

**Park River West Condominium Association
Board of Directors Meeting
Monday, March 21, 2022 – Via Zoom Conference**

A meeting of the Board of Directors of the PARK RIVER WEST CONDOMINIUM ASSOCIATION, INC. (the "Association") was held on Monday, March 21, 2022, at 3:00 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 3:00 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; John Mize (615), Secretary; Rick Stephens (603). Greg Shipman (625) was unavailable. Steve Tice (655) has resigned from the Board of Directors and his resignation is accepted. Owner Doug Feck (635) also attended.
2. **Conflict of Interest Disclosures.** Following 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. No conflicts were disclosed on pending issues.
3. **Approval of Minutes.** The minutes of the Board of Director's meeting held on February 14, 2022, previously emailed to the Board, were presented for approval.

Action Taken: It was moved, seconded, and unanimously adopted to approve the minutes of the Board of Director's meeting held on February 14, 2002.

4. **Treasurer's Report.** Helen Evans (619) sent the Budget Report, Balance Sheet and Profit/Loss statements to the Board prior to the meeting. As of March 18, 2022, PRW has \$59,107 in the checking account, and a total of \$170,629 in reserves, of which \$160,600 was held in the Bank of Colorado Reserve Account and \$10,026 was held in the Schwab Corporate Account. All bills have been paid, except approximately \$1,000 in snowplowing expenses payable to Zeik Construction, which will be paid shortly. She did note that snowplowing expenses are already over budget. Helen Evans will start billing the members for the costs of the reserve study as authorized at the 2021 Annual Owners Meeting in August of 2021.

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

There was also board discussion on whether it is time to resume periodic transfers of reserve funds to the Schwab Corporate Account, which holds treasury bills. Previously, prior to Covid and the decline in interest rates, the board had planned to start laddering T-bills to take advantage of higher interest rates. When treasury rates essentially dropped to zero, this was temporarily stopped. Now that it appears the Federal Reserve will be increasing interest rates it may be time to resume the transfers.

Action Taken: It was moved, seconded, and unanimously adopted to authorize the President and Treasurer to begin transferring \$60,000 per month from the Reserve Account at the Bank of Colorado to the Schwab Corporate Account and to buy 90-day T-bills in that amount each month. With the \$10,000 T-bill having been bought in February of 2020, the first month of transfer will be \$50,000. It was further moved, seconded and unanimously approved that when T-bills mature to roll them over into 90-day T-bills until further action is authorized by the Board.

5. **Old Business.**

a. **Clarification of Deck Repair Policy.** As requested by the Board at the February 14 meeting, John Mize sent the Board a memo on March 10, 2022, and a proposed revised policy to be presented to the members at the annual meeting in August of 2022. John's memo summarized the deck repair policy in the Declarations, the requirements for changing the declarations, the Board authority to adopt policies and procedures, and the bylaws on Board policy. It is a legal requirement that the Board act consistent with the Declarations. John explained the revised policy will create some equity in the policy and start phasing PRW out of the previously adopted deck repair policy that was adopted at the August 2018 annual meeting. As drafted, the revised policy would allow up to six deck repairs per year, with priority for those decided following an inspection by a reputable contractor. To achieve the uniformity and consistency required by the Declarations, the revised policy would fix the amount of the contribution toward repairs at the average cost of repair incurred by PRW over the previous years, which is approximately \$2,500 per unit. This would be annually adjusted for inflation. He explained that one of the difficulties he had in writing this policy is deciding the trigger for the payment by PRW. Among the options for the trigger which he discussed were: (1) the inspections by a local contractor, as the draft specifies; (2) simply putting six repairs at \$2,500 into the reserves each year and reimbursing up to six owners per year when they make board approved repairs to the decks; (3) looking at the oldest decks that have not previously been repaired and begin repairing those each year; and (4) continuing making reimbursement under the previously approved policy as the need arises. Whatever the choice selected, if an emergency arises due to safety concerns the board may contribute up to \$2,500 for deck repairs. Any such board policy on deck repairs should be taken under the authority of the Board at Section 9 E of the Declarations, allowing the Board to approve other common expenses. Since this policy affects all homeowners, it is a good idea to present it for approval at the annual meeting. Following board discussion on these items it was agreed that John will prepare a revised policy, with Fritz Sampson's input, for Board consideration at the next meeting. The revision will be based on the second choice for the triggering event and giving each owner, who has not previously had a deck repair paid by PRW, up to \$2,500 for one deck repair, subject to Board oversight and approval of deck repairs, as required by the Declarations.

b. **Reserve Study Discussion.** On March 1, 2022, Stew Squires emailed the Board the preliminary draft of the Reserve Study being conducted by Reserves Associates of Golden, Colorado ("Reserve Associates."). Stew asked that the board carefully review the preliminary draft. There was considerable Board discussion surrounding the process that Reserve Associates uses in estimating future expenses. Stew Squires raised specific questions on whether it is correct to assume wood siding will be replaced with concrete siding on all buildings at one time toward the end of the funding term. Historically, as the need arises on each building, wood siding is being replaced with concrete siding each year, consistent with current building code requirements. Other questions were raised on the amount of funding. It was a consensus that since the Members authorized the reserve study, they should be given the complete report from Reserve Associates so that they are getting the full benefit of Reserve Associate's expertise. It is also felt that the Board needs to have the opportunity to interview and ask questions of Reserve Associates before it issues its final report. The Board could then give the Members funding options to increase reserves at the annual meeting. Any added funding of reserves will be decided by the Membership following full disclosure of the final report from Reserve Associates.

