

**Park River West Condominium Association
Board of Directors Meeting
Monday, July 11, 2022 – Via Zoom Conference**

A meeting of the Board of Directors of the PARK RIVER WEST CONDOMINIUM ASSOCIATION, INC. (the "Association") was held on Monday, July 11, 2022, at 3:00 p.m. MDT 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 3:00 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; John Mize (615), Secretary; and Greg Shipman (625). Rick Stephens (603) was unavailable. Owner Mary Sampson (633) attended for the Fire Mitigation discussion shown below.

2. Conflict of Interest Disclosures. Following 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 conflicts were disclosed on pending issues.

3. Approval of Minutes. The minutes of the Board of Director's meeting held on June 13, 2022, previously emailed to the Board, were presented for approval.

Action Taken: It was moved, seconded, and unanimously adopted to approve the minutes of the Board of Director's meeting held on June 13, 2022.

4. Treasurer's Report. Helen Evans (619) sent the Budget Report, Balance Sheet, and Profit/Loss statements to the Board prior to the meeting. As of July 10, 2022, PRW has \$61,207 in the checking account, and a total of \$182,998 in reserves, of which \$32,802 was held in the Bank of Colorado Reserve Account and \$150,196 was held T-Bills in the Schwab Corporate Account. A \$60,000 T-Bill matured and was renewed with a maturity on 10/11/22 and interest yield of \$287.36 (approximately 1.9% annualized). \$6,100 was moved from the Bank of Colorado checking account to the reserve account, making the total reserve contributions through the third quarter of \$18,300, following the budget. All bills have been paid, including the bills for seal coating and garage protection of \$14,684, \$2,575 to Park Landscaping for the first mowing of the season, and \$455 for backflow testing of the irrigation system. The mowing bill was above budget due to a \$275 price increase and a fuel surcharge of \$250. All but 3 owners have paid their special assessments for the reserve study. Stew Squires said he will follow-up with a phone call to the owners with unpaid special assessments.

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

There was follow-up discussion concerning the investment of liquid reserve funds using a Schwab Government Money Market rather than the Bank of Colorado Reserve Account. We continue to investigate this further.

4. **Old Business.**

- a. **Fire Mitigation.** There was ongoing discussion concerning the fire mitigation program at PRW, as outlined in the visit to the site by Raisa Eshleman, the fire inspector from Estes Valley Fire Protection District. Since the last meeting, a bid was obtained from Ben Ekeren of Park Landscaping to remove the junipers and do some other fire mitigation. The bid was more than \$9,000 and included bringing in mechanical equipment to remove the junipers and their root structures where needed. It was discussed the removing pine needles is a priority and there are several companies advertising for this service. It was also discussed that cutting junipers off near ground level and treating the stumps with stump killer might be a more efficient use of our resources. It was stressed that the best time to do this work will be after the summer season ends and most of the seasonal owners are gone.

Action Taken. It was moved, seconded, and passed that: (1) Mary Sampson will get bids from several companies advertising for cleanup pine needle cleanup to do so at PRW in May and October of each year; and (2) Stew Squires will ask Ben Ekeren of Park Landscaping to give us a revised bid to remove the junipers by cutting them off at or near ground level and treating them with stump killer and to also bid on thinning out overgrown vegetation at Units 617 and 655.

- b. **Reserve Policy and Reserve Amounts.** John Mize emailed board members, in advance of the meeting, the Reserve Analysis and Proposed Budgets for 2023 Memo to owners, explaining the need for increasing reserves and the budget for the upcoming year. Attached to it were several analyses of the reserves showing the need to increase them and a couple of budget options, the second of which is being recommended by the board. Also attached was the revised Reserve Policy prepared by John Mize and Fritz Sampson.

Action Taken. It was moved, seconded, and passed to approve the Revised Reserve Policy as presented and to include the Reserve Analysis and Proposed Budgets for 2023 Memo to the owners with the annual meeting packet email.

- c. **2023 Budget.** The recommended Option 2 of the budget was approved at the last meeting and will be sent to the owners with the President's letter, proxies and related documents being snail mailed to owners in advance of the annual meeting.
- d. **Dedicated Email Address for PRW.** Stew Squires reported the new Email address for PRW is: info@parkriverwest.com. This will be communicated to all owners with the annual meeting packet.
- e. **Website.** Stew Squires reported on the status of the web site based on WordPress. Pending issues are being resolved. He will call for an owner with web hosting experience for help at the annual meeting.

f.

