

**Briarwood Homes Association, Inc.**  
**2021**  
**Annual Homeowners Business Meeting Minutes**  
**Madison Avenue HyVee Community Room**  
**October 12, 2021, 7:00 p.m.**

1. Pre-Meeting Registration  
Briarwood owner registration, name tags and meeting handouts were provided to all attendees by Mary Kay Quigley and Maralin Weide.
2. Meeting Welcome  
The 2021 Briarwood Homes Annual Homeowners Business Meeting was called to order on October 12, 2021, by President Tom Quigley at 7:05 p.m. with a welcome and statement of appreciation to those attending.
3. Board of Director Introductions  
Association Board of Director and Architecture Committee members were introduced by President Quigley: Vice President, Neal Buxcel; Treasurer, Stephanie Harden; Secretary, Jack Weide; Board Member, Phil Taylor; Architecture Committee, Chris Circo (Chair- Not Present); Lee Ring (Not Present), and Jason Janzen. President Quigley noted that Lee Ring and Jason Janzen volunteered to be on the Board following last year's Annual Meeting. Attendees will be asked to vote them onto the Board as regular members in this meeting. President Quigley thanked the Board members for their continued contributions during the past year.
4. Prior Meeting Minutes  
Attention was called to the October 13, 2020 Annual Homeowners Business Meeting minutes handout. A call for additions or corrections to the minutes was made by President Quigley. Hearing none, a motion to accept the minutes, as submitted, was made by Dave Stroebele. Seconded by Joe Disalvo. Motion carried.
5. State of the Association Remarks  
President Quigley reminded attendees of the importance of the Annual Homeowners Business Meeting. The once-a-year meeting addresses important Association business. Later in the meeting attendees will be asked to approve (1.) the end of third quarter Association Financial Report, (2.) the 2022 proposed homeowner dues level, (3.) the 2022 Association Budget, (4.) three Association Covenant Amendments, and (5.) three new Board members.

"State of the Association" remarks offered by President Quigley>

- Pandemic > 2021 has been another challenging year due to Covid restrictions, lock down, stay home, and limited group activities. Now that restrictions are easing, more people seem to be out and walking in the neighborhood. That is good.
- Covenant Adherence > The Architecture Committee has been busy working with homeowners planning to make building and landscape changes. That is good. This level of activity indicates Briarwood is constantly improving. Homeowner's adherence to the Covenants ensures that the community is properly maintained and well kept. Briarwood is a very desirable area to live. Homes in the area are sought after. Covenant adherence is a safeguard for property values. President Quigley expressed appreciation to homeowners for working with the Architecture Committee. It helps keep the sub-division looking good. A desirable place to live.
- Garage Sale > The Annual Briarwood Garage sale was successfully held this year after being canceled in 2020 due to the Pandemic. Participation grew to approximately twenty (20) homeowners. Next year's Garage Sale is scheduled for May 7, 2022. Mark your calendar.

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- Food Trucks > This summer's Briarwood Food Trucks have been a big success. They were very busy. Most weeks they sold out of food. Thanks to Chris Vande Hoef and Donnie Woods for coordinating them for us.
- State Orchard Road Sidewalk Extension > The potential sidewalk extension to connect Briarwood with the new Eastern Hills sidewalk was identified by Dave Stroebele in last year's Annual Homeowners Business Meeting. Dave has continued to pursue this project and last reported that the city now has a rough layout of the proposed sidewalk along State Orchard Road connecting Briarwood to the new trail. This is a city project with a preliminary estimated project cost to the city ranging from \$15,000 to \$20,000. The engineering firm engaged by the city is currently reviewing all options.
- Stevens Road Extension > The anticipated Stevens Road extension is being monitored by Board member Phil Taylor. Currently, the city continues to wait for approval from IDOT and FHWA on the environmental impact review. Upon approval the city can complete the Stevens Road design and identify future connections with current Briarwood streets. The Briarwood street connections will not be a part of this phase of Stevens Road construction. They will be a future project, likely occurring with additional residential development. Currently, the city indicates Stevens Road bid letting is scheduled for the Spring of 2022 with construction completion in the Spring of 2023.
- Administrative Expense > Use of electronic media continues to reduce Association stationery, print and postage expense. Thanks to homeowners, the Association now maintains 155 homeowner email addresses for official Association business use (e.g., out of 199 homeowners). President Quigley asked that all homeowners submit their email addresses because it saves the Association money and provides an efficient method for timely distribution of Association information. *(Note: If you have already provided your email address to the Association, it is important that you let the Association know of any changes.)*
- Annual Meeting Attendance > President Quigley indicated that the Board of Directors encourage all homeowners to attend the Annual Homeowner Business Meeting. The Association works best when all homeowners are actively engaged.

