

**Park River West Condominium Association
Board of Directors Meeting
Monday, November 8, 2021 – Via Zoom Conference**

A meeting of the Board of Directors of the PARK RIVER WEST CONDOMINIUM ASSOCIATION, INC. (the “Association”) was held on Monday, November 8, 2021, at 4:00 p.m. MST via ZOOM online/video meeting application. President Stew Squires (618) presided. Association Secretary John Mize (615) prepared these Minutes.

1. Call to Order / Roll Call. The Meeting was called to order at 4:00 p.m. by President Stew Squires (618). The following Directors of the corporation were present via ZOOM: Stew Squires (618); Fritz Sampson (633), Vice President; Helen Evans (619), Treasurer; Secretary; John Mize (615); Sandra Ireland (670), Rick Stephens (603), Greg Shipman (625) and Steve Tice (655).

2. Conflict of Interest Disclosures. Pursuant to the PRW Conflict of Interest Policy, Stew Squires (618) inquired if any of the directors have a conflict of interest needing disclosure before the meeting. No disclosures were made.

3. Approval of Minutes. The minutes of the Board of Director’s meeting held on September 13, 2021, and the minutes of the Special Board of Director’s meeting held on October 4, 2021, were presented for approval. The minutes of the Special Owner’s Meeting held on October 12, 2021, were presented for a recommendation to the owners for approval at the next owner’s meeting.

Action Taken: It was moved, seconded, and adopted to approve the minutes of the Board of Director’s meeting held on September 13, 2021, and the Special Board of Director’s meeting held on October 4, 2021. Steve Tice abstained from the vote on the October 4, 2021, minutes due to his previously disclosed conflict of interest regarding Trailblazer broadband.

Action Taken: It was moved, seconded, and unanimously adopted to recommend to the Owner’s that they approve the minutes of the Special Owner’s Meeting held on October 12, 2021, and that these minutes be posted on the association website with a notation that they are subject to owner’s approval at the next owner’s meeting.

4. Treasurer’s Report. Helen Evans (619) sent the Budget Report, Balance Sheet and Profit/Loss statements to the Board prior to the meeting. PRW has \$31,533 in the checking account as of November 5, 2021, and a total of \$164,520 in reserves as of October 31, 2021, of which \$154,494 was held in the Bank of Colorado Reserve Account and \$10,026 was held in the Schwab Corporate Account. All bills have been paid, including \$750.00 in attorney’s fees to Robert Foster for review of the Trailblazer documents and \$1,430 for damages caused by a short-term renter to asphalt. There are no arrears in assessments. Expenses are within the budget and the quarterly deposit into the reserve account for the fourth quarter of 2021 has been made.

Action Taken: It was moved, seconded, and unanimously adopted to approve the Treasurer’s report as presented.

5. **Old Business.**

a. **River Path Restoration Project.** John Mize reported that Ben Ekeren of Park Landscaping, who was awarded the bid to do the river path restoration, has lost his seasonal employees earlier than he anticipated but he is still hoping to get the project completed this fall. However, it may be spring before he can get it completed.

b. **Trailblazer Broadband Access Agreement and Easements.** As approved by the Owner's at the Special Owner's meeting held on October 12, 2021, a redline of revisions to the proposed Estes Park Power & Communications MDT Right of Entry Agreement, Version 3.0, sent to PRW on September 30, 2021, was submitted to the Board and legal counsel, Robert Foster, for approval. This document was then forwarded to Trailblazer for approval within the timeframe that Trailblazer requested. To date, there has been no response from Trailblazer and no further action has been taken.

