

**Park River West Condominium Association  
Annual Owners Meeting  
Saturday, August 22, 2020, 10:00 a.m. MDT  
Via Zoom Conference**

A meeting of the owner members of PARK RIVER WEST CONDOMINIUM ASSOCIATION, INC. (the “Association”) was held on Saturday, August 22, 2020, via ZOOM online/video meeting application at 10:00 a.m. MDT. President Stew Squires (618) presided. Association Secretary Mindy Stephens (603) acted as Secretary of the Meeting and prepared these Minutes.

**1. Call to Order / Roll Call / Validation of Proxies, Declaration of Quorum**

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; Mindy Stephens (603), Secretary; John Mize (615); Greg Barkley (605), Ray Buxton (682), Ron Springer (676). Elizabeth Repola (609) was not in attendance.

Attendance was recorded to include 42 units represented “in person” via Zoom and 14 proxies were held by other owner/members, for a total of 56 units being represented. (The Roll Call tally sheet is attached.) A quorum was declared.

**2. Welcome and Format for Meeting**

The President welcomed the group and reviewed the format for the meeting. Due to the effects of COVID-19, this meeting was arranged to be conducted via the ZOOM internet platform rather than an in-person, physical get-together. It was reviewed how each Unit was to be identified, how an individual could be recognized to speak, and what the procedure would be to vote..

**3. Approval of Minutes**

The Minutes for the Annual Owners Meeting of 2019 had been presented to the ownership and posted on the Park River West website prior to this meeting. The President called for any additions or corrections. None were presented. John Mize (615) moved to accept the Minutes, Carol Primdahl (653) seconded and the motion was passed by a vote of the Membership.

**4. State of the Association**

**Stew Squires presented the President’s Report as to the State of the Association. Topics reviewed:**

a. General Comments/Reminders

i. General – Active, Vibrant, Involved

ii. How the Association been affected by COVID-19

1. Dues are all current

2. Contractors are all still in business and busy

3. The Town of Estes Park curtailed Short-term Rentals during May and most of June, but rentals appear strong since re-opening.

4. Five units in PRW have sold during COVID in a strong market (six total since the last Annual Meeting)

iii. Reminder to review Section 17 of the Declarations regarding the primary rules for getting along with each other in PRW

iv. Reminder of the PRW Rules and Regulations and Association Policies – it was discussed where to find additional copies of the governing documents online on the PRW website

v. Stew Squires reports that owners are making good use of the Contact Us tab/form on the website

b. Highlights

- i. Volunteer efforts have become more coordinated and allowing owners/residents to contribute through the coordination of Dennis McDonald
- ii. PRW Rules and Regulations were provided in hard copy to all owners in November 2019
- iii. The PRW Board passed a Rental Policy that affects both Long- and Short-Term Rentals in December 2019

***[NOTE: The recording of the Zoom meeting was started at this point.]***

- iv. Early and Late Freezes Hit Evergreen Population Hard (Trees and Shrubs)
- v. Completed First Round of Painting of All Units by Thom Shafer (Shafer Co)
- vi. Remaining Sections of Fence painted
- vii. Completed Seal Coating for 2020
- viii. Completed Plantings for 2020
- ix. Continued to Sort Out Our Irrigation Systems

c. Snow Plowing

- i. Zeik Construction does our Snow Plowing, Sidewalk Clearing  
Normally plows at 4-6" of snow at his discretion unless Association requests.
- ii. Zeik Offers Unit Owner Drive and Walk Plowing/Shoveling for Small Fee

Zeik Construction LLC  
453 E Wonderview Ave  
Pmb 275  
Estes Park, CO 80517  
970-310-5707  
[ezequielh@msn.com](mailto:ezequielh@msn.com)

d. Landscaping

- i. Landscaping at PRW is at a mature stage
  - 1. Plantings were more dense than necessary for this stage of growth.
  - 2. We look to thin to promote healthy trees and shrubs
  - 3. Weeds continue to be a focus point
- ii. All Planting Areas Outside of Unit are Common Elements
  - 1. Most all shrubs and trees have their own drip irrigation installed
  - 2. You may not plant gardens or install lawn features
  - 3. You may not put out planters except on sidewalk or porch or deck
  - 4. If you want something changed use Contact tab on website
- iii. Landscape Company is Park Landscaping LLC, Ben Ekeren
  - 1. Spring Cleanup
  - 2. Slash Removal When Needed
  - 3. Three Mowings per Season
  - 4. Tree Removal and Plantings