6. Financial Report

2021 Financial Results-To-Date

Treasurer Stephanie Harden called attention to the Financial Report handout. All major repairs to the two water detention ponds and fencing have been completed and paid. One hundred percent (100%) of the homeowners have paid their annual 2021 dues. The financial report ending September 30, 2021 reflects total income to date of \$12,502.00, total expense to date of \$18,376.70, estimated remaining 2021 expense of \$1,043.64, and an estimated 2021 ending cash reserve of \$7,507.50. Stephanie offered to field questions. Hearing none, a motion to approve the September 30, 2021 Financial Report, as submitted, was made by Joe Disalvo. Seconded by Mary Kay Quigley. Motion carried.

2021 Dues Level

Treasurer Stephanie Harden called attention to the current Briarwood Homes Association Five-Year Budget Plan handout. The plan is based on a 2022 annual dues level of \$65. Stephanie explained the 5-Year Budget Plan is an attempt to be proactive thereby allowing the Association to handle unexpected expenses (e.g., especially for the Detention Ponds and Pond enclosures) and avoid special member assessments. The 5-Year Budget Plan supports this objective. The Board of Directors has approved and recommends a \$65 dues level for 2022. Following discussion, a motion to accept the Board's recommendation was made by Dave Stroebele. Seconded by Jessalyn Brockman. Motion carried.

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2022 Proposed Budget

Treasurer Stephanie Harden called attention to the 2022 proposed Operating Budget handout. The proposed 2022 budget reflects total income of \$12,935.00 and is based on the approved annual dues level of \$65. The proposed budget also reflects detailed expense estimates for expense categories (e.g., electricity, mowing, landscaping, insurance, pond improvements, maintenance contingency, etc.). Questions from the floor were raised about mowing in the Detention Pond basins. Now that landscaping work has been done, will more of the basin be mowed? President Quigley responded that there should be much less standing water and more area able to be mowed. He also explained that multiple bid requests had been sent out for the mowing work with only two (2) companies responding. The company doing the mowing gave the Association a very favorable contract rate. Following further general discussion, a motion to accept the 2022 proposed Operating Budget, as submitted, was made by Joe Disalvo. Seconded by Maralin Weide. Motion carried.

Proposed 2022 PayPal Fees

Based on increased charges being imposed by the PayPal Company, the following changes to Association 2022 PayPal usage Fees will be implemented January 1, 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

7. Architecture Committee Report

Architecture Committee member Phil Taylor provided an Architecture Committee Report for Chris Circo, Architecture Committee Chair, who was unable to be present.

- Committee appreciates homeowners contacting them when landscape or building changes are anticipated.
- Lots of requests for review received.
- Strive to abide by Association Covenants and Declarations.
- Committee does see landscape/building alterations in progress where no committee contact has been made. The Committee does not wish to be a Covenant enforcement "police".
- Committee tries to respond quickly when contacted.
- Stevens Road update – City expects bid letting in Spring 2022. Once Stevens Road design is firm, the Association can expect more information on possible Briarwood Street connections to Stevens. Currently there are three (3) options being discussed for the Oran Drive and Berwick Drive connections: (1.) Oran Drive/Berwick Drive Loop, (2.) Oran Drive and Berwick cu-de-sacs, (3.) Oran Drive and Berwick Drive direct connections to Stevens Road.
- Phil and Dave Stroebele explained that the city is working on a five-year plan which includes Orchard Road improvements including sewer work and sidewalks.
- As Board Member Recruitment coordinator, Phil stressed the importance of homeowners being willing to take their turn serving on the Board.