6. **New Business.**

a. **December Mail Pick-Up and Deposits.** Mindy Stephens, who usually picks up the mail and deposits during the winter, will be gone in December. In her absence, Steve Tice will pick up the mail and make deposits.

b. **End-of-Year Letter and Annual Invoice Emails.** Stew Squires will send the year-end letter to owners and our bookkeeper will send out invoices for the 2022 dues assessment.

c. **Owner Compliance Issue (Unit 602 Parking Violation).** Fritz Sampson, Vice-President, reported that on September 26, 2021, he received a complaint that the short-term renter of Unit 602 or their guests parked a recreational vehicle in the driveway bib. The violation was verified by photographs and actual inspection by the Vice President on September 27, 2021. The Unit owner acknowledged the violation by text message and further stated that the renter refused to comply with the Declaration and would not move the RV until September 29, 2021. This is the third violation in this unit during September of 2021.

Action Taken: It was moved, seconded, and unanimously adopted to adopt the following resolution:

Resolution

Section 17G of the Declaration of Park River West Condominium Association, Inc. (Association) prohibits keeping *any type of recreational vehicle, any place upon the condominium property, unless the same is kept in an enclosed garage.*

AND, WHEREAS the Association through its Directors has previously taken informal action to obtain voluntary compliance with the Declaration and Rules from the owner of Unit 602, especially those dealing with parking by short term renters, including notice of prospective fines for non-compliance.

AND, WHEREAS the Board has received credible information that from September 26 to September 29, 2021, the short-term renter of Unit 602 parked a recreational vehicle in the driveway bib.

WHEREAS the Board has previously determined that the collection of remediation expense is appropriate and a fine may be imposed for a violation of the Declaration or Rule.

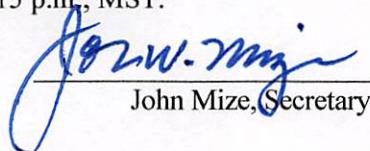
NOW THEREFORE BE IT RESOLVED, pursuant to Park River West Condominium Association, Inc. *Policy for Enforcement of Declarations, Covenants and Rules, including Notice and Hearing Procedures and the Schedule of Fines*, a Hearing before the Board shall be held on December 13, 2021 at 4:00 P.M. MST by electronic means (Zoom) upon written notice to the Unit Owner in the method dictated by Declaration Sec. 25 and containing the detail of the alleged violation(s) of Sections 17G of the Declaration and Rule A.3.G. of the *Rules and Regulations* and the prospective fine, together with any other content required by Declaration Sec. 27..

BE IT FURTHER RESOLVED, that Notice of the Hearing shall be sent by the President on behalf of the Association in the manner set out in Declaration Section 25, to allow for the hearing to be held not more than thirty (30) days after Notice of Hearing is sent. A copy of the proposed Notice of Hearing is attached to these minutes.

BE IT FURTHER RESOLVED that all deliberations of the Board upon the alleged violations shall be in open session.

- d. **Clarification of Deck Repair Resolution as to Scope of Association Repair.** President Stew Squires emailed the Board members a copy of the Rules and Regulations currently in force concerning the deck repair policy at Park River West. Considerable discussion occurred related to the consistency and fairness in applying the policy and the nature and extent of deck repairs that are apparent. Some options for changing the policy were discussed. It was also discussed that any changes in the policy will need to be approved by the owners, since they approved the current policy. No action was taken, but board members were encouraged to review the policy and consider ideas on how it should be amended to be fairly and equitably applied. At a future meeting, suggested revisions can be considered to see if something can be submitted to the owners to clarify the nature and extent of the policy.
 - e. **Reserve Study Discussion.** President Stew Squires sent out voluminous educational information to board members following the annual meeting about reserve studies and how they are done. The resources for and timing of the reserve study were discussed, and timing is becoming of the essence, so that the study can be presented to owners and budget options for next year are ready for the annual meeting. Stew Squires is going to recommend to the board at the next meeting options for firms to do the study.
7. **Next Board Meeting.** The next board meeting will be at 4:00 p.m. MST on Monday, December 13, 2021, and will be held via Zoom conference call.
 8. **Adjournment.** There being no further business, it was moved, seconded, and unanimously approved to adjourn the meeting at 5:15 p.m., MST.

