

**Park River West Condominium Association
Board of Directors Regular Meeting
Monday, September 13, 2021 – Via Zoom Conference**

A meeting of the Board of Directors of the PARK RIVER WEST CONDOMINIUM ASSOCIATION, INC. (the “Association”) was held on Monday, September 13, 2021, at 4:30 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 4:30 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; Secretary; John Mize (615); Sandra Ireland (670), Greg Shipman (625), Rick Stephens (603), and Steve Tice (655). Also attending were Dave Fuller (638) and Kurt Housinger (613), who entered the meeting at 5:30 p.m. MDT.

2. Conflict of Interest Disclosures. Pursuant to 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. Fritz Sampson recused from voting on the unit owner compliance violations, since Stew Squires appointed him as the Owner Advocate on those issues. Steve Tice (655) disclosed a conflict concerning the consideration of the Trailblazer broadband services due to his wife being employed by that entity. It was agreed that Steve could participate in the discussion of that issue but recuse himself from voting on any action taken.

3. Approval of Minutes. The minutes of the Board of Directors meeting held on August 14, 2021, were presented for approval. The minutes had previously been circulated to the Board.

Action Taken: It was moved, seconded, and unanimously adopted to approve the minutes of the Board meeting held on August 14, 2021.

4. Treasurer’s Report. Treasurer Helen Evans (619) sent the Board the Balance Sheet, Profit/Loss Statement, and the Budget Reports prior to the meeting. As reported, the checking account has a balance of \$37,302 and there are \$159,481 in reserves composed of \$149,392 in the local savings account and \$10,026, in the Schwab account. Helen reported on numerous current and past invoices that have been paid or in process at the current time. Overall, we appear to be proceeding according to budget with the final quarter of assessment to be paid on October 1st for those owners who have not prepaid on an annual basis.

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

5. Unit Owner Compliance Violations.

a. Unit 638 (Parking Violations) Hearing. 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. Park River West Condominium Association, Inc. (Association) has designated the Access Aprons as Fire Lanes not available for parking by owners and the Association has previously adopted Rules and Regulations, including rules imposed upon rental unit owners (Rules). The Board of Directors has previously taken informal action to obtain voluntary compliance with the Declaration and Rules from the owner of Unit 638, including notice of prospective fines for non-compliance. The Board has again received credible information that on July 14, 2021, the short-term renter of Unit 638 parked on

common drive/fire lane. The Board has previously determined that the collection of a fine may be imposed for violations of the Declaration or Rule. Pursuant to action taken at the board meeting on August 14, 2021, notice of a Hearing was timely sent by the President on behalf of the Association in the manner set out in Declaration Section 25, with a proposed fine of \$150.00 to \$300.00 for the violations specified in the notice. The Notice further specified the Owner has the right to appear at the hearing and all deliberations of the Board upon the alleged violations shall be in open session. The Owner of Unit 638, Dave Fuller, appeared at the hearing. Fritz Sampson presented evidence of the violations. Dave Fuller stated that he has no credible counter to the evidence presented of the violation. He presented very sincere suggestions to prevent future violations and the members of the board made suggestions to alert renters of parking compliance. It was discussed that the property owner can withhold security deposits of renters to pay a fine imposed on owners when they are not in compliance with the regulations.

Action Taken: It was moved, seconded, and unanimously approved that no fine will be imposed because of the current violations but that the owner of Unit 638 will be given the opportunity to take remedial action to prevent future violations including the posting of additional notices of parking rules within the unit and the preparation of additional signage to be affixed to the current fire lane parking zone. The proposed additional signage will be presented for consideration to the board at its next meeting to be held on October 19, 2021.

b. **Unit 613 (Damage to PRW Property) Hearing.** Section 11 of the Declaration provides that common elements shall be maintained and repaired by the Association unless "...damage is caused by the Unit owner ... [or his] guests, invitees, tenants or agents..." The Association was in the process of repairing the common drive on July 9, 2021, when a short-term renter of Unit 613 or agent of the renter removed cones placed by the contractor to prohibit access and protect the new asphalt, and drove over the new asphalt, causing removal of asphalt and depressions and other damage which will require remediation. Declaration Sec 17B permits rental of Units, but also imposes an affirmative duty on the owner to make certain that the tenant is acquainted with the Condominium Map, Declaration, By-laws, and Rules and Regulations. The persons occupying the Unit claimed to be guests of the person who signed the rental agreement. The occupant of the unit was particularly belligerent to board members witnessing the violation and confronting him about it. 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 Rules. Pursuant to action taken at the board meeting on August 14, 2021, notice of a Hearing was timely sent by the President on behalf of the Association in the manner set out in Declaration Section 25, with a notice of potential damages incurred by the Association and a fine for the violations. The Notice further specified the Owner of 613 had the right to appear at the hearing and all deliberations of the Board upon the alleged violations shall be in open session. The Owner of Unit 613 did not appear at the hearing at the time specified in the notice. Fritz Sampson presented evidence of the violations and several board members, who also witnessed the event, confirmed what occurred. It was particularly noted that the person who rented the unit from Sky Run, the manager of the property, was an employee of Sky Run, and that she also rented additional properties for a wedding that weekend, giving wedding guests access to units that they had not actually rented. As a result, the actual occupant of Unit 613, who committed the violations, never signed a rental agreement. It was reported by Fritz Sampson that a representative of our asphalt contractor estimated the costs of repairing the damage to be \$960.00. Some of this damage may have occurred after the incident giving rise to the violation and it was felt that damages in one-half of the estimate should be assessed against the Owner of Unit 613.