e. River Trail

- i. Pedestrian Walkway (ROW granted to TofEP)
  - 1. No Bikes, Trikes, Scooters
  - 2. We Normally Clear Grasses to 10 Feet Either Side of Path
  - 3. Actively Maintaining River Bank Through Remediation Efforts

ii. Fishing

1. Colorado Fishing License Required to Fish
2. Catch and Release for Owners and Guests
3. A Group of Owners Stock Fish During the Season (Tom Shepherd is contact).
4. Non-Owners May Not Fish from Our Property
5. Right of Way granted for Pedestrian Path, but Non-Owner Fishing is Trespassing

f. Pets

- i. Unit Owners, Long Term Renters
  1. May have two.
- ii. Short Term Renters
  1. May not bring Pets into PRW
- iii. Pets Outside of Units
  1. Pets must be on a leash and a human being must be on the other end of the leash
  2. You may not tie or chain an animal to your deck or in any other way leave unattended
  3. Immediately clean up after your pet

g. Parking

- i. All Unit Owners and Guests
  1. May Only Park in Driveway Bib or Garage
  2. May Only Park Cars, Motorcycles or Trucks (250 series or lower and no Duallies)
  3. RVs, Boats, Trailers must be parked in garage and door must be able to close.
  4. They may not be parked on Park River Place within PRW
- ii. No Parking in Access Driveway/Aprons
  1. These are all marked as Fire Lanes by the Association
  2. Access made available for Use of Fire and Medical (Ambulance/Paramedic)
- iii. Rentals
- iv. All Unit Owners have the right to rent their units
- v. The Town of EP licenses and regulates Short Term Rental as Commercial endeavor with a cap limiting the number of active licenses.
- vi. To maintain the Residential Character of PRW, in December of 2019 the Board passed a Rental Policy covering both Short Term and Long Term Rentals
  1. Short and Long Term Rental Unit Owners must register their intent to rent their units by January 31st of each year with the Association
  2. Short Term Rental Owners must provide
    - a. PRW Rental Registration form signed by Owner and any Local Agent
    - b. Copy of Town of Estes Park Rental License
    - c. Copy of Guest Rental Contract with PRW Rental Rules embedded so that Guests are aware and acknowledge that they must abide by the same rules as the owners.
    - d. Cert of Commercial Liability Insurance in the amount of \$1,000,000
  3. Long Term Rentals must provide Registration Form and Insurance Cert

h. Trash and Feeders

- i. Trash may be placed out during daylight hours only in a hard sided container with lid.
  1. Bags left out are quickly discovered and torn open by critters
- ii. Only Bear-Proof containers may be left out overnight
- iii. Feeders for birds or squirrels/chipmunks may only be hung from appropriate hangers attached to decks or awnings
  1. Feeders should not be left out overnight

2. Feeders may not be hung on trees or any Common Element structure.

## 5. Financials

Helen Evans, Treasurer, presented the Treasurer's Report as follows:

### Financial Summary through August 19, 2020

Checking account balance = \$31,996.81

Bank of Colorado Money Management Account (Reserves) = \$128,976.93

Charles Schwab Corporate Account (Reserves) = \$10,025.78

Total Reserves = \$139,002.71. This is an increase in our reserves of approximately \$55,000 since January 1, 2018.

This spring we were finally able to establish a corporate account with Schwab in order to purchase 3-month U.S. Treasuries with the intent to earn more interest on our reserves. We transferred \$10,000 to this account and purchased a 3-month treasury in early March 2020, maturing in mid-May. Due to COVID-19, the market fell out of Treasuries and currently it is pointless to continue purchasing 3-month Treasuries. We intend to resume this revenue stream when the economy supports this action.

Currently our HOA dues support our expenses including the ability to put into reserves 10% of our yearly income.

The following spreadsheet [\*] shows the budget for 2018-2020 and the proposed budget for 2021.