5. New Business.

- a. **FAQ Update.** John Mize updated the Frequently Asked Questions document explaining how PRW operates and summarizing some of the more significant Rules & Regulations. This will be sent with the annual meeting packet email to owners in advance of the annual meeting.
- b. **New Hearing Policy.** Fritz Sampson emailed board members a draft of the revised Hearing Policy in advance of the meeting. These changes were needed due to changes in Colorado law made in the 2022 legislative session. No action was taken at this time, and it will be further reviewed in advance of the next meeting.
- c. **Enviropest—Prairie Dogs.** Stew Squires reported on Prairie Dog problems in PRW. Enviropest has been sold to a larger company and has not been responsive to past inquiries for service. Stew intends to try them again and if they are not responsive to find a new vendor to help us prevent pest infestation.
- d. **Annual Meeting Packet and Emailed Documents.** Stew Squires will take care of sending the annual meeting notices and information that must be snail mailed to owners 30 days in advance of the annual meeting on August 20, 2022. He will also send by email additional information that owners should consider in advance of the annual meeting, as previously discussed in these minutes.
- e. **Unit Owner Compliance Violations.**
 - i. **Unit 613 (Fire Lane Parking Violation).** It was reported that a short-term renter of Unit 13 parked in a fire lane in violation of Declaration 17 N and Rule D.2 that prohibits the parking in driveways, which are marked fire lanes in Park River West. Specifically, on May 2022 a Tesla belonging to the renter of Unit 613 was parked in front of the fire lane-no parking sign in the driveway in front of PRW, outside of the driveway bib upon which two vehicles may park. The Owner of Unit 613 was notified by text at 4:34 p.m. on that date and Skyrun Property Management, the manager of the property, was also notified. Two prior offenses for parking and occupation occurred on July 9, 2021 for which the owner was fined, and remediation expense assessed. The Owner was previously found to be in violation of short-term rental rules on September 21, 2020.

Action Taken: It was moved, seconded, and unanimously approved that 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 S August 20, 2022, at 12:00 p.m. MDT, 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) set forth above and the prospective fine for such violations. Further, that Notice of the Hearing as set out in Exhibit 1, attached hereto, and incorporated by reference, shall

be sent by the President on behalf of the Association in the manner set out in Declaration Section 25, but in no event earlier than July 21, 2022, or later than August 10, 2022, and all deliberations of the Board upon the alleged violations shall be in open session.

- ii. **Unit 607 (Unauthorized Use of Adjoining Driveway Bib and Unauthorized Use of RV).** It was reported that a short-term renter of Unit 607 parked on an adjoining driveway bib of Unit 607 without permission in violation of Declaration Section 3 and Rule A.1. of the Rules and Regulations and used a van RV as sleeping quarters in violation of Declaration 17 G. Specifically, parked in a fire lane in violation of Declaration 17 N and Rule D.2 that pro June 18, 2022, the Association received a Complaint from neighbors in 605 (Barkley) that renters in 607 parked in the 605 drive on June 17, then again on June 18 after warning. June 18 at 5 pm an association representative met with Greg Barkley and asked what was going on. He explained that on 17th the Unit 607 renters were in the Unit 605 drive. When asked why they said they were unloading and needed the room. On the 18th the renters did it again and said they were loading a baby. During the conversation it was noted that the van had not moved in 4 days, it had interior window cover on the front, rear, and on two rear quarters (so not completely shielded); and had an aftermarket RV vent installed on driver window to allow air circulation when parked. Greg Barkley was asked if the renters were sleeping in the van (thus making it an RV). He thought they “might be” but no definitive opinion. June 19, 2022, at 7:10 AM an association representative inspected the van parked on the Unit 605 drive apron. Upon inspection it was found that the van was occupied. The occupant got out of the van and admitted using it as sleeping quarters. The bedding was seen from open rear doors. The Owner was previously found to be in violation of short-term rental rules on September 21, 2020

Action Taken: It was moved, seconded, and unanimously approved that 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 August 20, 2022, at 12:00 p.m. MDT, by electronic means (Zoom) upon written notice to the Unit Owner in the method dictated by Declaration Sec. 25 and 17 and containing in detail the violations, set forth above, and the prospective fine, together with any other content required by Declaration Sec. 27. Further, that Notice of the Hearing as set out in Exhibit 2, attached hereto, and incorporated by reference, shall be sent by the President on behalf of the Association in the manner set out in Declaration Section 25, but in no event earlier than July 21, 2022, or later than August 10, 2022, and all deliberations of the Board upon the alleged violations shall be in open session.

6. **Annual Meeting Date.** The Annual Owner’s Meeting will be at 10:00 a.m. MDT on Saturday, August 20, 2022, by Zoom Conference Call. Packets, including the proposed budget and other pertinent information, will be sent to Owner’s thirty days before the meeting.

7. **Next Board Meeting.** The next board meeting will be at approximately 12:00 p.m. on Saturday, August 20, 2022, via Zoom conference call following the annual meeting.
8. **Adjournment.** There being no further business, it was moved, seconded, and unanimously approved to adjourn the meeting at 4:15 p.m., MDT.