Action Taken: It was moved, seconded, and unanimously approved to assess Unit 613 \$480.00 for damages to pavement on the driveway when the occupant drove around warning cones damaging freshly applied asphalt. It was also approved to fine the Unit Owner \$25.00 for allowing a non-renter to occupy the premises. The President will notify the owner of actions taken and request payment.

[It is noted that the Owner of Unit 613, Kurt Housinger, called in via Zoom at 5:30 p.m. MDT, after being confused with the time zone for the hearing. He was informed of the action taken by the board, was very apologetic, and said he would pay the damages and fine imposed.]

6. **Landscaping.**

- a. **Irrigation System.** Stew Squires reported that the irrigation system has been turned off for the season and any shrubs needing water will need to be hand watered.
- b. **River Path Repairs and Maintenance.** John Mize (615) sent the board a proposed bid from Ekeren of Park Landscaping received on August 23, 2021, who visited the property with John and Helen Evans several weeks ago. The bid to repair 650 feet of the river path with crushed rock native base material and compact is \$10,526.60. John reported that his efforts to get additional bids have not been successful because of a lack of responsiveness of other vendors. John has discussed the bid with Dennis McDonald (620) and Dennis thinks the bid was reasonable and the work should be done. He does like working with Ben Ekeren.

Action Taken: It was moved, seconded, and unanimously approved to accept the bid of \$10,526.60 from Ben Ekeren of Park Landscaping to repair the river path as specified in the bid. John Mize (615) will notify Ben Ekeren that the board has approved the bid and ask Ben and Dennis McDonald (620) to coordinate the scheduling of the project.

7. **Insurance.** Rick Stephens (603) reported that our insurance will soon be coming up for renewal and he will be soliciting bids from multiple vendors to be sure our current costs and coverages are consistent with the market. After discussing our current coverage for the association with our agent, it appears that there may not be a significant increase from prior years, over what we have recently experienced. He also reported on the refund of the deductible in the amount of \$2500.00 from a prior loss. The company cannot reveal the amount of the subrogation settlement on the claim because of a confidentiality agreement in the settlement agreement.

Rick also reported that he had obtained proposals to increase our Director's and Officer's Policy limits from the current \$2,000,000 in coverage to \$3,000,000, \$4,000,000 and \$5,000,000 in coverages. It appears that the incremental premium costs would be about one-third from the current premium of approximately \$1,200, so that if we went with \$5,000,000 in coverage the premium would nearly double. After discussion it was decided that no action should be taken at present.

8. **Trailblazer Access Agreement.** Voluminous information has been sent to board members for consideration of this topic since the last meeting. Considerable communication has been shared concerning the Estes Park Power and Communications MDT Right of Entry Agreement and numerous objections with it. Fritz Sampson, John Mize, Rick Stephens, Greg Shipman, and Steve Tice walked the property with Joe Lockhart, the Line Superintendent for Estes Park Power and

Communication, to determine exactly where lines for the Trailblazer broadband would lie, the scope of easements needed, and the access to units to provide service. It was reported that this effort was very productive and positive. The result is that it was identified that the easement required will basically be around the outer perimeters of the property, along the Park River Street and in between units on the east and central part of the development, with access to individual units flowing from the main lines lying on the easements. It would appear a simple access agreement from the main lines to the outer walls of the units would be sufficient. Joe Lockhart agreed to furnish us with a color-coded plat of the agreement showing where the lines will be located.

Action Taken: It was moved, seconded, and unanimously approved, with Steve Tice abstention, that upon receipt of the drawing from Joe Lockhart showing the locations of the required easements for the Trailblazer broadband, we would ask for Joe Lockhart to provide legal descriptions in metes and bounds for the easements required. These would then be given to the association attorney, Robert Foster, with a request for him to formally prepare easements for Estes Park Power and Communications to lay the lines. We would also ask Robert to prepare an acceptable Access Agreement, overcoming association objections, authorizing Estes Park Power and Communications to have access from the main lines on the units to the outer walls of the units subscribing to the service. The board will have a special meeting to approve these documents once prepared by our attorney, if necessary.

9. **Clarification of Deck Repair Policy.** Due to the late hour, it was decided to table discussion on this topic for a later meeting.

Action Taken: It was moved, seconded, and unanimously approved to table discussion on the clarification of the Deck Repair Policy for a later meeting.

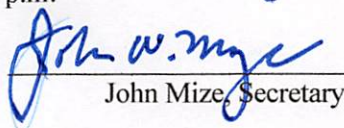
10. **Reserve Study Discussion.** It was noted that Stew Squires had obtained and sent out voluminous information on the reserve study the association will be undertaking. Due to the late hour and the volume of information needing review, it was determined that this subject should be tabled for a later meeting.

Action Taken: It was moved, seconded, and unanimously approved to table discussion on the reserve study for a later meeting.

11. **Next Board Meeting.** The next board meeting will be at 4:00 p.m. MDT on Tuesday, October 19, 2021, and will be held via Zoom conference call.

12. **Adjournment.** There being no further business, it was moved, seconded, and unanimously approved to adjourn the meeting at 6:05 p.m.

Minutes Prepared and Signed on:


John Mize, Secretary

9-30-21

Date