There is no recommended increased in dues.

Discussion followed pertaining to reallocating some expenditures to the maintenance of the river path if not being used in other areas. We also need to look at expenditures for tree trimming focusing on not damaging buildings, etc. While we have been doing a good job of keeping Dennis McDonald apprised of potential issues, owners are asked to advise the Board of any issues that are recognized. Please use the Contact Us form on the website. Dennis can take care of many problem branches, but otherwise, the landscaper will be called in to take care of this. Many of the trees/logs and branches are being used in support of the river bank.

With no further discussion, Mindy Stephens moved to adopt the proposed 2021 Budget; John Mize seconded the motion and upon a vote by the Membership, the motion was passed.

***[\* NOTE: The spreadsheet for the 2021 Budget will be included with the copy of the minutes in the physical Minutes Book, is available to all owners, and will be available upon request for situations involving a real estate transaction. It will not be posted separately on the website.]***

## 6. Nomination and Election of Board Members

The Board members that are willing to continue on the Board are: Stewart Squires, Herbert "Fritz" Sampson, Helen Evans, Mindy Stephens, John Mize and Greg Barkley. Members leaving this Board are: Elizabeth Repola, Ray Buxton and Ron Springer. We thank Elizabeth, Ray and Ron for their service this past year (and for Ron Springer for the many years!).

In anticipation for the addition of new Board members, Stew Squires shared the following Board Dynamics.

- The Board currently meets approximately 10 times per year.
- Meetings will be held on Zoom for the foreseeable future.

- With Elizabeth Repola leaving the Board, there would not be representation of short-term rental owners.
- We need an odd number to assure no tie-votes on Board voting matters.
- There is only one Board member allowed per unit ownership.

Sandra Ireland (Unit 670) volunteered to join the Board and she is a short-term rental owner.

Fritz Sampson nominated a slate of the following names to the Board Membership: Stewart Squires, Herbert “Fritz” Sampson, Helen Evans, Mindy Stephens, John Mize, Greg Barkley and Sandra Ireland. Greg Barkely seconded the motion and upon a vote from the attending Membership, the motion passed.

Though Ron Springer will not continue to be on the Board, he will continue to maintain the owner-shared Contact List that is available through the PRW website on a password protected access.

## 7. Ratify the Reserve Study Policy

Fritz Sampson reported on the reason for this. It is required by statute for an HOA to adopt a Reserve Study Policy. This was discussed at last year’s Annual Ownership Meeting but was not fully adopted. This is a process that we handle internally. The Policy document was presented to the meeting via Zoom and reviewed. Fritz Sampson moved for the policy to be adopted. Upon a second by Mindy Stephens and a vote of the Membership, the Policy was approved.

## 8. Utility Apportionment/Billing and Resolution Permitting Unequal Sanitary Sewer Assessments

Stew Squires presented the following:

The problem:

The Association pays the sewer and water bills for all Units. As to sewer bills, Upper Thompson Sanitation District (UTSD) is the billing agency. The UTSD Board will increase all sewer fees. In addition, UTSD is considering increasing the fees on short-term rentals in excess of those charged for single-family units. The short-term rental rate has not been set, but it could be up to four times that of a single-family unit. The result under current practice will be that all non-licensed Unit owners will subsidize the short-term rental sewer fees.

UTSD has not adopted the new fee structure yet. It is not known what the detail will ultimately be, or the start date for the new billing. The Association needs to be proactive so that when a change occurs the utility bills can be adjusted.

Solution:

Declaration Section 9A provides “*Unless otherwise determined by the Membership, all assessments shall be equal.*” The Members will be asked at the Annual Meeting to approve an addition to the By-laws permitting unequal assessments attributable to unequal sewer bills. The By-law method was chosen over a simple motion because it would easier to find in the organic corporate documents rather than minutes of the Annual Meeting for future owners and Directors.

