

**Brook Run Village Owners Association  
Board of Directors  
Meeting Minutes  
July 21, 2021**

The meeting was held at the home of board member Steve Wallace with social distancing due to heightened public health risks from the COVID-19 pandemic.

President Marty Chebuhar called the meeting to order at 6:12 p.m. Directors present: Jason Bahr, Chebuhar, Steve McClure, Pam Schwartz, and Steve Wallace.

**MINUTES:**

Minutes of the previous board meeting on June 23, 2021 were approved as written.

**TREASURER'S REPORT:**

Bahr reported balances for the period ending June 30, 2021, of \$52,731.64 in the Association's operating account and \$287,927.99 in the capital reserve fund. Bahr also reported that the transfer of \$35,000.00 from the operating account to the capital reserve fund is completed. Chebuhar presented an invoice from the Bradshaw, Fowler, Proctor & Fairgrave law firm in the amount of \$75.00. Approval of the treasurer's report and payment of the invoice came on a motion by Schwartz, seconded by McClure, and a 5-0 vote.

**NEW BUSINESS:**

Schwartz reported she is awaiting further response from a contact she made with an excavating company to discuss pond dredging.

Chebuhar announced that the Altoona Public Library will begin allowing use of their meeting rooms again beginning in September and the board will attempt to schedule meetings there to enable a larger common area for attendance.

**OLD BUSINESS:**

Directors reviewed changes suggested by Tim Lillwitz, the Association's attorney, to both a proposed licensing agreement for dealing with existing encroachments on some of the Association's Common Areas and also a proposed formal policy announcement to be used as a tool to help prevent future intrusions. The final drafts of both documents were unanimously approved on motion by Bahr, seconded by Wallace.

The licensing agreement is to now be further finalized by the attorney for each of the four specific areas in question and eventually presented to owners whose properties adjoin encroaching structures.

The board's adopted policy statement reads as follows:

**Brook Run HOA policy on Common Areas**

The Board of Directors for the Brook Run Village Owners Association has determined a need to inform members of their responsibility not to encroach on the Association's Common Areas. This obligation is especially noteworthy for property owners whose properties border any of these areas.

The Association's Covenants declare that “no Owner shall obstruct or interfere whatsoever with the rights of the Association in the Common Areas and nothing shall be planted, altered, constructed upon, or removed from the Common Areas, except by prior written consent of the Association.” (Article II, Section 1-c.) To be clear, the Association is the legal owner of the Common Areas, not the adjacent property owners.

The Common Areas consist largely of Brook Run's three retention ponds and land swaths around them. These land areas were designated as Common Areas primarily for pond maintenance purposes. Encroachments could interfere with those needs and are forbidden by Covenant.

If you have any questions about the location of any of the Common Areas, please contact the BRVOA Board of Directors. Thanks for your cooperation.

Respectfully, BRVOA Board of Directors.

### **REPORTS**

Wallace, vice president of projects, reported on a recent meeting with Mark Land of the engineering firm Snyder and Associates on preliminary discussion of ways to enhance access to the dam on Brook Run's largest pond while also overcoming stream bank erosion on channels near the dam. Wallace also presented a notice for dissemination to all Brook Run members and residents on upcoming work by the City of Des Moines to improve drainage areas on the largest pond and also clear the dam of trees and vegetation.

Directors also discussed concerns they had received over the algae buildups in the ponds. Pond maintenance advisors say algae is always possible when sunlight, water and nutrients such as runoff fertilizers and wildlife waste are present. This year's algae bloom is worsened by hot weather and infrequent rains. In a few instances members with properties near the ponds have raked algae blooms off the water, which is a permitted but labor-intensive means of controlling the condition.

### **ADJOURNMENT:**

The meeting adjourned at 7:30 p.m. The next meeting is tentatively scheduled for 6 p.m. Wednesday, August 25, 2021, with the location to be determined.

Submitted by: Pam Schwartz, Secretary