

**MINUTES OF THE BOARD OF DIRECTORS MEETING OF
PARK RIVER WEST CONDOMINIUM ASSOCIATION, INC.**

Monday, February 15, 2021

(Meeting held via conferencing app Zoom)

A meeting of the Board of Directors of PARK RIVER WEST CONDOMINIUM ASSOCIATION, INC. (the "Association") was held on Monday, February 15, 2021, via ZOOM online/video meeting at 4:30 p.m. MST. President Stew Squires (618) presided. Association Secretary Mindy Stephens (603) acted as Secretary of the Meeting and prepared these Minutes.

1. Call to Order/ Role Call

The meeting was called to order at 4:35 p.m. The following directors were present via video on Zoom: President Stew Squires (618), Vice President Fritz Sampson (633), Secretary Mindy Stephens (603), John Mize (615), Sandra Ireland (670) and Greg Barkley (605). Helen Evans (619) was absent from the meeting.

2. Approval of Minutes of November 16, 2020 Board Meeting

The minutes for the January 18th meeting were reviewed and upon a motion made by Greg Barkley (605) and seconded by Sandra Ireland (670), they were approved unanimously. The Secretary will post the Minutes on the Website.

3. Treasurer's Report

Helen Evans (619) had previously sent the Treasurer's report indicating that the PRW budget is very healthy. Greg Barkley (605) moved to accept the Treasurer's financial report, Sandra Ireland (670) seconded and all approved.

4. Old Business

a. Parking complaint about 616 renters parking at 614

The owner of Unit 614 wants to proceed with their complaint, so Fritz Sampson (633) has prepared the appropriate materials that are to be sent out for a hearing on the matter. The Unit 614 owner does not necessarily need to attend as her written complaint which has been received by the HOA will suffice. As such, the following Resolution was presented by Fritz Sampson (633) along with the form or notice attached as Exhibit 1 of these minutes.

Resolution to Hold Formal Hearing – Unit 616.

Upon Motion made by Fritz Sampson (633) and seconded by John Mize (615) the following resolution was adopted 6 yea and 0 nay:

“WHEREAS, Section 3 of the Declaration designates the parking bib for each Unit as a Limited Common Element reserved to the exclusive use of the Unit Owner; and Park River West Condominium Association, Inc. (Association) has previously adopted Rules and Regulations, including rules imposed upon rental unit owners (Rules);

AND, WHEREAS the Association through its Board of Directors (Board) has previously taken informal action to obtain voluntary compliance with the Declaration and Rules from the owner of Unit 616, 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 the short-term renter of Unit 616 parked on the parking bib of Unit 614 and blocked access to the garage of that Unit and

blocked the owner of 614 from leaving on January 6, 2021.

AND, 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 March 15, 2021 at 4:00 P.M. 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 Section 3 of the Declaration and Rule A. 1 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 (Exhibit 1) 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 February 15, 2021 or later than March 5 2021.

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

NOTE – ON FEBRUARY 25, 2021 THE DATE OF THE NEXT MEETING OF THE BOARD AND THE HEARING WAS CHANGED TO MARCH 22, 2021 AT 4:00 P.M. BY UNANIMOUS CONSENT OF THE BOARD MEMBERS; AND THE EFFECTIVE DATE OF THE HEARING AND ALL NOTICES WERE MOVED UP TO CONFORM WITH THAT CHANGE. THE NOTICE DATES REFLECTED IN EXHIBIT 1 ARE AMENDED ACCORDINGLY.

b. Landscaping

Stew Squires (618) reported that Dennis McDonald is on top of the watering situation and has received some assistance from other owners. We do anticipate a weed problem in the Spring, so we will need planning to get something done about this in advance, whenever it is deemed to be most effective.

c. Short-term Rental Letter 2021

Stew Squires (618) has prepared and sent out the 2021 package to rental unit owners to request updated information regarding the status of their short-term rental license, insurance, etc. It is reported that there are currently 16 total “real” short-term rental units (i.e., other than those that may be retaining their license for investment purposes but are using their unit for either full, part-time, or long-term rental).