8. Detention Pond Maintenance

President Quigley provided an update concerning detention pond maintenance and improvement projects completed this year.

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A. SOUTH Detention Pond

- All spruce trees (e.g., about a dozen) were treated for webworms; treatment seems to have stopped infestation.
- The entrance gate was replaced with a new narrower 12-foot gate. The old gate was in bad repair, plus it was very heavy and extra wide which caused the supporting fence posts to be pulled down.
- The pond basin was reconstructed to facilitate improved water runoff. Standing water in the basin is an on-going problem. The Association worked with the Council Bluffs City Engineer in an effort to get the Tipton Drive water inlet raised. The Tipton Drive inlet produces the largest volume of water into the pond. The inlet tube has settled in the last few years. According to the City Engineer there was originally a 12" drop from the inlet to the outlet. Now there is approximately a 4" drop. The city claims that even though it results in some standing water, a 4" drop is adequate. The city would not agree to raise the tube. Therefore, the construction this year has been to create "trenches" from both the Tipton Drive and Briarwood Drive inlets to the outlet to maximize water runoff and minimize standing water. The trenches were lined with woven fabric and covered with stone "rip-rap" to prevent erosion. The plan is to maintain this structure with minor maintenance and minimum cost, probably in the spring and fall of each year. Until the city agrees to raise the Tipton Drive inlet there will be some standing water present in the pond.

B. NORTH Detention Pond

- Construction upgrade to allow improved flow of water to the out-going drain; this allows water to leave the area and not result in standing water or cause erosion problems.
- The east perimeter fence and entrance gate were replaced. The north pond is very visible from State Orchard Road and the aged and unsightly fence and gate reflected poorly on Briarwood. The Board discussed replacing the existing, aging chain link fencing with a richer looking wrought iron, but due to expense, decided to hold off at this time. Further consideration might be given to installing wrought iron in the future.

9. Board of Director's Election

Having served on the board since 2014, Jack Weide will be stepping down at the end of 2021. President Quigley expressed his appreciation for Jack's service to the Association. Including the vacancy left by Jack's departure, there will be three (3) vacant Board of Director positions starting in 2022.

Board member nominations were opened from the Chair with the names (1.) Lee Ring, (2.) Jason Janzen and (3) Joe Disalvo. Other nominations from the floor were called. With no further nominations from the floor being heard, nominations were declared closed. The vote was called. Lee Ring, Jason Janzen and Joe Disalvo were unanimously elected. Congratulations to Lee, Jason, and Joe. The new Board member's term of office begins January 1, 2022.

10. New Business

Association Covenant Amendments for Consideration

Three Covenant Amendments were presented for consideration and ratification by homeowners. The Amendments had been approved by the Board of Directors earlier and were recommended for adoption by homeowners. To be adopted, a vote of homeowners, in accordance with Briarwood Covenants and Declarations, Article 13 must be followed.

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Association Covenants, Article 13

Section 13.1, Amendment by Association

*"Amendments may be adopted by the members of the Association (a) at a meeting of the members by the affirmative vote of at least two-thirds of all members entitled to vote at such meeting, or (b) without a meeting if all members have been duly notified of the proposed amendment and if two-thirds of all members entitled to vote, consent to the amendment in writing."*

For adoption, two-thirds (2/3) of the votes present must be affirmative. One vote per household. Meeting attendees represented twenty-seven (27) households. Therefore, to be adopted each Amendment must receive a minimum of eighteen (18) affirmative votes. The three (3) Amendments had been sent out for homeowner review earlier. Before the vote each Amendment was discussed.

