

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

Monday, April 19, 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, April 19, 2021, via ZOOM online/video meeting at 4:00 p.m. MDT. President Stew Squires (618) presided. John Mize (615) prepared minutes in the absence of Secretary Mindy Stephens.

1. **Call to Order/ Role Call**

The meeting was called to order at 4:00 p.m. The following directors were present via video on Zoom: President Stew Squires (618), Helen Evans (619), John Mize (615), Sandra Ireland (670) and Greg Barkley (605). Fritz Sampson (633) and Mindy Stephens (603) were unavailable for the meeting.

2. **Approval of Minutes of March 22, 2021 Board Meeting**

The minutes of the March 22, 2021 meeting are pending and will be presented at the next meeting. The Secretary will post the Minutes on the Website when completed and approved.

3. **Treasurer's Report**

Helen Evans (619) sent the Budget Report, Balance Sheet and Profit/Loss statements to the Board prior to the meeting. Expenses are within the budget and the quarterly deposit into the reserve account for the second quarter of 2021 has been made. It was moved, seconded, and approved to accept the Treasurer's financial report.

4. **Old Business**

a. **Asphalt Repair and Crack Seal**

Stew Squires (618) reported that Fritz Sampson has diligently worked with our paving contractor to schedule needed repairs and crack sealing. The asphalt contractor is going to use an infrared heater to raise low spots, lower high spots, and generally try to get the drainage such that all water runs downhill in the drains. Lots of work will be done in the vicinity of Units 614 and 616. The asphalt is cracking and must be replaced between Units 607 and 609. The problem is the original drainage runs under the drives and the road. This drainage bubbles up through the asphalt and destroys it. Also, the roof drain from 607 and 609 drains on the drive and creates a glacier. So, we are going to bury the drain between 607 and 609 and build an underground drain with a drain tile to collect the water and discharge it to the waterway. This means we take up the asphalt, dig some trenches, add some aggregate, lay some drain tile, then repave the area. The excavator and the asphalt contract are coordinating on this. For all units, the contractor will be doing crack seal. This is hot tar that is applied to the surface where it has separated. We will also be curing root pimples when identified. No broad sealing is scheduled for this year as that has been completed for the entire complex over the last few years and is not needed. Stew has sent reminders and of the projects to all unit owners and they are being scheduled for this week, weather permitting. Every effort is being made to complete these projects before Memorial Day weekend to not disrupt the busy summer season.

b. **Landscaping**

Dennis McDonald has been working hard this spring on the landscaping and feels good about it going into the summer. He is coordinating with our landscaper on replacement plantings needed this spring, which will likely not occur until the latter part of May to avoid plant damage. The drainage ditch along the west side of the Park River Street has been cleaned out and is draining properly. Dennis has also done work along the Big Thompson River to stabilize the bank.

The weed control issue was discussed. Stew will pursue treatment options with our landscaper and others to seek solutions to the problem.

- c. **Painting.** Thom Shafer of Got you Covered, our painting contractor, has completed the touch up painting of various units. Painting of units 627/629, 630/632, 634/636, and 643/645 is in process and should be completed by the end of May.

5. **New Business**

- a. **616 Parking Violation.** Stew reported that there have been additional complaints from neighbors about guests/vendors providing services at Unit 616 violating rules related to parking in fire lanes. This is the fourth violation involving this property. In March of 2021, a hearing was conducted and fine assessed to Unit 616 for allowing guests to park in the adjoining driveway bib of Unit 614 blocking access of that Unit owner from her property. **Following discussion, the following resolution was moved, seconded, and adopted:**

Resolution

Park River West Condominium Association, Inc. (Association) has previously adopted *Rules and Regulations*, including rules imposed upon rental unit owners (Rules).

WHEREAS the Association through its Board of Directors (Board) has previously taken formal and informal action to obtain voluntary compliance with the Declaration and Rules from the owner of Unit 616, especially those dealing with parking by maintenance personnel and short-term renters, including notice of prospective fines for non-compliance.

WHEREAS the Board has received credible information that the short-term renter or maintenance personnel of Unit 616 parked two vehicles in the Fire Lane in front of Unit 614 effectively blocking access to the remainder of the fire lane on the morning of April 2, 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 May 17 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 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.

- b. **Reserve Study.** At last year’s annual meeting Steve Tice (655) raised the issue of having an outside reserve study conducted every three years. There was no formal action taken at that meeting, but the minutes reflect that it would be put on the agenda for this year’s annual meeting. In the meantime, Fritz Sampson has contacted Steve and Steve is working on getting some cost estimates from outside consultants on the cost of a study. Helen Evans requested that these estimates be provided not later than mid-May so that she can include them as she prepares the budget for next year. Any such proposal must be approved by a majority of unit owners at the annual meeting.
- c. **Establish Date/Initial Discussion for Annual Meeting.** The Annual Meeting of the Association will be held on Saturday, August 14, 2021 at 10:00 a.m. The meeting will again be held by Zoom since participation was particularly good last year.

6. Next board meeting

The next Association Board meeting will be held Monday, May 17, 2021 at 4:00 p.m. MDT. 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).

7. Adjournment

There being no further business, it was moved, seconded, and unanimously approved that we adjourn. The meeting was adjourned at 4:40 p.m.

Minutes Prepared and Signed on: _____,

John Mize, Board Member

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 MAY 17 2021 AT 4:00 PM MOUNTAIN DAYLIGHT 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 MAY15, 2021 TO RECEIVE A CODE AND LOG IN INFORMATION.

A. Details of Circumstances Involved: On April 2, 2021 Association President Stewart Squires and Association Vice President Fritz Sampson received a complaint by email from the owners of Unit 604 and 610 that the short-term renter or other parties associated with Unit 616 parked on both sides of the fire lane in front of Unit 616 effectively blocking the fire lane to traffic. In fact, the maintenance personnel attending to Unit 616 or the short term renter at Unit 616 did park on both sides of the fire lane in front of Unit 616 effectively blocking the fire lane to traffic.

B. Explanation of Fourth 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.

On or about January 6, 2021 the Board received a complaint from the Unit owner of 614 stating that the short-term renter parked on the bib of Unit 614 without permission.

C. Violation Alleged: Violations by tenants, short-term renters or other agents of the Unit Owner are imputed to the Owner. The actions of the renter or maintenance personnel on April 2, 2021 violated the Declaration and the Rules in the following particulars:

1. Parking in Fire Lane. The short-term renter or maintenance personnel parked on the Fire Lane in front of Unit 616 effectively blocking traffic on the Fire Lane 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 \$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: April_____, 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 April, 2021.