Minutes Prepared and Signed on:


 , 7/15/22
John Mize, Secretary Date

Exhibit 1-- Notice of Hearing Unit 613



Park River West Condo Association, 684 Park River Place, Estes Park, CO 80517

NOTICE OF HEARING AND INTENT TO DETERMINE DAMAGES AND ASSESS COSTS OF REMEDIATION WITH POSSIBLE FINE

ATTENTION: UNIT OWNER Kurt and Kristin Housinger, P.O. Box 900517, Palmdale, CA 93590

NOTICE IS GIVEN THAT A HEARING SHALL BE HELD ON AUGUST 20, 2022 AT A MEETING OF THE ASSOCIATION TO BE HELD AT 12:00 PM MOUNTAIN 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 AUGUST 18, 2022, TO RECEIVE A CODE AND LOG IN INFORMATION.

- A. Details of Circumstances Involved:** On May 12, 2022, a Tesla belonging to the renter of Unit 613 was parked in front of the fire lane- no parking sign at 613. Notified the owner by text at 4:34 PM. Skyrun was also notified about the problem at that time.



B. Explanation of Third or Later Offense: Two prior offenses of parking and occupation occurred on July 9, 2021 for which the owner was fined, and remediation expense assessed. The owner previously was found to be in violation of short-term rental rules on September 21, 2020.

C. Violations Alleged: Violations by tenants and short-term renters are imputed to the Owner. The actions of the renter or her agent on May 12, 2022 violated the Declaration and the Rules in the following particulars:

1. Violation of Parking/Fire Lane. Declaration 17N and Rule D.1.

D. Intent to Fine:

The intent of the Board upon the evidence is to determine the possible violation of Declaration 17N Parking and associated Rules declaring fire lanes. Absent evidence to the contrary or in mitigation, a fine not to exceed \$150 for such violation is possible, 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: July____, 2022

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 TO DETERMINE DAMAGES AND ASSESS COSTS OF REMEDIATION WITH POSSIBLE FINES was sent by email to Kurt and Kristen Housinger and by regular United States mail, postage prepaid, to:

Kurt and Kristen Housinger

P.O. Box 900517

Palmdale, CA 93590

OWNER UNIT 613

on this _____ day of July, 2022.



Park River West Condo Association, 684 Park River Place, Estes Park, CO 80517

NOTICE OF HEARING AND INTENT TO IMPOSE FINES

ATTENTION: UNIT OWNER Douglas and Karen Spitznagle, 614 E. Jaycee Street, Avoca, IA 51521

NOTICE IS GIVEN THAT A HEARING SHALL BE HELD ON AUGUST 20, 2022 AT 12:00 PM MOUNTAIN 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 AUGUST 18, 2022, TO RECEIVE A CODE AND LOG IN INFORMATION.

- A. Details of Circumstances Involved:** On June 18, 2022, the Association received a Complaint from neighbors in 605 (Barkley) that renters in 607 parked in the 605 drive on June 17, then again on June 18 after warning. June 18 at 5 pm an association representative met with Greg Barkley and asked what was going on. He Explained that on 17th the Unit 607 renters were in the Unit 605 drive. When asked why they said they were unloading and needed the room. On the 18th the renters did it again and said they were loading a baby.

During the conversation it was noted that the van had not moved in 4 days, it had interior window cover on the front, rear, and on two rear quarters (so not completely shielded); and had an aftermarket RV vent installed on driver window to allow air circulation when parked. Greg B was asked if the renters were sleeping in the van (thus making it an RV). He thought they "might be" but no definitive opinion.

June 19, 2022, at 7:10 AM an association representative inspected the van parked on the Unit 605 drive apron. Upon inspection it was determined that the van was occupied. The occupant got out of the van and admitted using it as sleeping quarters. The bedding was observed from open rear doors.

- B. Explanation of Third Offense:** The offenses on June 17 and 18, 2022 of parking on the 605 drive apron are the 2nd and 3rd offenses. The offense of maintaining an RV on June 19 is the 3rd offense. The owner previously was found to be in violation of short-term rental rules on September 21, 2020.

- C. Violation Alleged:** Violations by tenants and short-term renters are imputed to the Owner. The actions of the renter on June 17, 18 and 29, 2022 violated the Declaration and the Rules in the following particulars:

1. Parking on a Neighbor's Bib without permission. The short-term renter parked on the bib of Unit 605 without permission in violation of Declaration Section 3 and Rule A.1.

2. Maintaining an RV. Use of the van as sleeping quarters (an RV) in violation of Declaration 17 G.

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, 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: July _____, 2022

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 regular United States mail, postage prepaid, to:

Douglas and Karen Spitznagle, 614 E. Jaycee Street, Avoca, IA 51521

OWNER UNIT 607

on this _____ day of July, 2022.