**Covenant Amendment Proposal #1**

**Swimming Pools, Hot Tubs and Spas**

**Under Section 8.7 Residence Design. (new sub section)**

**(k) Swimming Pools, Hot Tubs, and Spas**

The main purpose of this covenant is to prevent installation of unsightly above ground pools, Spas, and hot tubs of any type. 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 hot 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, spas, or hot tubs shall be clean and maintained in operational condition. Above ground pools, Spas, and hot tubs of any type will not be approved

There was much discussion concerning this proposed Amendment. The question was asked, "what happens to above ground pools in existence today". President Quigley responded that the two (2) known above ground pools, one at 1511 Tipton Drive (Kyle Newsom) and one at 201 Garwin Circle West (Traci and Brian Lindley) are "grandfathered" and the current owners would not be considered in violation. Several attendees challenged the wording of the Amendment and indicated they would like to make changes.

The proposed changes strike the word "unsightly" and clarifies the last two (2) sentences in the first paragraph as follows:

"The main purpose of this covenant is to prevent installation of ~~unsightly~~ above ground pools, Spas, and hot tubs of any type. 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 hot tubs under 500 gallons. Also, the Architecture Committee will not take any independent action for enforcement for small pools and hot tubs over 500 gallons erected for less than 7 days.~~"

President Quigley called for an Amendment revision motion. Following further discussion, a motion to amend was made by Phil Taylor. Seconded by George Sawtelle. Motion carried.

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The full Amendment, as revised:

**Under Section 8.7 Residence Design. (new sub section)**

**k) Swimming Pools, Hot Tubs, and Spas**

The main purpose of this covenant is to prevent installation of above ground pools, Spas, and hot tubs of any type. 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 hot tubs under 500 gallons. The Architecture Committee will not take any independent action for enforcement for small pools and hot tubs over 500 gallons erected for less than 7 days.

No inground 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 inground pool, hot tub, or spa with a lockable gate. The fence must be in compliance with City Code 17.02.065. Inground 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, spas, or hot tubs shall be clean and maintained in operational condition. Above ground pools will not be approved

A motion to approve Covenant Amendment, Section 8.7 Residence Design. (new sub section) (k) Swimming Pools, Hot Tubs, and Spas, as amended, was made by Phil Taylor. Seconded by Neal Buxcel. Motion carried unanimously.

This Covenant Amendment becomes effective immediately upon being accepted and recorded at the Pottawatomie County Recorder's Office.

**Covenant Amendment Proposal #2**

**Covenant Amendment Proposal #2:**

**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.

Group discussion included the possibility of complications due to new technologies (e.g., solar shingles) and how to enforce the covenant. Following discussion, a motion to approve Covenant Amendment ARTICLE 8 - ARCHITECTURAL AND LANDSCAPE CONTROL, as submitted, was made by Stephanie Harden. Seconded by Jessalyn Brockman. Motion carried unanimously.

This Covenant Amendment becomes effective immediately upon being accepted and recorded at the Pottawatomie County Recorder's Office.

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**Covenant Amendment Proposal #3**

**ARTICLE 9 - Section 9.1 Residential Use.**

From current Covenants

(b) Each residence may be occupied by only one: (1) family consisting of persons related by blood, adoption or marriage or no 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 (1) one month are prohibited.**

Group discussion included how to prevent corporations from purchasing homes for use in short term rent/lease arrangements. Following discussion, a motion to approve Covenant Amendment ARTICLE 9 - Section 9.1 Residential Use, as submitted, was made by Traci Lindley. Seconded by Jessalyn Brockman. Motion carried by two-thirds majority. Two non-affirmative votes.

This Covenant Amendment becomes effective immediately upon being accepted and recorded at the Pottawatomie County Recorder's Office.

**11. Adjourn**

With no further business to come before the group the meeting was adjourned at 8:25 p.m.

Respectfully Submitted,



Secretary,  
Briarwood Homes Association, Inc.