

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

Monday, August 9, 2021

(Meeting held via conferencing app Zoom)

A special meeting of the Board of Directors of PARK RIVER WEST CONDOMINIUM ASSOCIATION, INC. (the "Association") was held on Monday, August 9, 2021, via ZOOM online/video meeting at 3:00 p.m. MST. President Stew Squires (618) presided. Director John Mize (615) recorded the minutes in the absence of Secretary Mindy Stephens.

Call to Order/ Role Call

The meeting was called to order at 3:01 p.m. The following directors were present via video on Zoom: President Stew Squires (618), Vice President Fritz Sampson (633), Treasurer Helen Evans (619), John Mize (615), and Greg Barkley (605). Sandra Ireland (670) joined the meeting at 3:11 p.m. Secretary Mindy Stephens was unavailable.

1. **Approval of Minutes of July 5, 2021, Board Meeting**

The minutes for the July 5, 2021, meeting were reviewed and upon a motion and second, they were approved unanimously. The Secretary will post the Minutes on the Website.

2. **Treasurer's Report**

Helen Evans (619) presented the Treasurer's report as of July 31, 2021, indicating that all is okay with the PRW budget going forward. It was moved, seconded, and unanimously approved to accept the Treasurer's financial report.

3. **Business**

- a. **Parking Violation Hearing for Unit 616.** The owner of Unit 608 made a complaint regarding the renter of Unit 616 committing multiple violations, including: (1) parked on the parking bib of Unit 614 without permission and blocked access to the garage of that Unit and blocked the owner of 614 from leaving; (2) parked on the parking bib of Unit 610 without permission and blocked access to the garage of that Unit and blocked the owner of 610 from leaving; (3) parked 3 vehicles in the common drive/fire lane; and (4) conducted an event by way of a luncheon for non-occupant guests at the Unit. This is at least the third offense committed by renters in Unit 616 and on two prior occasions fines have been assessed against it for violations. Upon motion, second, and unanimous approval the following resolution was adopted:

"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 has designated the Access Aprons as Fire Lanes not available for parking by owners; 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 and the holding of Events 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 bibs of Units 610 and 614 and with three vehicles

on the Access Apron (during an Event held in violation of the rental rules), and blocked access to the garages of those Units and blocked the owner of 612 from returning to their unit on July 31, 2021.

AND, WHEREAS the Board has previously determined that the collection of remediation expense is appropriate and a fine may be imposed for violations 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 August 14, 2021 immediately after the Annual Meeting held on that date at 10AM, 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 3 and 17N of the Declaration and Rules A.1 and Rule C.II.2 of the *Rules and Regulations* and the prospective fine, together with any other content required by Declaration Sec. 27.

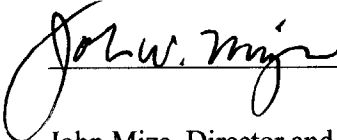
BE IT FURTHER RESOLVED, that Notice of the Hearing as set out in Exhibit 1, attached hereto, and incorporated by reference, shall be sent by the President on behalf of the Association in the manner set out in Declaration Section 25, but in no event earlier than August 9 or later than August 10, 2021.

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

b. **Annual Meeting Preparation.** Stewart Squires has prepared a PowerPoint presentation for the annual meeting and will forward it to board members for comments.

4. **Adjournment.** There being no further business, it was moved, seconded, and unanimously approved to adjourn. The meeting was adjourned at 3:22 p.m.

Minutes Prepared and Signed on:

 _____, 8/14/21
John Mize, Director and Recorder of the Meeting



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 AUGUST 14, 2021 DURING THE DIRECTORS MEETING IMMEDIATELY FOLLOWING THE ANNUAL MEETING OF THE ASSOCIATION TO BE HELD AT 10:00 AM 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 13, 2021 TO RECEIVE A CODE AND LOG IN INFORMATION.

A. Details of Circumstances Involved: On July 31, 2021 Association President Stewart Squires received a complaint by phone from the owner of Unit 608 that the short-term renter of Unit 616 or their guests:

(1) parked on the parking bib of Unit 614 without permission and blocked access to the garage of that Unit and blocked the owner of 614 from leaving;

(2) parked on the parking bib of Unit 610 without permission and blocked access to the garage of that Unit and blocked the owner of 610 from leaving;

(3) parked 3 vehicles in the common drive/fire lane; and

(4) conducted an event by way of a luncheon for non-occupant guests at the Unit.

The violations were verified by photographs and admission of the owner and short-term renter.

B. Explanation of Third or Later 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 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. The matter was adjudicated and a fine assessed on March 22, 2021.

On April 2, 2021, the short-term renter or maintenance personnel of the owner parked on the Fire Lane in front of Units 616 and 610 in violation of Declaration Section 3 and Rule A.1. The matter was adjudicated and a fine assessed on May 17, 2021.

C. Violations Alleged: Violations by tenants and short-term renters are imputed to the Owner. The actions of the renter on July 31, 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 Units 614 and 610 without permission in violation of Declaration Sections 3 and 17N, and Rule A.1. (2 violations)
2. Parking on the Common Drive and Fire Lane. The short-term renter parked 3 vehicles on the common drive designated a fire lane in violation of Declaration Section 17N and Rule A.1. (3 violations)
3. Holding an Event. The short-term renter held an Event in violation of Rule C.II.2. (1 violation)

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, \$900.00 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: August____, 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 Kurt Heier and by regular United States mail, postage prepaid, to:

Kurt & Kathryn Heier
9994 Clairton St.
Highlands Ranch, CO 80126
OWNER UNIT _616_____

on this _____ day of August, 2021.