The proposed resolution and By-law (an added Section 7) would read:

“RESOLVED, That Association By-law Article III shall add Section 7 and shall henceforth read:

“7. Assessments. The provisions of Declaration Section 9.A. are varied to permit unequal assessments for common utilities. The term “common utilities” as it

appears here and in the Declaration Section 9. E. is defined as water service and sewer service, both sanitary and storm; except, if a common utility provider shall separately charge a Unit for sewer or water that service shall no longer be a common utility and the utility shall be at the sole cost of the Unit owner. If the common utility provider begins charging Units directly for service during a calendar year, that portion of the utility assessment that is part of the condominium dues annually assessed by the Association to Units will be credited pro rata to Units, as of the date the utility begins its charge to Units, so that owners are not double billed for those utilities. Whenever the provider of a common utility would charge a different amount for a Unit based on its use or licensing status (“ License Unit”, e.g. short-term rental license) than that of a Unit classified as a single family home (“Common Unit”), then the portion of water or sewer charge that exceeds that of a Common Unit will be calculated and separately assessed against that License Unit. The Board shall determine the time, method, and manner of any unequal separate assessment or adjustment for common utilities.

BE IT FURTHER RESOLVED, that the Board of Directors shall adopt such amendment at its next meeting by the authority of Colorado Revised Nonprofit Corporation Act Section 7.130-021, add Article III Section 7 to the By-laws, and restate Article III accordingly.”

The Association has contacted UTSD with a request to switch the sewer fees billing from all 68 Units together to each Unit individually. That would solve the problem. But if that is not accomplished, and Units are not equally rated, then the Association members will have to act to allow unequal sewer assessments.

Board Members have analyzed the prospective switch to individual billing and pointed out that if UTSD does undertake separate billing in 2021, it will result in a budget surplus of up to \$49,500, dependent on the date the direct billing would occur. That is, our Members would be paying dues for utilities for which they started paying UTSD directly. We have included language above that authorizes the Board to make pro rate adjustments to condominium dues to that Unit owners are not double-billed for service, should the utility switch to direct billing during a calendar year.

There was some discussion clarifying that while water, at present, is not able to be separately calculated as there are not individual water meters for each unit, sewer fees, which are presently already on commercial rates with the town (due to our condominium community status), could be calculated separately. This matter and subsequent motion are presently only applicable to sewer fees, but by the language, could be applied to water in the future, if water usage could be separated by Unit.

There was also some discussion regarding the UTSD’s treatment of rental units and objection to how they are calculating usage. It was reported that several of PRW’s STR owners have showed up to a UTSD meeting and this kind of appearance has helped to pause UTSD’s decision at this point.

Though this has not yet been acted upon by UTSD, the Board recommends that PRW be ready to handle either action by UTSD and, in the end, allow the Board to “get out of the utility business” (by having to bill the owners [via the HOA dues] and pay the utility bill to UTSD).

After these discussions, it was moved by Fritz Sampson that the Board adopt this resolution; seconded by Steve Tice (655) and approved by a vote of the Membership.

**9. New Business**

a. ACH Dues Payments

The Board recently conducted a survey of the Membership to look into a plan to allow for owner/members to pay quarterly dues via an electronic method rather than writing checks and counting on the USPS for delivery. Because of the small size of our 68-unit association, methods such as charging the payment to a credit card or making a direct payment online by a user-initiated process were not feasible due to the costs incurred by the Association. It was, however, determined that for a very small fee, the Association can utilize an ACH (automatic clearing house) method through our bank and the owner's bank. For the next quarterly pay period, we would ask for volunteers to test this out and then we would have this ready to start for all participants for January 2021 quarter. Those that volunteered at this point were put in contact with the Treasurer.

b. Steve Tice (655) requested to revisit the discussion regarding the Reserve Study and requested that owners consider an external reserve study every 3<sup>rd</sup> year. This topic will be revisited at next year's Annual Meeting.

c. Arnold Teten (652) reported an issue with a sewer backup that caused some cleanup work at his unit and brought about the question of how to handle a sewer line issue when the line is shared with another unit. This matter will be discussed at the next Board meeting.

d. A question was asked about the scheduling of gutter cleaning and it was confirmed that this is scheduled to occur soon after the leaves fall.

**10. Adjournment**

There being no further business, John Mize moved to adjourn the meeting. Greg Barkley seconded the motion and it was approved by all. The meeting was adjourned at 11:45 a.m.

Minutes Prepared and Signed on: \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Mindy Stephens, Director and Secretary of the Meeting