidewalk	Tom Quigley
8. Cars Parked on Street during snow events	Neal Buxcel
9. Snow in front of Cluster Mailboxes	Jack Weide
10. Snow Removal on Sidewalks	Tom Quigley
11. Covenant Amendments Approved	Jack Weide
12. Food Trucks	Tom Quigley

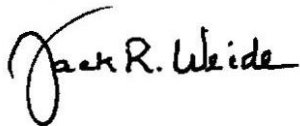
### 10. Next Board Meeting

Thursday, October 7, 2021, 6:30 p.m. (Held only if needed to prepare for 10/12/21 Owner Meeting)  
Tuesday, October 12, 2021, 7:00 p.m., Annual Owner Business Meeting

### Adjourn

There being no further business to come before the Board, the meeting was adjourned at 8:14 p.m.

Respectfully Submitted,



Jack R. Weide  
Secretary of the Board,  
Briarwood Homes Association, Inc.