5. New Business

a. Painting

It was reported that our painter’s bid for 2021 came in right on what we need to stay on budget. In connection with the painting project, it may be necessary to take out a tree that is encroaching on one unit. There are 7 total units to be painted this year and there are specific units designated for next year. The painting will begin in March or April, as weather allows. PRW is first on the painter’s schedule for this year.

b. Miscellaneous: Asphalt, Snow Removal

Attention will be paid to areas where snow accumulation turns into “ice skating rinks” near units 614 and the 607-609 area. The plan for 607-609 is that our asphalt contractor will rebuild that drain field as soon as the weather allows. There will be crack seal treatment where needed, however no new seal coat this year. There are areas where some “pimples” have occurred and will be dealt with.

6. **Set next board meeting**

The next Association Board meeting will be held Monday, March 15, 2021 at 4:00 p.m. Due to the ongoing precautions due to the COVID-19 pandemic, the next meeting will be held via ZOOM. Any unit owner/member may attend via ZOOM by sending an email request to Stew Squires, President (618).

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7. **Adjournment**

There being no further business, Mindy Stephens (603) moved we adjourn; Greg Barkley (605) seconded, and it was approved by all. The meeting was adjourned at 4:58 p.m.

Minutes Prepared and Signed on:

March 22, 2021
Mindy Stephens
Mindy Stephens, Director and Secretary of the Meeting

Exhibit 1 – Form of Notice



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

NOTICE OF HEARING AND INTENT TO IMPOSE FINES

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

NOTICE IS GIVEN THAT A HEARING SHALL BE HELD ON March 22, 2021 AT 4:00 PM MOUNTAIN TIME AT UNIT 618, PARK RIVER PL., ESTES PARK, CO 80517 AND 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 MARCH 21, 2021 TO RECEIVE A CODE AND LOG IN INFORMATION.

A. Details of Circumstances Involved: On January 6, 2021 Association President Stewart Squires and Association Vice President Fritz Sampson received a complaint by phone from the owner of Unit 614 that the short-term renter of Unit 616 parked on the parking bib of Unit 614 and blocked access to the garage of that Unit and blocked the owner of 614 from leaving on January 6, 2021. In fact, the short-term renter did park in the bib of Unit 614 without the permission of the owner and blocked ingress and egress of the bib and garage.

B. Explanation of Third Offense: On July 21, 2019 you were contacted by Stewart Squires, President of the Association concerning a violation of Declaration Section 3 - Parking on another Unit's driveway (drive bib) and Section 17N and Section 17T (hazardous activity - parking in fire lane) where your cleaning staff had parked on the common drive designated as a fire lane, and on the drive bib of Unit 612. You were advised that Unit owner parking was only allowed in your drive bib and in the Unit's garage.

The Board received a complaint on August 10, 2019 that on or about August 2, 3 and 4, 2019 the Unit was occupied by a bridal party celebrating (by self-disclosure) and was observed by a number of Unit Owners to be parking on an adjoining Unit owner driveway bib (an area designated Limited Common Area of the adjoining Unit owner) and in the common drive (fire lane) abutting Unit 616. These actions are repeat violations of Declaration Sections 3, 17N, 17T, and Association Rules barring parking in fire lanes.

On August 10, 2019 the same Unit owner complained of a Quiet Time Violation. On or about August 2, 3, and 4, 2019 during the same bridal party celebration the Association 10 PM quiet time rule was violated and verified by more than one neighbor.

On or about June 8, 2020 you were contacted by Fritz Sampson, Association VP, concerning an occupancy violation by the short-term renters.

C. Violation Alleged: Violations by tenants and short-term renters are imputed to the Owner. The actions of the renter on January 6, 2021 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 614 without permission in violation of Declaration Section 3 and Rule A.1.

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 \$100 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: February_____, 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 regular United States mail, postage prepaid, to:

[HERE INSERT UNIT OWNER AND MAILING ADDRESS]
OWNER UNIT _____

on this _____ day of February, 2021.