Action Taken: It was moved, seconded, and unanimously adopted to authorize the President to schedule a zoom call with the Board and Reserve Associates so that the Board can interview and ask questions about the preliminary reserve study prior to the finalized report being issued, that the full final report will be provided to the full membership once prepared and that, in advance of the annual meeting in August, the Board will provide the membership with options for future reserve funding.

6. New Business.

- a. **Trailblazer Trespass.** There was considerable discussion concerning Trailblazer's recent trespass onto PRW property and its contractor, GE Construction, Inc's, installation of underground cable and damage to PRW property. No agreement or easements have been made with Trailblazer authorizing it to enter onto PRW property to do this work. Fritz Sampson reported that when GE Construction flagged the property, he told them to stop. Following this he had a discussion with Trailblazer representatives which went no where and he asked them to have the Estes Park city attorney call him, which never occurred. Fritz Sampson also reported that the easement given to the Upper Thompson Sanitation District ("UTSD") along the south side of PRW property is exclusively for the sewage purposes and not for other utilities. Stew Squires reported that UTSD told Trailblazer it could install lines along its easement but when it was pointed out to UTSD that it did not have the authority to do so, it rescinded this authority. It was also reported that Greg Shipman told GE Construction to keep equipment off the river path because PRW had gone to considerable expense recently to repair it. John Mize reported that he walked the property last week and it appears considerable damage was done to the river path on both the east and west ends of the property and that trenching had damaged the grassy areas behind the river properties. He also visited with Dennis McDonald (620), PRW's volunteer landscape coordinator, concerning the damage done and Dennis pointed out several areas of damage. John Mize asked Dennis to take pictures and arrange to have Ben Ekeren of Park Landscaping examine the property and give us estimates on all the repairs needed. This will need to occur after the snow melts and the damage is more readily visible. Once the damage estimate is made, claims can be made against Trailblazer, the Trustees of Estes Park, GE Construction, Inc., and UTSD for damages, trespass, slander of title, and other claims as decided by PRW attorneys.

Action Taken: It was moved, seconded, and unanimously adopted to continue with getting a damage estimate and gathering other photographs and other documentary evidence to support claims against all responsible for the trespass, damages, slander of title, and other claims once all evidence has been accumulated.

Following Board discussion, owner Doug Feck (620), who attended the meeting as an observer, was asked for his comments and concerns. He inquired if it would be possible to have a separate committee of owners meet with Trailblazer to try resolving the issues with it. Several board members reviewed the considerable efforts that have been made to work out issues with Trailblazer since last summer and that it has consistently been intransigent and unwilling to resolve issues to the satisfaction of the Board. It was also pointed out any legal authority to resolve issues with Trailblazer rests with the Board. Following this discussion, no consensus was reached.

- b. **Color of Window Treatments.** As requested by the Board, Stew Squires emailed the Board proposed policy making changes the Declarations requirement that all window treatments in units appear white from the outside. It was discussed that several units are out of compliance with this policy. Several felt that the policy needs updating to allow more flexibility and to allow blinds which do not appear white from the outside. It was noted that several units have non-compliant window treatments on the backs and sides of units not visible from the front. Section 17 of the Declarations authorizes the Board to grant variances to the restrictions in Section 17 to overcome practical difficulties so long as the variance is not detrimental condominium community or property.

Action Taken: It was moved, seconded, and unanimously adopted that: (1) the terms of Declaration at Section 17 recites that the Board may grant variances in appropriate circumstances to the restrictions set forth in Section 17 to overcome practical difficulties so long as the variance is not detrimental to the condominium community or property; (2) the policy of the Board when granting variances is that any variance must benefit the entire community and apply to each unit equally; (3) the Board finds the terms of Declaration Section 17 O providing for window coverings as viewed from the outside to be “white or off white” is subjective in nature and can create confusion when read to the detriment of unit owners when engaged in decorating and adherence to the rule; (4) the language causes a practical difficulty to Unit owners when choosing window coverings and to the Board when later assessing compliance with the rule; and (5) it benefits each member of the community equally to avoid financial loss when a window covering would have to be removed because the color choice of exterior did not comport to the “white or off white” standard when judged after installation. Based on the foregoing, a blanket variance is granted to all Units to allow window coverings of light earth-tone colors and woven wood blinds, in addition to white and off-white colors, but subject to Board approval. Prior to installation a sample or photo of the requested window covering diverging from the “White or Off White” standard must be submitted to and approved by the Board. Approval of the Board may be made by electronic agreement of the members and without a formal meeting. Installations of earth-tone and woven wood blinds completed before adoption of this variance shall be assessed and approved or disapproved by the Board without Unit owner submission but with due regard for the terms of this variance, and the Unit owner given notice of the Board action.

Action Taken: It was further moved, seconded and unanimously approved that the foregoing action on Window Treatments be incorporated into the next draft of the Rules and Regulations of PRW and that it be sent to Members with the next general communication to Owners coinciding with the regular spring communication reminding them of parking and grilling restrictions.

7. **Next Board Meeting.** The next board meeting will be at 3:00 p.m. MDT on Tuesday, April 17, 2022, at 3:00 p.m. MDT and will be held via Zoom conference call.

8. **Adjournment.** There being no further business, it was moved, seconded, and unanimously approved to adjourn the meeting at 4:30 p.m., MDT.

Minutes Prepared and Signed on: John W. Mize, 3-25-22
John Mize, Secretary Date