Minutes Prepared and Signed on:


John Mize, Secretary

11/17/21
Date



NOTICE OF HEARING AND INTENT TO IMPOSE FINES

ATTENTION: UNIT OWNER [HERE INSERT NAME AND ADDRESS OF UNIT OWNER]

Chris Hines (Unit 602)
Lucela Properties, LLC
12758 Blue Ridge Drive
Frisco, TX 75033

NOTICE IS GIVEN THAT A HEARING SHALL BE HELD ON DECEMBER 13, 2021 DURING THE DIRECTORS MEETING OF THE ASSOCIATION TO BE HELD AT 4:00 P.M. MOUNTAIN STANDARD TIME BY REMOTE ELECTRONIC PARTICIPATION (ZOOM MEETING) TO DETERMINE IF YOU HAVE VIOLATED THE DECLARATION, BYLAWS, RULES OR REGULATIONS OF PARK RIVER WEST CONDOMINIUM ASSOCIATION, INC.; AND, IF A VIOLATION HAS OCCURRED TO IMPOSE A FINE AND REMEDIATION EXPENSE.

IF YOU ELECT TO ATTEND BY ELECTRONIC REMOTE PARTICIPATION, YOU MUST NOTIFY THE ASSOCIATION PRESIDENT BY NOON DECEMBER 12, 2021 TO RECEIVE A CODE AND LOG IN INFORMATION.

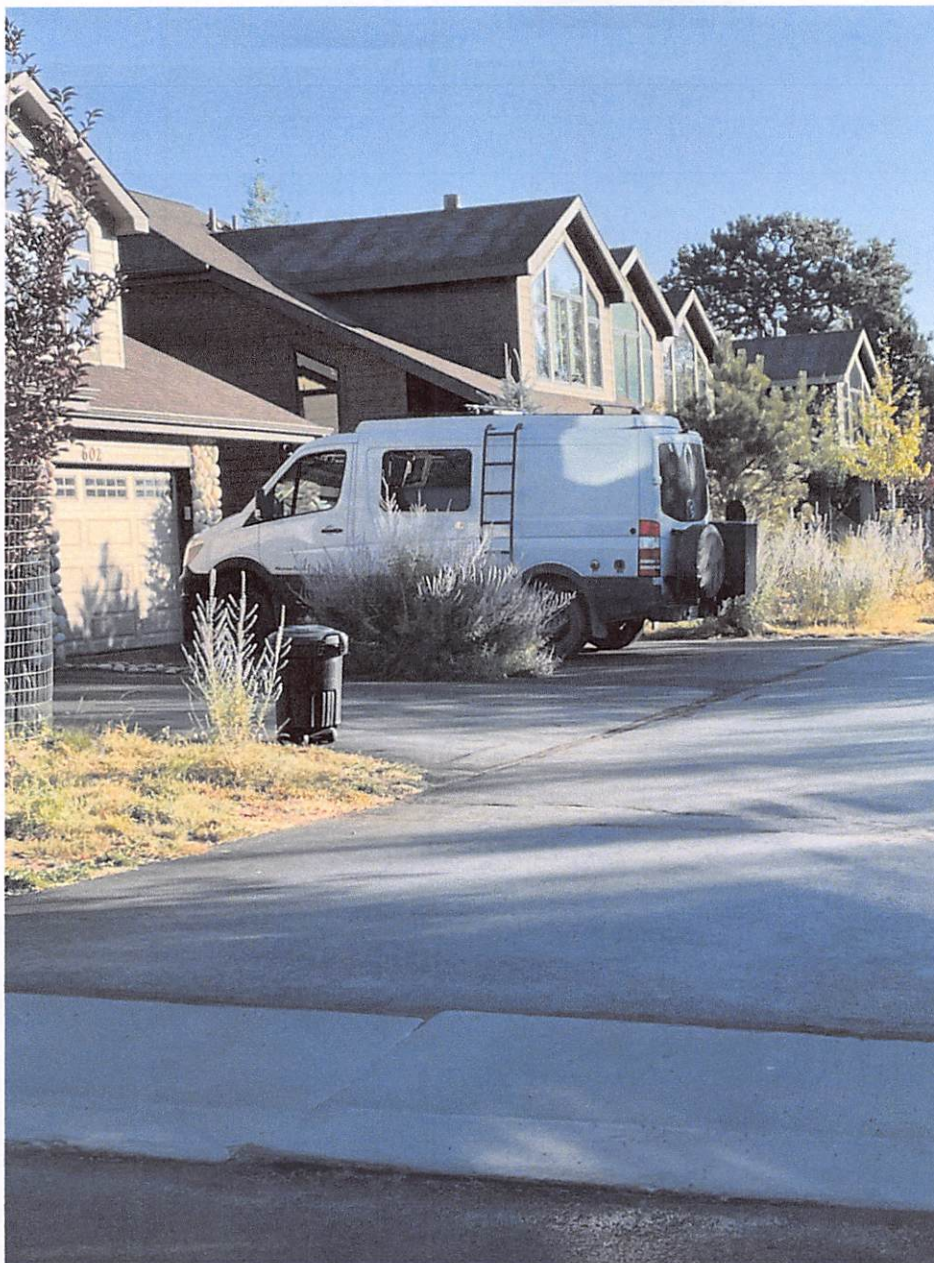
A. Details of Circumstances Involved: On September 26, 2021, Association Vice President Fritz Sampson received a complaint that the short-term renter of Unit 602 or their guests parked a recreational vehicle in the driveway bib. The violation was verified by photographs and actual inspection by the Vice President on September 27, 2021. The Unit owner acknowledged the violation by text message and further stated that the renter refused to comply with the Declaration and would not move the RV until September 29, 2021.

B. Explanation of Third or Later Offense: This is the 3rd violation during September 2021. A Director talked to 602 renters directly on Sept 11 because 3 cars were parked on the driveway bib and encroached on the fire lane, and on Sept 19 to 21, 2021 there was an F350 one ton truck parked at the Unit. Both are violations of Declaration 17G and Rule A.3.G.

C. Violations Alleged: Violations by tenants and short-term renters are imputed to the Owner. The actions of the renter on September 26 to 29, 2021 inclusive violated the Declaration and the Rules in the following particulars:

1. Parking an Recreational Vehicle at the Unit. The short-term renter parked of Unit 602 parked a recreational vehicle in the drive bib from September 26 to September 29, 2021.

Each day constitutes a separate violation. After notice and the opportunity to cure the violation, the renter elected to continue the conduct.



D. Intent to Fine: The intent of the Board upon evidence of the violation(s), and absent evidence to the contrary or in mitigation, is to impose a fine not to exceed \$150 for each violation, \$600.00 total, plus the costs of remediation (damages), costs, and attorney fees incurred by the Association as permitted in Declaration Section 13.

E. Right To Be Heard: You have a right to be heard. Declaration Section 27 provides that you give 10 days' written notice to the Board and explain the grounds upon which your contest of violation will be made. Without regard to Section 27 you are entitled under the terms of Park River West Condominium Association, Inc., *Policy for Enforcement of*

Declarations, Covenants and Rules, including Notice and Hearing Procedures and the Schedule of Fines, Adopted 21 January 2018, as amended 16 November 2020 Section 2.E. Conduct of Hearing, to present your case in opposition or mitigation at the Hearing. Please familiarize yourself with the Declaration and that Policy.

Dated: November____, 2021

PARK RIVER WEST CONDOMINIUM ASSOCIATION, INC.

BY: _____

PRESIDENT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above and foregoing NOTICE OF HEARING AND INTENT TO IMPOSE FINES was sent by email to the owner of Unit 602 and by regular United States mail, postage prepaid, to:

Chris Hines (Unit 602)
Lucela Properties, LLC
12758 Blue Ridge Drive
Frisco, TX 75033

on this _____ day of November, 2021.
